



Pelvic Exam Law Clarified - Final Order!

The Florida Board of Medicine (BoM) has released a **Final Order** (in response to a Petition for Declaratory Statement filed by the FAFP, FMA, and others) clarifying SB 698, which requires written consent for pelvic exams. The following shows the FAFP advocacy efforts in action and appreciates the collaboration with its strong allies at the Florida Medical Association and the Florida Osteopathic Medical Association.

Although clearly the BoM does not have the statutory authority to change the wording of the law that went into effect July 1, 2020, the Board has made several interpretations that should help physicians in the future. A similar ruling is expected from the Florida Board of Osteopathic Medicine next month. FAFP members are encouraged to incorporate the following interpretations into your office policies and protocols as it relates to obtaining consent for pelvic exams:

- **SB 698 only applies to females, not males**, as the bill's language "refers to female anatomical features and genitalia but notably lacks any reference to exclusively male anatomical features.
- **Non-diagnostic procedures are NOT deemed examinations and do not require a "Pelvic Consent."** Specifically, the Board noted that "the legislation does not specifically reference surgery, treatments or procedures that incidentally involve the referenced body parts such as the vagina, rectum, cervix or external pelvic tissues. Simply put, there is nothing in the legislation or the accompanying staff analyses indicating that routine non-diagnostic medical care, treatments, or surgical procedures involving the bill's designated body parts were meant to constitute a pelvic examination."
- **Visual examinations alone do not require a Pelvic Consent.** Again, more specifically, the Board found that "a discrete visual examination of the vagina, cervix, uterus, fallopian tubes, ovaries, rectum, or external pelvic tissues or organs does not constitute a pelvic exam as defined in pelvic examination bill."
- Only the health care professional **performing** the examination need be named on the consent. While the Board did not formally respond to this question, it stands to reason that anyone else in the room or assisting the "examiner" need not be listed.
- Regrettably, the Board would not rule on whether a single consent can be used for multiple visits over the course of treatment.

FAFP members should note that this and all other final orders of this nature are only used to clarify how the boards interpret Florida statutes and will likely handle any complaints or potential standards of care violations. Questions can be forwarded to jyoung@fafp.org and every effort will be made to provide clarification of the new law and recent clarification.