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Getting Explicit Consent for Pelvic and Other Invasive Exams Critical ***Support for State Assembly Bill 128***

MADISON – On Thursday, July 29th, the Assembly Health Committee is scheduled to hear testimony on a bill that would require all hospitals in Wisconsin to secure explicit consent from a patient before conducting a pelvic exam on them while under anesthesia. The Wisconsin Alliance for Women's Health will be speaking in support of Assembly Bill 128.

"It seems obvious that if a woman is in a hospital and unconscious, then she should not have to worry about having a pelvic exam performed on her body that she did not explicitly consent to," noted Sara Finger, Executive Director of the Wisconsin Alliance for Women's Health. "However, the reality is that cases of unconsented pelvic exams continue to [surface](#)."

Current state law does not prohibit performing invasive and intimate exams on an anesthetized patient without their specific informed consent, even in cases where it may be unnecessary for the patient's treatment. As a result, an unknown number of patients have been unwittingly subjected to invasive, intimate exams like a pelvic exam. The American College of Obstetricians and Gynecologists (ACOG), the American Medical Association, the Association of American Medical Colleges, and [legal scholars and ethicists](#) have all condemned this practice and seventeen states in the US have already passed legislation to prevent any pelvic exams from being performed on an anesthetized patient without explicit consent.

Nationally, ACOG's Committee on Ethics reaffirmed on opinion in 2020 that states, "Pelvic examinations on an anesthetized woman that offer her no personal benefit and are performed solely for teaching purposes should be *performed only with her specific informed consent* obtained before her surgery."

AB 128 stipulates that all Wisconsin hospitals require written and verbal informed consent prior to performing a pelvic exam on a patient prior to surgery. While existing consent procedure from [some](#) Wisconsin hospitals requests permission for a student learner to be involved in the patient's care, it does not specify that a pelvic exam may be performed. In addition, if a patient wishes to report a non-consensual intimate exam, the structure of the current reporting system is complex and difficult to navigate, and in certain cases may lead to further traumatization.

"While we appreciate that some hospitals in Wisconsin have strengthened their internal policies, patient consent forms and procedures, without statewide legislation there is no guarantee that a patient seeking care at any hospital in the state couldn't potentially undergo an unnecessary invasive, intimate exam without explicit consent," adds Finger. "No matter where you seek care in Wisconsin, we believe all patients should never undergo a pelvic or rectal exam without explicit and informed consent."

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The mission of the Wisconsin Alliance for Women's Health (WAWH) is advance comprehensive women's health in Wisconsin by engaging, educating, empowering and mobilizing individuals and organizations.

To learn more about WAWH, visit our website: www.supportwomenshealth.org