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COMMISSION
DOCUMENT #515375

Ohio Revised Code

Section 4723.93 Consent for intimate examination.

Effective: March 21, 2025
Legislation: Senate Bill 109 - 135th General Assembly

(A) As used in this section, "intimate examination" means a pelvic, prostate, or rectal examination.

(B) Except as provided in division (C) of this section, a registered nurse, including an advanced practice registered nurse, or a student currently enrolled in and actively pursuing completion of a registered nursing program, including an advanced practice registered nursing education program, shall not perform, or authorize another individual to perform, an intimate examination on an anesthetized or unconscious patient.

(C) Division (B) of this section does not apply in any of the following circumstances:

(1) The performance of an intimate examination is within the scope of care for the surgical procedure or diagnostic examination to be performed on the patient.

(2) The patient or the patient's legal representative gives specific, informed consent for the intimate examination, consistent with division (D) of this section.

(3) An intimate examination is required for diagnostic purposes or treatment of the patient's medical condition.

(4) The intimate examination is conducted by a sexual assault nurse examiner, as certified by the international association of forensic nurses or as otherwise qualified to conduct the examination, for the purpose of collecting evidence and documenting injuries.

(D) To obtain informed consent for purposes of division (C)(2) of this section, the advanced practice registered nurse shall do all of the following:

(1) Provide the patient or the patient's legal representative with a written or electronic informed consent form that meets all of the following requirements:

(a) Is a separate consent form or is included as a distinct or separate section of a general consent form;

(b) Contains the following heading at the top of the form or section: "CONSENT FOR INTIMATE EXAMINATION";

(c) Specifies the nature and purpose of the intimate examination;

(d) Informs the patient or the patient's legal representative that a student may be present if the patient or the patient's legal representative authorizes a student to perform or observe the intimate examination in person or through electronic means;

(e) Allows the patient or the patient's legal representative the opportunity to consent to or refuse the intimate examination;

(f) Permits a patient or the patient's legal representative who consents to an intimate examination to consent to or refuse a student performing the intimate examination or observing the intimate examination in person or through electronic means.

(2) Provide the patient or the patient's legal representative with a meaningful opportunity to ask questions about the intimate examination;

(3) Obtain the signature of the patient or the patient's legal representative on the informed consent form;

(4) Sign the informed consent form.