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## Client Alert: Florida Board of Medicine Signals Some Relief for Providers from New Pelvic Exam Requirements

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As we [previously reported](#), on August 7, 2020, the Florida Board of Medicine (the “Board”) considered a [petition for declaratory statement](#) filed in response to Florida’s new pelvic exam laws. The petition sought clarification from the Board regarding what constitutes a “pelvic examination” under the new law, including: whether visual inspections or pelvic procedures are included in the definition, the applicability of the law to male patients, and the scope of the written consent requirement.

Although the Board noted that it was without statutory authority to change the language of [section 456.51, Florida Statutes](#), it still provided some interpretations that can help elucidate the requirements of this law for providers. Please be aware that the following interpretation from the Board was orally provided and should be reviewed once the Board issues a written final order on the petition for declaratory statement. First, the Board found that the law does not apply to males. The Board noted that all of the legislative history referred only to female patients and, thus, the Board concluded that male patients were not intended to be covered under the law. The Board also found that consent is not required when performing pelvic examinations for non-diagnostic purposes, such as surgical procedures. Additionally, the Board does not consider visual exams without physical contact to be an exam under the law.

While providers should still comply with the pelvic exam law, these interpretations signal how the Board interprets and intends to enforce the statute after it enters its final order on the petition for declaratory relief. A full draft of the Board’s final order is expected to be presented at the October 2, 2020 board meeting. In the meantime, the Board’s August 7, 2020 meeting minutes are available [online](#).