

May 24, 2019

The Honorable Adrienne A. Jones  
Speaker of the House  
H-101 State House  
Annapolis, MD 21401

Dear Madam Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, I have vetoed House Bill 364 – *Health Care Practitioners – Medical Examinations on Anesthetized or Unconscious Patients*.

This bill prohibits a health care practitioner, or a student or trainee in a program to become a health care practitioner, from performing a pelvic, prostate, or rectal examination on a patient who is under anesthesia or unconscious unless 1) the patient has given informed consent for the examination; 2) the examination is within the standard of care for the patient; 3) the patient is unconscious and the examination is required for diagnostic or treatment purposes; or 4) an emergency exists, it is impractical to obtain the patient's consent, and the examination is required for diagnostic or treatment purposes. This bill also authorizes a health occupations board, in accordance with existing hearing procedures, to discipline a health care practitioner under its authority for any violation of this prohibition.

Senate Bill 909, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 364.

Sincerely,

Lawrence J. Hogan, Jr.  
Governor