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Insights

Separate and Specific – New Indiana Law Informed Consent Requirements

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During the 2026 legislative session, the Indiana General Assembly passed a new law, Senate Enrolled Act ("SEA") 90, requiring additional, separate informed consent for patients who are scheduled to receive certain exams. Effective July 1, 2026, the new law will be important for health care facilities and providers to understand to ensure their compliance.

SEA 90 will apply whenever a patient is scheduled to receive a pelvic, prostate, or rectal examination while they are sedated, anesthetized, or otherwise unconscious. The new requirement is placed in Title 25 of the Indiana Code, so any violations of the law may be held against the offending providers' license. The law applies broadly to any practitioner, student in training in a medical school, intern, resident, graduate student, or individual participating in a clinical training or resident program.

If a separate consent is required, SEA 90 requires the following elements:

- signature,
- information on the nature and purpose of the examination,
- description of the procedure to be performed,
- name of the individual performing or *supervising* the examination, and
- whether a student will be performing or observing the examination.

The informed consent must be in writing and must allow the patient, patient's guardian, or patient's health care representative to refuse the exam and/or decline to allow a student to perform or observe the examination.

Importantly, a separate consent is *not* required in the following circumstances: (1) the performance of the exam is within "the scope of care ordered for the surgical procedure or diagnostic examination to be performed on the patient" and informed consent for that procedure or exam has been provided; (2) a medical emergency exists and the exam is immediately necessary; or (3) a court has ordered the performance of the exam.

In conclusion, health care providers and facilities should make note of the situations in which a pelvic, prostate, or rectal exam may be performed on a patient and analyze whether the new requirements of SEA 90 will apply. If they do, a separate informed consent document is required for signature and inclusion in the medical record. If you need legal advice or analysis regarding the new requirements in SEA 90, please do not hesitate to contact Grant M. Achenbach or Stacy Walton Long.

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