

## Chaperone and Observer Policy for Sensitive Clinical Examinations:

### 1. Purpose

Fall General Surgery, LLC is committed to physician compliance with Wisconsin Administrative Code Med 10.03(2)(fm), which requires notifying patients of the practice's policies concerning the use of "Chaperones" or other "Observers" during sensitive examinations (terms defined below). Likewise, we believe clear communication on this topic will help our patients know what to anticipate in the course of their clinical care, make informed decisions concerning their care, and communicate their preferences to our providers. We believe that the provision of chaperones may enhance patient privacy and safety and/or protect providers from false allegations of misconduct. Accordingly, this Policy describes how our practice handles the presence of Chaperones or Observers during sensitive clinical examinations.

### 2. Policy

This policy is not intended to prevent a physician from providing appropriate evaluation and treatment in a medical emergency, and care will not be delayed or denied on the basis of this policy if it would result in significant or imminent harm to a patient.

For purposes of this Chaperone Policy, the following definitions apply (consistent with Wisconsin Administrative Code 10.02(2m) and (4m)):

"Chaperone" means an individual whom a physician requests to be present during a clinical examination that exposes the breasts, genitals, or rectal area, and who can serve as a witness to the examination taking place should there be any misunderstanding or concern for sexual misconduct. A Chaperone may, but is not required to be, another health care provider involved in the patient's care.

"Observer" means an individual chosen by the patient to be present during an examination or inspection that exposes the breasts, genitals, or rectal area. A patient's adult family member, legal guardian, or legal custodian is presumed to be able to act as an observer if the patient is twelve years of age or under.

Our practice generally provides a Chaperone during sensitive examinations that expose the breasts of a patient, or any patient's genitals or rectal area, regardless of the genders of the physician and patient.

Situations may arise, however, in which staffing or other events limit our ability to provide a Chaperone at the time of the patient's sensitive exam. If this occurs, we will inform the patient of our inability to provide a Chaperone in that instance and offer them the opportunity to provide their own Observer or reschedule or appointment, so long as such delay would not put patient at risk of significant or eminent harm. For all sensitive exams, an Observer of the patient's choosing may be present upon patient request, in addition to a Chaperone provided by the practice. Except in circumstances of suspected abuse, a patient's adult family member, legal guardian or legal custodian is presumed to be able to act as an Observer and is permitted to be present during the sensitive examination of a patient who is twelve years of age or under without the patient's specific request.

Despite this policy, a patient may decline the presence of a chaperone. In that event, a healthcare provider may defer the examination. For example, and without limitation, a health care professional may be uncomfortable proceeding without a Chaperone based on the context of the visit and the relationship with the patient. If an examination is performed without a Chaperone in response to a patient's request, it should be documented in

the patient's medical record that a chaperone was offered for the sensitive examination, but the patient requested that a chaperone not be present.

### 3. Procedure

- a. A patient, Chaperone, Observer, or provider may stop a sensitive examination at any time if they feel the behavior of either the patient or a provider is inappropriate. A Chaperone who witnesses inappropriate behavior in the course of an examination shall immediately report the incident to a manager, even if they did not stop the examination.
- b. This policy applies to examinations performed at our practice's clinics. Examinations, procedures or other care delivered in an outside facility, such as a hospital, shall be conducted in accordance with the policies and procedures of such facility.
- c. If a patient declines a Chaperone, the provider conducting the examination should document this in the medical record.
- d. Sensitive examinations that exposes the breasts, genitals, or rectal area, will not be performed via a virtual visit.
- e. A summary of this policy regarding the presence of Chaperones and/or Observers shall be made available and accessible to all patients who are likely to receive a non-emergency examination of the breasts, genitals, or rectal area. Our practice currently provides a summary notice to patients, which is posted in the waiting room area and in each exam room, and on our website. A copy of this summary follows as Exhibit A.

#### Exhibit A: Summary Notice to Patients

The following summary is posted in the waiting room area and in each exam room:

**Our practice routinely provides a Chaperone during certain sensitive exams. We provide such Chaperones for the safety and comfort of our patients and providers. You may request that another Observer, such as a family member, be present in addition to the Chaperone. If you do not want a Chaperone present during your examination, please tell your provider right away. Your provider may decline to provide an examination without a Chaperone present, except in cases of medical emergency. If you have questions about having a Chaperone or observer present in your exam, please talk with one of our team members to learn more.**