

ATLANTIC MEDICAL IMAGING

POLICY STATEMENT AND PROCEDURAL GUIDELINES

CATEGORY: PATIENT CARE

Subject: Sexual Misconduct Prevention and Observer Requirements During Sensitive Examinations

Purpose:

This policy establishes standardized procedures that ensure patient safety, promote transparency, and maintain compliance with updated New Jersey Board of Medical Examiners regulations (N.J.A.C. 13:35-6.23). It outlines expectations for providing patient notifications, offering trained observers, and documenting all sensitive examinations.

Policy:

AMI is committed to maintaining a safe clinical environment and preventing sexual misconduct through consistent use of approved observers during sensitive examinations. Providers must comply with all notification, documentation, and observer qualification requirements as mandated by state law.

Procedure:

Definitions

- **Sensitive Examination:** Breast, pelvic, genital, or rectal exam performed for diagnostic or clinical purposes.
- **Observer:** A trained, qualified individual present during a sensitive exam at the request of the patient or provider. Observers must meet strict criteria beginning April 18, 2026.

Patient Notification Requirements

1. Written Notice

- Provide each patient with written notice of their right to request an observer before any sensitive examination.
- Written notice must be available in English, Spanish, and at least 10 additional languages as designated by the Division of Consumer Affairs.
- Staff must verbally confirm that patients understand this right.

2. Notice Posting

- A conspicuous printed notice must be posted in all AMI offices where sensitive exams occur (excluding NJ DOH-licensed facilities).

3. Signatures and Documentation

- Obtain patient signature acknowledging receipt and understanding of the notice.
- File or upload the signed document into the patient's medical record.

4. Annual Validity

- A new signature is not required if written notification was provided within the prior 12 months unless the patient requests further information.

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Observer Requirements

1. Eligibility Criteria

- Observers must:
 - Not be a relative or friend of the patient or provider.
 - Maintain a clear line of sight to the examination area at all times.
 - Remain free of distractions.
 - Report suspected misconduct to the NJ Board of Medical Examiners.
 - Have no disqualifying history, including specific criminal, civil, or disciplinary issues.

2. Required Training

- Observers must complete **2 hours of state-approved training**.
- Training records must be maintained in AMI's compliance system.

3. Written Attestation

- Observers must affirm in writing that they:
 - Meet all required eligibility criteria.
 - Understand observer expectations and responsibilities.
 - Are protected from retaliation when reporting misconduct.

Procedures for Sensitive Examinations

1. Before the Examination

- Confirm patient understanding of observer rights.
- Offer an observer and document the patient's decision.

2. When No Acceptable Observer is Available

- If no qualified observer can be provided:
 - The provider may decline to perform the exam.
 - Provider must counsel the patient on risks of delaying care.
 - Provide unbiased clinical information.
 - Offer alternative scheduling or referrals.
 - Document all steps in the chart.

3. During the Examination

- If an observer is present:
 - Document observer name and role.
 - Ensure observer remains present and attentive throughout the exam.

4. Exceptions

- Exceptions apply when:
 - The situation is an emergency.
 - Written notice was provided within the previous 12 months.
 - A previously trained observer is already present for another exam during the visit.

Documentation Requirements

The following must be documented in the patient record:

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- Signed written notice.
- Observer name and qualifications (if applicable).
- Counseling and referral documentation if exam is declined due to lack of observer.
- Justification for any exception applied.

Staff Training and Annual Review

1. Initial Training

- All clinical staff must complete training on:
 - Updated legal requirements.
 - Observer protocols and expectations.
 - Documentation of workflows.
 - Responding to patient questions regarding sensitive exams.

2. Annual Competency

- Staff will complete a yearly review of requirements related to N.J.A.C. 13:35-6.23.

Compliance Monitoring

AMI leadership will perform routine audits to ensure:

- Proper retention of signed notices.
- Accurate observer documentation.
- Consistent posting of required signage.
- Appropriate implementation of workflows across all AMI facilities.

Noncompliant findings will be addressed through AMIs established corrective action and policy revision processes.

References:

- N.J.A.C. 13:35-6.23 (Updated October 20, 2025; Observer requirements effective April 18, 2026)
- New Jersey Division of Consumer Affairs Guidance
- AMI Policy Development and Revision Procedures