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AB-849 Health providers: medical chaperones. (2025-2026)

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Assembly Bill No. 849

CHAPTER 442

An act to add Sections 1234.1, 1264.1, and 124441 to the Health and Safety Code, relating to health providers.

[Approved by Governor October 07, 2025. Filed with Secretary of State October 07, 2025.]

LEGISLATIVE COUNSEL'S DIGEST

AB 849, Soria. Health providers: medical chaperones.

Existing law requires the State Department of Public Health to license and regulate health facilities and clinics. Existing law generally makes a violation of those provisions a crime.

Existing law also specifies the settings in which an ultrasound or similar medical imaging device procedure may be offered, which includes licensed health facilities and clinics, and certain providers and facilities that are not subject to licensure and regulation by the department.

Existing law requires a licensed health facility that provides specified prenatal screening ultrasound to require that the ultrasound be performed by a sonographer that is nationally certified, as specified.

This bill would, except as specified, require a provider, as defined, that offers a sensitive examination to provide notice to patients that a medical chaperone will be made available, upon their request, to assist or observe the sensitive examination. The bill would require the notice be provided as a hard copy, an electronic transmission, or verbally to the patient or their legal guardian, as specified. The bill would provide that the provider has the right to decline performing a sensitive examination in the absence of a medical chaperone if the provider determines that a medical chaperone must be present. The bill would require a provider to educate sonographers and clinical and nonclinical staff who may serve as a medical chaperone regarding specified topics, including, among others, appropriate observational and intervention techniques. The bill would require, if a patient requests a medical chaperone, a provider to document a medical chaperone's presence in the patient's health record. The bill would define various terms for purposes of these provisions, including that sensitive examination means an ultrasound examination performed by a sonographer of certain areas of the body, including genitalia. The bill would make these provisions operative on January 1, 2027.

By creating new requirements for health facilities and clinics, the violation of which would be a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 1234.1 is added to the Health and Safety Code, to read:

1234.1. (a) For purposes of this section, the following definitions apply:

(1) "Medical chaperone" means a trained employee of a provider who assists or observes during the portion of a visit that includes a sensitive examination.

(2) "Provider" means a clinic, as defined in Section 1200, except that "provider" does not include any facility owned or operated by the Department of Corrections and Rehabilitation.

(3) (A) "Sensitive examination" means an ultrasound examination performed by a sonographer of any of the following areas:

(i) Genitalia.

(ii) Breast.

(iii) Rectum.

(B) "Sensitive examination" also includes an ultrasound examination of the pubic or groin region.

(4) (A) "Sonographer" means any nonphysician who is a sonography technician whose primary duties consist of performing diagnostic medical ultrasounds and who is qualified by national certification or academic or clinical experience to perform diagnostic medical ultrasounds. National certification includes certification by the American Registry for Diagnostic Medical Sonography (ARDMS), Cardiovascular Credentialing International (CCI), or American Registry of Radiologic Technologists (ARRT).

(B) A sonographer is also known as an "ultrasound technologist" or "sonologist."

(b) (1) Except as provided in paragraph (3), a provider that offers a sensitive examination shall provide notice to patients that a medical chaperone will be made available upon a patient's request to assist or observe the sensitive examination. The notice shall be provided in any of the following methods:

(A) A hard copy provided to the patient, or their legal guardian, in person at a visit, or prior to a visit in a separate single document.

(B) An electronic transmission, including, but not limited to, a text message or email to the patient or their legal guardian prior to or during the visit.

(C) Verbally to the patient, or their legal guardian, either prior to or in person at a visit, with documentation of the offer in the patient's health record.

(2) If a patient does not request a medical chaperone, but the provider determines, for any reason, that a medical chaperone must be present, the provider has the right to decline performing the sensitive examination in the absence of a medical chaperone.

(3) A provider that performs a sensitive examination to a patient receiving emergency services and care, as defined in Section 1317.1, shall, when feasible, inform the patient that a medical chaperone will be made available upon request to assist or observe the sensitive examination.

(c) (1) A provider shall educate sonographers and clinical and nonclinical staff who may serve as a medical chaperone about appropriate observational and intervention techniques, how to properly drape a patient, the importance of neutrality, and reporting procedures for any inappropriate behaviors observed or communicated by the patient.

(2) Except as provided in paragraph (3), if a patient requests a medical chaperone, the provider shall provide a medical chaperone for the entirety of an ultrasound examination if any portion of the ultrasound examination is a sensitive examination. The provider shall document the medical chaperone's presence in the patient's health record.

(3) In the event a medical chaperone is unavailable at the time of the sensitive examination, the provider shall coordinate with the patient to find an acceptable alternative, which may include, but not be limited to, waiting without undue delay for a medical chaperone to become available.

(d) This section shall become operative on January 1, 2027.

SEC. 2. Section 1264.1 is added to the Health and Safety Code, to read:

1264.1. (a) For purposes of this section, the following definitions apply:

(1) "Medical chaperone" means a trained employee of a provider who assists or observes during the portion of a visit that includes a sensitive examination.

(2) "Provider" means a general acute care hospital, as defined in Section 1250, except that "provider" does not include any facility owned or operated by the Department of Corrections and Rehabilitation.

(3) (A) "Sensitive examination" means an ultrasound examination performed by a sonographer of any of the following areas:

(i) Genitalia.

(ii) Breast.

(iii) Rectum.

(B) "Sensitive examination" also includes an ultrasound examination of the pubic or groin region.

(4) (A) "Sonographer" means any nonphysician who is a sonography technician whose primary duties consist of performing diagnostic medical ultrasounds and who is qualified by national certification or academic or clinical experience to perform diagnostic medical ultrasounds. National certification includes certification by the American Registry for Diagnostic Medical Sonography (ARDMS), Cardiovascular Credentialing International (CCI), or American Registry of Radiologic Technologists (ARRT).

(B) A sonographer is also known as an "ultrasound technologist" or "sonologist."

(b) (1) Except as provided in paragraph (3), a provider that offers a sensitive examination shall provide notice to patients that a medical chaperone will be made available upon a patient's request to assist or observe the sensitive examination. The notice shall be provided in any of the following methods:

(A) A hard copy provided to the patient, or their legal guardian, in person at a visit, or prior to a visit in a separate single document.

(B) An electronic transmission, including, but not limited to, a text message or email to the patient or their legal guardian prior to or during the visit.

(C) Verbally to the patient, or their legal guardian, either prior to or in person at a visit, with documentation of the offer in the patient's health record.

(2) If a patient does not request a medical chaperone, but the provider determines, for any reason, that a medical chaperone must be present, the provider has the right to decline performing the sensitive examination in the absence of a medical chaperone.

(3) A provider that performs a sensitive examination to a patient receiving emergency services and care, as defined in Section 1317.1, shall, when feasible, inform the patient that a medical chaperone will be made available upon request to assist or observe the sensitive examination.

(c) (1) A provider shall educate sonographers and clinical and nonclinical staff who may serve as a medical chaperone about appropriate observational and intervention techniques, how to properly drape a patient, the importance of neutrality, and reporting procedures for any inappropriate behaviors observed or communicated by the patient.

(2) Except as provided in paragraph (3), if a patient requests a medical chaperone, the provider shall provide a medical chaperone for the entirety of an ultrasound examination if any portion of the ultrasound examination is a sensitive examination. The provider shall document the medical chaperone's presence in the patient's health record.

(3) In the event a medical chaperone is unavailable at the time of the sensitive examination, the provider shall coordinate with the patient to find an acceptable alternative, which may include, but not be limited to, waiting without undue delay for a medical chaperone to become available.

(d) This section shall become operative on January 1, 2027.

SEC. 3. Section 124441 is added to the Health and Safety Code, to read:

124441. (a) For purposes of this section, the following definitions apply:

(1) "Medical chaperone" means a trained employee of a provider who assists or observes during the portion of a visit that includes a sensitive examination.

(2) "Provider" has the same meaning as in Section 127500.2, except that "provider" does not include any facility owned or operated by the Department of Corrections and Rehabilitation or any facility licensed by the State Department of Public Health.

(3) (A) "Sensitive examination" means an ultrasound examination performed by a sonographer of any of the following areas:

(i) Genitalia.

(ii) Breast.

(iii) Rectum.

(B) "Sensitive examination" also includes an ultrasound examination of the pubic or groin region.

(4) (A) "Sonographer" means any nonphysician who is a sonography technician whose primary duties consist of performing diagnostic medical ultrasounds and who is qualified by national certification or academic or clinical experience to perform diagnostic medical ultrasounds. National certification includes certification by the American Registry for Diagnostic Medical Sonography (ARDMS), Cardiovascular Credentialing International (CCI), or American Registry of Radiologic Technologists (ARRT).

(B) A sonographer is also known as an "ultrasound technologist" or "sonologist."

(b) (1) Except as provided in paragraph (3), a provider that offers a sensitive examination shall provide notice to patients that a medical chaperone will be made available upon a patient's request to assist or observe the sensitive examination. The notice shall be provided in any of the following methods:

(A) A hard copy provided to the patient, or their legal guardian, in person at a visit, or prior to a visit in a separate single document.

(B) An electronic transmission, including, but not limited to, a text message or email to the patient or their legal guardian prior to or during the visit.

(C) Verbally to the patient, or their legal guardian, either prior to or in person at a visit, with documentation of the offer in the patient's health record.

(2) If a patient does not request a medical chaperone, but the provider determines, for any reason, that a medical chaperone must be present, the provider has the right to decline performing the sensitive examination in the absence of a medical chaperone.

(3) A provider that performs a sensitive examination to a patient receiving emergency services and care, as defined in Section 1317.1, shall, when feasible, inform the patient that a medical chaperone will be made available upon request to assist or observe the sensitive examination.

(c) (1) A provider shall educate sonographers and clinical and nonclinical staff who may serve as a medical chaperone about appropriate observational and intervention techniques, how to properly drape a patient, the importance of neutrality, and reporting procedures for any inappropriate behaviors observed or communicated by the patient.

(2) Except as provided in paragraph (3), if a patient requests a medical chaperone, the provider shall provide a medical chaperone for the entirety of an ultrasound examination if any portion of the ultrasound examination is a sensitive examination. The provider shall document the medical chaperone's presence in the patient's health record.

(3) In the event a medical chaperone is unavailable at the time of the sensitive examination, the provider shall coordinate with the patient to find an acceptable alternative, which may include, but not be limited to, waiting without undue delay for a medical chaperone to become available.

(d) This section shall become operative on January 1, 2027.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.