



Jeffrey C. Hopkins, M.D., LLC
Policy and Procedure Regarding Non-Clinical Observers
Revised 07.02.2025

Purpose

To include the presence of a Non-Clinical Observer to patients for any physical examination. The policy is for the benefit of both patients and providers. Not only may Non-Clinical Observers help protect patients and enhance their comfort, safety, privacy, security, and dignity, but they also may protect the provider against unfounded allegations of improper behavior. This policy is not a response to any event at Jeffrey C. Hopkins, M.D., LLC, or by the provider.

Definitions

1. **Non-Clinical Observer:** A parent or legal guardian of the patient, or other mutually agreed upon third party, who is not involved in direct medical care but is present during an examination for patient comfort and/or provider accountability. The Non-Clinical Observer does not perform any clinical duties.
2. **Sensitive Examination:** A physical exam during which the patient is disrobed, partially disrobed, or in street clothing that also involves or exposes the breasts (for females), genitalia, or rectum. Examples of sensitive examinations not conducted by this provider include: breast exams, procedures of the pelvic floor or urogenital diaphragm, and vaginal or rectal exams.
3. **Standard Physical Examination:** Routine, non-sensitive physical assessments that may include visual inspection, palpation, auscultation, and testing of vital signs and reflexes.
4. **Non-Clinical Observer Waiver and Consent:** A written and signed document in which the patient or parent/legal guardian declines the presence of a Non-Clinical Observer and consents to the examination proceeding without such a Non-Clinical Observer.

Policy

1. During each patient visit, the provider conducts only Standard Physical Examinations. The examination includes checking height and weight, blood pressure, and skin checks (for evidence of self-injury). The exam will also include listening to the heart, lungs, and stomach with a stethoscope; testing reflexes on the arms and legs; and looking into the eyes, ears, and mouth with a scope. Listening to the heart or lungs could involve incidental touching of the breast.
2. As part of the medical evaluation and treatment for eating disorders, a Standard Physical Examination is necessary. This may include obtaining an accurate weight measurement while the patient is in their undergarments (with a gown) to ensure medical accuracy and prevent any misrepresentation of weight. This examination is a useful component of medical care for eating disorders and is conducted professionally and respectfully to ensure the patient's well-being.
3. The provider does not conduct Sensitive Examinations.



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4. A Non-Clinical Observer is present without a patient's request, for each standard physical examination, unless the patient (if patient is over 18 years of age) or parent/legal guardian (if patient is under 18 years of age) declines and has executed a Non-Clinical Observer Waiver and Consent.
 - a. In the event a patient or parent/legal guardian declines the presence of a Non-Clinical Observer, the provider is not required to proceed (even if the patient or parent/legal guardian has signed a waiver and consent).
 - b. If a provider is not comfortable proceeding with the examination without a Non-Clinical Observer, alternatives acceptable to both patient and provider are discussed – which may include proceeding without conducting the Standard Physical Examination.
 - c. If the provider and the patient or parent/legal guardian at any time disagree with the identity of a third party Non-Clinical Observer, either party may end the examination (even if the patient or parent/legal guardian has signed a waiver and consent).
5. A patient (if over 18 years of age) or parent/legal guardian (if patient is under 18 years of age) may consent to an individual who is not a parent or legal guardian serving as a Non-Clinical Observer by completing and signing a waiver and consent.
 - a. If the patient is under 18, the parent or legal guardian must sign a waiver and consent and identify by name the individual so approved by the parent or legal guardian.
 - b. Once a non-parent or non-legal guardian has identified an acceptable third party to serve as a Non-Clinical Observer, the provider shall not be required to reconfirm this approval, though it may be rescinded or terminated at any time.
 - c. If the provider is not comfortable proceeding with the examination with the non-parent or non-legal guardian as a Non-Clinical Observer, alternatives acceptable to both patient and provider are discussed, which may include proceeding without conducting the Standard Physical Examination.
6. A Non-Clinical Observer may be requested at any time by the patient during any provider-patient interaction, for the patient's comfort and safety.
7. The provider does not provide trained, Non-Clinical Observers. The Non-Clinical Observer will not provide any medical assistance to the provider. Non-Clinical Observers are not employees, contractors, or agents of Jeffrey C. Hopkins, M.D., LLC, or the provider.
8. The patient or the provider may request that the physical examination or visit end at any time.

Procedures



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1. Patients shall be provided with an explanation of this policy and sign documentation acknowledging their right to a Non-Clinical Observer.
2. Before beginning any physical examination, the provider will explain to the patient the nature and scope of the examination.
3. The provider will provide an opportunity for private conversation with the patient before and/or after the physical examination without the Non-Clinical Observer present.
4. Before completing the observed examination, the healthcare provider will elicit any final physical concerns from the patient before clearly communicating to the patient that the examination will be concluded. For example: "Is there anything else you would like me to check? Otherwise, I will end the exam and the Non-Clinical Observer and I will leave to let you get dressed."
5. Patients are provided private time to undress and prepare for the physical examination. Patients are instructed not to remove or lower underwear. The Non-Clinical Observer does not assist with removing or replacing the patient's clothing. The patient will be provided with an adequate gown or drape.
6. The provider shall conduct the non-exam portion of the visit after the patient dresses or has been provided privacy with appropriate gown or other coverage.
7. Unless the patient declines to have a Non-Clinical Observer present, a Non-Clinical Observer is present during a physical examination.
 - a. In the event that a Non-Clinical Observer is not available or present and no waiver and consent has been executed, the examination should be rescheduled unless there is an emergent health care situation requiring proceeding with the examination.
 - b. If a patient (for patients 18 years and older) or a parent/legal guardian (for patients under the age of 18) declines a Non-Clinical Observer for an examination, the refusal is documented in the patient's medical record via the waiver and consent form.
 - c. The Non-Clinical Observer remains throughout the examination and is able to observe what the provider is doing. The Non-Clinical Observer should stand in a location where they are able to observe the examination.
 - d. In the event a patient declines a Non-Clinical Observer for an examination, the provider is not required to proceed if they do not feel comfortable performing the exam without a Non-Clinical Observer. If the provider is not comfortable proceeding with the examination without a Non-Clinical Observer, alternatives acceptable to both patient and provider are discussed.
8. The presence or absence of the Non-Clinical Observer is documented in the patient's medical record.



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- a. If a Non-Clinical Observer is present, documentation in the patient's medical record, including the name of the Non-Clinical Observer, is required.
 - b. If the patient or parent/legal guardian declines a Non-Clinical Observer, the refusal is required to be documented. If the physical examination continues, the patient's medical record must include a fully executed waiver and consent.
9. Emergency care should not be impeded by this policy. If a patient requires emergency care, including a sensitive examination and/or sensitive procedure, such care will not be delayed in order to attempt to comply with the policy.

Policy Review

This policy may be reviewed and updated periodically to ensure continued alignment with best practices, legal standards, and organizational needs.

Reference: AMA Code of Medical Ethics 1.2.4 *Use of Chaperones*