

## Assembly Bill No. 2459

### CHAPTER 531

An act to add Section 2248.5 to the Business and Professions Code and to amend Sections 109280 and 109282 of the Health and Safety Code, relating to physicians and surgeons.

[Approved by Governor September 13, 2002. Filed with Secretary of State September 15, 2002.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 2459, Diaz. Physicians and surgeons: prostate cancer.

Existing law requires the State Department of Health Services to develop a standardized written summary with regard to alternative methods of treatment of prostate cancer, to be printed and made available by the Medical Board of California to physicians and surgeons.

This bill would require the department to approve and send an updated copy of the summary to the board every time the summary is modified and would require the board to make the updated summary available to its physicians and surgeons. The bill would authorize the department to use an existing publication from a recognized cancer authority as the summary and would require the department, if it uses an existing publication as the summary, to review this summary every 3 years to ensure that it contains timely, new, and revised information regarding prostate cancer treatment options. The bill would require both the department and the board to update their Web sites every time the summary is modified.

Existing law requires that every person or entity who owns or operates a health facility or clinic or who is licensed as a physician and surgeon and rents or owns the premises where their practice is located to post specified signs or notices if prostate cancer screening or treatment is performed.

This bill would require these signs or notices to include the Web site addresses for the department and the board as well as a notice regarding the availability of an updated prostate cancer summary on these Web sites.

*The people of the State of California do enact as follows:*

SECTION 1. Section 2248.5 is added to the Business and Professions Code, to read:



2248.5. (a) A standardized written summary in layman's language and in a language understood by patients shall be approved by the State Department of Health Services. The department may approve the use of an existing publication from a recognized cancer authority as the written summary. Commencing on January 1, 2003, and every three years thereafter, the department shall review its approval of the use of an existing publication from a recognized cancer authority as the written summary to ensure that the approved written summary comprises timely, new, and revised information regarding prostate cancer treatment options as the department determines is necessary. The written summary shall be printed or made available by the Medical Board of California to physicians and surgeons, concerning the advantages, disadvantages, risks, and descriptions, of procedures with regard to medically viable and efficacious alternative methods of treatment of prostate cancer. Physicians and surgeons are urged to make the summary available to patients when appropriate.

(b) The board shall post this summary on its Web site for public use.

(c) If the State Department of Health Services updates this summary, the board shall make the updated summary available to its licensees and update its Web site to contain the updated summary.

SEC. 2. Section 109280 of the Health and Safety Code is amended to read:

109280. (a) A standardized written summary in layman's language and in a language understood by patients shall be approved by the department. The department may approve the use of an existing publication from a recognized cancer authority as the written summary. Commencing on January 1, 2003, and every three years thereafter, the department shall review its approval of the use of an existing publication from a recognized cancer authority as the written summary to ensure that the approved written summary comprises timely, new, and revised information regarding prostate cancer treatment options as the department determines is necessary. The written summary shall be printed or made available by the Medical Board of California to physicians and surgeons, concerning the advantages, disadvantages, risks, and descriptions, of procedures with regard to medically viable and efficacious alternative methods of treatment of prostate cancer. Physicians and surgeons are urged to make the summary available to patients when appropriate.

(b) The department shall post this summary on its Web site for public use.

(c) If the department updates this summary, it shall send the updated summary to the Medical Board of California and post this updated summary on its Web site.



SEC. 3. Section 109282 of the Health and Safety Code is amended to read:

109282. (a) Every person or entity who owns or operates a health facility or a clinic, or who is licensed as a physician and surgeon and rents or owns the premises where his or her practice is located, shall cause a sign or notice to be posted where prostate cancer screening or treatment is performed by any physician and surgeon, or in a reasonably proximate area to where prostate cancer screening or treatment is performed. A sign or notice posted at the patient registration area of the health facility, clinic, or physician and surgeon’s office shall constitute compliance with this section.

(b) The sign or notice shall read as follows:

“BE INFORMED”

“If you are a patient being treated for any form of prostate cancer, or prior to performance of a biopsy for prostate cancer, your physician and surgeon is urged to provide you a written summary of alternative efficacious methods of treatment, pursuant to Section 109280 of the California Health and Safety Code.”

“The information about methods of treatment was developed by the State Department of Health Services to inform patients of the advantages, disadvantages, risks, and descriptions of procedures.”

(c) The sign shall be not less than eight and one-half inches by 11 inches and shall be conspicuously displayed so as to be readable. The words “BE INFORMED” shall not be less than one-half inch in height and shall be centered on a single line with no other text. The message on the sign shall appear in English, Spanish, and Chinese.

(d) Subject to future, regular production and replacement schedules from the implementation of the act adding this subdivision, these signs and notices shall include the Internet Web site address of the State Department of Health Services and the Medical Board of California, and a notice regarding the availability of updated prostate cancer summaries on these Web sites.

