

**Introduced by Senator Bowen**

February 23, 2001

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An act to add Section 2249 to the Business and Professions Code, relating to physicians and surgeons.

LEGISLATIVE COUNSEL'S DIGEST

SB 1080, as introduced, Bowen. Physicians and surgeons: ovarian cancer detection.

Existing law imposes certain duties on physicians and surgeons in providing services in the diagnosis and treatment of cancer, including, among other matters, requiring a physician and surgeon to provide information to a patient about the availability of appropriate diagnostic procedures for the detection of prostate cancer, if certain conditions are present. Under existing law, the violation of those provisions constitutes unprofessional conduct.

This bill would require a physician and surgeon, during a patient's annual gynecological examination, to provide the patient with information about the availability of diagnostic procedures or methods for the detection of ovarian cancer if certain conditions are present. The bill would provide that a violation of its provisions constitutes unprofessional conduct.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

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

- 1 SECTION 1. Section 2249 is added to the Business and
- 2 Professions Code, to read:

1 2249. (a) A physician and surgeon, during a patient’s annual  
2 gynecological examination, shall provide to that patient  
3 information about the availability of appropriate diagnostic  
4 procedures or methods for the detection of ovarian cancer,  
5 including, but not limited to, the CA-125 blood test, ovarian pap  
6 test, transvaginal sonography, or any newer or more sophisticated  
7 technology proven to detect ovarian cancer, if any of the following  
8 conditions are present:  
9 (1) The patient is over 55 years of age or is postmenopausal.  
10 (2) The patient manifests clinical symptomatology of ovarian  
11 cancer.  
12 (3) The patient is at an increased risk of ovarian cancer, breast  
13 cancer, or has a family history of any type of cancer.  
14 (4) The provision of the information to the patient is medically  
15 necessary, in the opinion of the physician and surgeon.  
16 (b) A physician and surgeon shall provide information to a  
17 patient about the diagnostic procedures or methods for the  
18 detection of ovarian cancer pursuant to subdivision (a) until the  
19 Cancer Research Council releases its research results pursuant to  
20 the Cancer Research Act of 1997 in Article 2 (commencing with  
21 Section 104175) of Chapter 2 of Part 1 of Division 103 of the  
22 Health and Safety Code for the cause and prevention, cure,  
23 diagnosis, and treatment of cancer, emphasizing gender-specific  
24 cancers.  
25 (c) A violation of this section constitutes unprofessional  
26 conduct but is not subject to Section 2314.

