

AMENDED IN ASSEMBLY AUGUST 20, 2001

AMENDED IN SENATE MAY 23, 2001

AMENDED IN SENATE MAY 8, 2001

AMENDED IN SENATE APRIL 25, 2001

**SENATE BILL**

**No. 1080**

**Introduced by Senator Bowen**

February 23, 2001

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~~An act to add Section 2249 to the Business and Professions Code, and to amend Section 109278 of the Health and Safety Code, relating to health care.~~ *An act to add Sections 2249, 2761.5, and 3503.1 to the Business and Professions Code, relating to health care, and making an appropriation therefor.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1080, as amended, Bowen. Medical care providers: gynecological cancers.

Existing law requires medical care providers, as defined, to give to each patient during an annual gynecological examination a standardized written summary describing symptoms and appropriate methods of diagnoses of gynecological cancers.

This bill would ~~provide that a violation of this provision shall constitute unprofessional conduct, but shall not constitute a misdemeanor.~~ *make a physician and surgeon, certified or licensed nurse, or physician assistant who gives a patient an annual gynecological examination subject to a citation and an administrative fine if the provider fails to give the patient a standardized summary of*

*the symptoms and appropriate methods of diagnoses for gynecological cancers.*

*Because these fines would be deposited in the Contingent Fund of the Medical Board of California, the Board of Registered Nursing Fund, or the Physician Assistant Fund, which are all continuously appropriated, the bill would make an appropriation.*

*Because a violation of the bill would be a crime, the 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~~ <sup>2/3</sup>. Appropriation: ~~no~~ yes. Fiscal committee: yes. State-mandated local program: ~~no~~ yes.

*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:

3 ~~2249.— A violation of Section 109278 of the Health and Safety~~  
4 ~~Code, requiring a standardized written summary describing~~  
5 ~~symptoms and appropriate methods of diagnoses of gynecological~~  
6 ~~cancers to be given to patients during the annual exam, shall~~  
7 ~~constitute unprofessional conduct, but is not subject to Section~~  
8 ~~2314.~~

9 ~~SEC. 2.— Section 109278 of the Health and Safety Code is~~  
10 ~~amended to read:~~

11 ~~109278.— (a) The medical care provider primarily responsible~~  
12 ~~for providing to a patient an annual gynecological examination~~  
13 ~~shall provide to that patient during the annual examination a~~  
14 ~~standardized summary in layperson’s language and in a language~~  
15 ~~understood by the patient containing a description of the~~  
16 ~~symptoms and appropriate methods of diagnoses for~~  
17 ~~gynecological cancers. Use of existing publications developed by~~  
18 ~~nationally recognized cancer organizations is not precluded by this~~  
19 ~~section.~~

20 ~~(b) For the purposes of this section, “medical care provider”~~  
21 ~~means a health care professional licensed pursuant to Division 2~~



1 ~~(commencing with Section 500) of the Business and Professions~~  
2 ~~Code or pursuant to an initiative act referred to in that division~~  
3 ~~providing medical care within his or her lawful scope of practice.~~

4 ~~(c) A violation of subdivision (a) by the medical provider shall~~  
5 ~~constitute unprofessional conduct but shall not constitute a~~  
6 ~~misdemeanor.~~

7 2249. (a) *A physician and surgeon primarily responsible for*  
8 *providing a patient an annual gynecological examination shall*  
9 *provide that patient during the annual examination in layperson's*  
10 *language and in a language understood by the patient a*  
11 *standardized summary containing a description of the symptoms*  
12 *and appropriate methods of diagnoses for gynecological cancers.*  
13 *This section does not preclude use of existing publications or*  
14 *pamphlets developed by nationally recognized cancer*  
15 *organizations, or by the State Department of Health Services*  
16 *pursuant to Section 138.4 of the Health and Safety Code.*

17 (b) *A physician and surgeon who violates this section may be*  
18 *cited and assessed an administrative fine. Section 125.9 shall*  
19 *govern the issuance of this citation and fine.*

20 SEC. 2. *Section 2761.5 is added to the Business and*  
21 *Professions Code, to read:*

22 2761.5. (a) *A certified or licensed nurse who is primarily*  
23 *responsible for providing a patient an annual gynecological*  
24 *examination shall provide that patient during the annual*  
25 *examination in layperson's language and in a language*  
26 *understood by the patient a standardized summary containing a*  
27 *description of the symptoms and appropriate methods of diagnoses*  
28 *for gynecological cancers. This section does not preclude use of*  
29 *existing publications or pamphlets developed by nationally*  
30 *recognized cancer organizations, or by the State Department of*  
31 *Health Services pursuant to Section 138.4 of the Health and Safety*  
32 *Code.*

33 (b) *A certified or licensed nurse who violates this section may*  
34 *be cited and assessed an administrative fine. Section 125.9 shall*  
35 *govern the issuance of this citation and fine.*

36 SEC. 3. *Section 3503.1 is added to the Business and*  
37 *Professions Code, to read:*

38 3503.1. (a) *A physician assistant who is primarily*  
39 *responsible for providing a patient an annual gynecological*  
40 *examination shall provide that patient during the annual*



1 examination in layperson’s language and in language understood  
2 by the patient a standardized summary containing a description of  
3 the symptoms and appropriate methods of diagnoses for  
4 gynecological cancers. This section does not preclude use of  
5 existing publications or pamphlets developed by nationally  
6 recognized cancer organizations, or by the State Department of  
7 Health Services pursuant to Section 138.4 of the Health and Safety  
8 Code.

9 (b) A physician assistant who violates this section may be cited  
10 and assessed an administrative fine. Section 125.9 shall govern the  
11 issuance of this citation and fine.

12 SEC. 4. It is the intent of the Legislature in enacting this act  
13 to ensure that women receive information on gynecological cancer  
14 as currently required by Section 109278 of the Health and Safety  
15 Code.

16 SEC. 5. No reimbursement is required by this act pursuant to  
17 Section 6 of Article XIII B of the California Constitution because  
18 the only costs that may be incurred by a local agency or school  
19 district will be incurred because this act creates a new crime or  
20 infraction, eliminates a crime or infraction, or changes the penalty  
21 for a crime or infraction, within the meaning of Section 17556 of  
22 the Government Code, or changes the definition of a crime within  
23 the meaning of Section 6 of Article XIII B of the California  
24 Constitution.

