

AMENDED IN ASSEMBLY SEPTEMBER 10, 2001

AMENDED IN ASSEMBLY SEPTEMBER 4, 2001

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

An act to add Section 2249 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 ~~make a physician and surgeon, primarily responsible for giving a patient an annual gynecological examination, subject to a citation and an administrative fine if he or she fails to give the patient~~ *a require that the* standardized summary; *be* in layperson's language, ~~of explaining~~ the symptoms and appropriate methods of diagnoses for gynecological cancers in a language understood by the patient. *The bill would make a physician and surgeon subject to citation and an*

administrative fine upon the 2nd and subsequent complaints of his or her failure to provide the patient with this summary. The bill would require that these fines be credited to the Contingent Fund of the Medical Board of California to be used to provide information to women about gynecological cancers, but would specify that the expenditure of these funds is contingent upon an appropriation by the Legislature.

~~Because these fines would be deposited in the Contingent Fund of the Medical Board of California, which is 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: $\frac{2}{3}$ majority. Appropriation: ~~yes~~ *no*. Fiscal committee: *yes*. State-mandated local program: *yes 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:
- 3 2249. (a) A physician and surgeon primarily responsible for
- 4 providing a patient an annual gynecological examination shall
- 5 provide that patient during the annual examination in layperson’s
- 6 language and in a language understood by the patient a
- 7 standardized summary containing a description of the symptoms
- 8 and appropriate methods of diagnoses for gynecological cancers.
- 9 This section does not preclude the use of existing publications or
- 10 pamphlets developed by nationally recognized cancer
- 11 organizations or by the State Department of Health Services
- 12 pursuant to Section 138.4 of the Health and Safety Code.
- 13 (b) A physician and surgeon who violates this section may be
- 14 cited and assessed an administrative fine. *No citation shall be*
- 15 *issued and no fine shall be assessed upon the first complaint*
- 16 *against a physician and surgeon who violates this section. Upon*
- 17 *the second and subsequent complaints against a physician or*



1 *surgeon who violates this section, a citation may be issued and an*
2 *administrative fine may be assessed.*

3 *(c) Notwithstanding any other provision of law, all fines*
4 *collected pursuant to this section shall be credited to the*
5 *Contingent Fund of the Medical Board of California to be used by*
6 *the Office of Women’s Health within the State Department of*
7 *Health Services for outreach services that provide information to*
8 *women about gynecological cancers, but shall not be expended*
9 *until they are appropriated by the Legislature in the Budget Act or*
10 *another statute.*

11 *(d) Section 2314 shall not apply to this section.*

12 SEC. 2. 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. 3. 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.~~

