

Introduced by Senator Vasconcellos

February 20, 2004

An act to add Section 2234.1 to the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

SB 1691, as introduced, Vasconcellos. Physicians and surgeons: alternative or complementary medicine.

Existing law, the Medical Practice Act, creates the Medical Board of California and makes it responsible through its Division of Licensing and Medical Quality for, respectively, licensing and regulating physicians and surgeons. Under the act, disciplinary action may be taken against a physician and surgeon for engaging in unprofessional conduct, which includes gross negligence, repeated negligent acts, and incompetence.

This bill would provide that a physician and surgeon is not subject to discipline for these particular aspects of unprofessional conduct solely on the basis that the treatment or advice he or she rendered to a patient is alternative or complementary medicine, as defined, if specified conditions are satisfied.

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 2234.1 is added to the Business and
- 2 Professions Code, to read:
- 3 2234.1. (a) A physician and surgeon shall not be subject to
- 4 discipline pursuant to subdivision (b), (c), or (d) of Section 2234

1 solely on the basis that the treatment or advice he or she rendered
2 to a patient is alternative or complementary medicine if that
3 treatment or advice meets all of the following requirements:

4 (1) It is provided after written informed consent and a
5 good-faith prior examination of the patient, and medical indication
6 exists for the treatment or advice.

7 (2) It is provided after the physician and surgeon has given the
8 patient written information concerning conventional treatment
9 options and describing the education, experience, and credentials
10 of the physician and surgeon related to the alternative or
11 complementary medicine he or she practices.

12 (3) It does not cause delay in diagnosis of a condition of the
13 patient or death or other injury to the patient.

14 (b) For purposes of this section, “alternative or complementary
15 medicine” means those healthcare methods of diagnosis,
16 treatment, or healing that are not generally used but that provide
17 a reasonable potential for therapeutic gain in a patient’s medical
18 condition that is not outweighed by the risk of the healthcare
19 method.

