

ASSEMBLY BILL

No. 2731

Introduced by Assembly Member Arambula

February 19, 2010

An act to amend Section 2248 of the Business and Professions Code, and to amend Section 109280 of the Health and Safety Code, relating to cancer.

LEGISLATIVE COUNSEL'S DIGEST

AB 2731, as introduced, Arambula. Prostate cancer: consent requirements.

Under existing law the State Department of Public Health is required to approve a standardized written summary concerning the advantages, disadvantages, risks, and descriptions of procedures with regard to medically viable and efficacious alternative methods of treatment of prostate cancer to be printed or provided by the Medical Board of California to physicians and surgeons. Under existing law, physicians and surgeons are urged to make this written summary available to patients and are required, if the physician and surgeon examines the patient's prostate gland and specified conditions are present, to provide the patient with information about the availability of appropriate diagnostic procedures, including, but not limited to, the prostate antigen (PSA) test.

This bill would make technical, nonsubstantive changes to these provisions and would state the intent of the Legislature to enact legislation that would revise existing informed consent requirements for patients with prostate cancer to require the diagnosing physician to document that a referral to a radiation oncologist has been offered to the patient.

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. It is the intent of the Legislature to enact
2 legislation that would revise existing informed consent
3 requirements for patients with prostate cancer to require the
4 diagnosing physician to document that a referral to a radiation
5 oncologist has been offered to the patient.

6 SEC. 2. Section 2248 of the Business and Professions Code is
7 amended to read:

8 2248. This section shall be known as, and may be cited as, the
9 Grant H. Kenyon Prostate Cancer Detection Act.

10 (a) *If, during a physical examination,* a physician and surgeon;
11 ~~during a physical examination,~~ examines a patient’s prostate gland,
12 the physician and surgeon shall provide information to the patient
13 about the availability of appropriate diagnostic procedures,
14 including, but not limited to, the prostate antigen (PSA) test, if
15 any of the following conditions are present:

- 16 (1) The patient is over 50 years of age.
- 17 (2) The patient manifests clinical symptomatology.
- 18 (3) The patient is at an increased risk of prostate cancer.
- 19 (4) The provision of the information to the patient is medically
20 necessary, in the opinion of the physician and surgeon.

21 (b) Violation of subdivision (a) constitutes unprofessional
22 conduct and is not subject to Section 2314.

23 SEC. 3. Section 109280 of the Health and Safety Code is
24 amended to read:

25 109280. (a) A standardized written summary in layperson’s
26 language and in a language understood by patients shall be
27 approved by the department. The department may approve the use
28 of an existing publication from a recognized cancer authority as
29 the written summary. Commencing on January 1, 2003, and every
30 three years thereafter, *if the department is using an existing*
31 *publication from a recognized cancer authority as the written*
32 *summary, the department shall review its approval of the use of*
33 ~~an existing publication from a recognized cancer authority as the~~
34 ~~written summary~~ to ensure that the approved written summary
35 comprises timely, new, and revised information regarding prostate

1 cancer treatment options as the department determines is necessary.
2 The written summary shall be printed or made available by the
3 Medical Board of California to physicians and surgeons,
4 concerning the advantages, disadvantages, risks, and descriptions
5 of procedures with regard to medically viable and efficacious
6 alternative methods of treatment of prostate cancer. Physicians
7 and surgeons are urged to make the summary available to patients
8 when appropriate.

9 (b) The department and the Medical Board of California shall
10 each post this summary on its Internet Web site for public use.

11 (c) If the department updates this summary, it shall send the
12 updated summary to the Medical Board of California and both the
13 department and the Medical Board of California shall each post
14 this updated summary on its Internet Web site.

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