

AMENDED IN ASSEMBLY APRIL 8, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

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.~~ *An act to amend Section 32127.3 of the Health and Safety Code, relating to health care districts.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2731, as amended, Arambula. ~~Prostate cancer: consent requirements.~~ *Health care districts: federal loans or grants.*

Existing law provides for the formation and establishes the powers of a health care district. Existing law places limits on the extent to which a health care district may borrow money and incur indebtedness.

Existing law authorizes the board of directors of any district to borrow money or issue bonds and to execute first mortgages, first deeds of trust, or other necessary security interests exclusively for the purpose of securing federal mortgage insurance, federal loans, or federally insured loans issued pursuant to the federal National Housing Act for financing or refinancing the construction of new health facilities, the expansion, modernization, renovation, remodeling, or alteration of existing health facilities, and the initial equipping of those health facilities under the federal mortgage insurance programs available to a local hospital district.

This bill would add to the purposes for which the board of directors of a district may borrow money, issue bonds, or execute first mortgages, first deeds of trust, or other security interests, the purpose of securing

federal loans or grants or guaranteed loans issued pursuant to the federal Consolidated Farm and Rural Development Act, as specified.

~~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. Section 32127.3 of the Health and Safety Code
2 is amended to read:
3 32127.3. (a) Exclusively for the purpose of securing federal
4 mortgage insurance, federal loans, *federal loans or grants or*
5 *guaranteed loans issued pursuant to the federal Consolidated*
6 *Farm and Rural Development Act (7 U.S.C. Sec. 1921, et seq.),*
7 *as amended by Public Law 109-171 on February 8, 2006,* or
8 federally insured loans issued pursuant to the National Housing
9 Act (12 U.S.C. Secs. 1715w and 1715z-7) for financing or
10 refinancing the construction of new health facilities, the expansion,
11 modernization, renovation, remodeling, or alteration of existing
12 health facilities, and the initial equipping of those health facilities
13 under the federal mortgage insurance programs as are now or may
14 hereafter become available to a local hospital district, and
15 notwithstanding any provision of this division, or any other

1 provision or holding of law, the board of directors of any district
2 may do either or both of the following:

3 (1) Borrow money or issue bonds, in addition to other financing
4 methods authorized under this division.

5 (2) Execute, in favor of the United States, appropriate federal
6 agency, or federally designated mortgagor, first mortgages, first
7 deeds of trust, or other necessary security interests as the federal
8 government may reasonably require with respect to a health facility
9 project property as security for that insurance.

10 (b) No payments of principal, interest, insurance premiums and
11 inspection fees, and all other costs of financing obtained as
12 authorized by this section shall be made from funds derived from
13 the district's power to tax.

14 (c) The Legislature hereby determines and declares that the
15 authorizations for executing the mortgages, deeds of trust, or other
16 necessary security agreements by the board and for the enforcement
17 of the federal government's rights thereunder are in the public
18 interest in order to preserve and promote the health, welfare, and
19 safety of the people of the state by providing, without cost to the
20 state, a federal mortgage insurance program for health facility
21 construction loans in order to stimulate the flow of private capital
22 into health facilities construction to enable the critical need for
23 new, expanded, and modernized public health facilities to be met.

24 (d) The Legislature further determines and declares that the
25 United States, appropriate federal agency, or federally designated
26 mortgagor named as beneficiary of any first mortgage or other
27 security interest delivered as authorized by this section is not a
28 private person or body within the meaning of Section 11 of Article
29 XI of the California Constitution.

30 ~~SECTION 1. It is the intent of the Legislature to enact~~
31 ~~legislation that would revise existing informed consent~~
32 ~~requirements for patients with prostate cancer to require the~~
33 ~~diagnosing physician to document that a referral to a radiation~~
34 ~~oncologist has been offered to the patient.~~

35 ~~SEC. 2. Section 2248 of the Business and Professions Code is~~
36 ~~amended to read:~~

37 ~~2248. This section shall be known as, and may be cited as, the~~
38 ~~Grant H. Kenyon Prostate Cancer Detection Act.~~

39 ~~(a) If, during a physical examination, a physician and surgeon~~
40 ~~examines a patient's prostate gland, the physician and surgeon~~

1 shall provide information to the patient about the availability of
2 appropriate diagnostic procedures, including, but not limited to,
3 the prostate antigen (PSA) test, if any of the following conditions
4 are present:

- 5 (1) The patient is over 50 years of age.
- 6 (2) The patient manifests clinical symptomatology.
- 7 (3) The patient is at an increased risk of prostate cancer.
- 8 (4) The provision of the information to the patient is medically
9 necessary, in the opinion of the physician and surgeon.

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

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

14 109280. (a) A standardized written summary in layperson's
15 language and in a language understood by patients shall be
16 approved by the department. The department may approve the use
17 of an existing publication from a recognized cancer authority as
18 the written summary. Commencing on January 1, 2003, and every
19 three years thereafter, if the department is using an existing
20 publication from a recognized cancer authority as the written
21 summary, the department shall review its approval to ensure that
22 the approved written summary comprises timely, new, and revised
23 information regarding prostate cancer treatment options as the
24 department determines is necessary. The written summary shall
25 be printed or made available by the Medical Board of California
26 to physicians and surgeons, concerning the advantages,
27 disadvantages, risks, and descriptions of procedures with regard
28 to medically viable and efficacious alternative methods of treatment
29 of prostate cancer. Physicians and surgeons are urged to make the
30 summary available to patients when appropriate.

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

33 (c) If the department updates this summary, it shall send the
34 updated summary to the Medical Board of California and both the
35 department and the Medical Board of California shall each post
36 this updated summary on its Internet Web site.

O