

AMENDED IN SENATE APRIL 12, 2007
AMENDED IN SENATE MARCH 29, 2007
AMENDED IN SENATE MARCH 8, 2007

SENATE BILL

No. 102

Introduced by Senator Migden

January 17, 2007

An act to amend Section 1645 of the Health and Safety Code, relating to blood transfusions.

LEGISLATIVE COUNSEL'S DIGEST

SB 102, as amended, Migden. Blood transfusions.

Existing law requires, whenever there is a reasonable possibility, as determined by a physician, that a blood transfusion may be necessary as a result of a medical procedure, that the physician, by means of a standardized written summary that is published by the Medical Board of California and distributed upon request, inform the patient of the positive and negative aspects of receiving autologous blood and directed and nondirected homologous blood from volunteers.

This bill would, ~~among other things,~~ require the information to be given, ~~whenever there is a reasonable possibility that a blood transfusion may be necessary as a result of a medical or surgical procedure,~~ by the physician and surgeon, *directly or through* a nurse practitioner, *certified* nurse midwife, or physician assistant, *authorized to order a blood transfusion*.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1645 of the Health and Safety Code is
2 amended to read:

3 1645. (a) Whenever there is a reasonable possibility, *as*
4 *determined by a physician and surgeon*, that a blood transfusion
5 may be necessary as a result of a medical or surgical procedure,
6 ~~the physician and surgeon, nurse practitioner acting pursuant to~~
7 ~~Article 2 (commencing with Section 2725) of Chapter 6 of Division~~
8 ~~2 of the Business and Professions Code, certified nurse midwife~~
9 ~~acting pursuant to Article 2.5 (commencing with Section 2746) of~~
10 ~~Chapter 6 of Division 2 of the Business and Professions Code, or~~
11 ~~physician assistant acting pursuant to Chapter 7.7 (commencing~~
12 ~~with Section 3500) of Division 2 of the Business and Professions~~
13 ~~Code~~ *the physician and surgeon*, by means of a standardized
14 written summary as most recently developed or revised by the
15 State Department of Public Health pursuant to subdivision (e),
16 shall inform, *either directly or through a nurse practitioner,*
17 *certified nurse midwife, or a physician assistant, who is licensed*
18 *in the state and authorized to order a blood transfusion*, the patient
19 of the positive and negative aspects of receiving autologous blood
20 and directed and nondirected homologous blood from volunteers.
21 For purposes of this section, the term “autologous blood” includes,
22 but is not limited to, predonation, intraoperative autologous
23 transfusion, plasmapheresis, and hemodilution.

24 (b) The person who provided the patient with the standardized
25 written summary pursuant to subdivision (a) shall note on the
26 patient’s medical record that the standardized written summary
27 was given to the patient.

28 (c) Subdivisions (a) and (b) shall not apply when medical
29 contraindications or a life-threatening emergency exists.

30 (d) When there is no life-threatening emergency and there are
31 no medical contraindications, ~~the physician and surgeon, nurse~~
32 ~~practitioner acting pursuant to Article 2 (commencing with Section~~
33 ~~2725) of Chapter 6 of Division 2 of the Business and Professions~~
34 ~~Code, certified nurse midwife acting pursuant to Article 2.5~~
35 ~~(commencing with Section 2746) of Chapter 6 of Division 2 of~~
36 ~~the Business and Professions Code, or physician assistant acting~~
37 ~~pursuant to Chapter 7.7 (commencing with Section 3500) of~~
38 ~~Division 2 of the Business and Professions Code, shall allow~~ *shall*

1 *allow* adequate time prior to the procedure for predonation to occur.
2 Notwithstanding this chapter, if a patient waives allowing adequate
3 time prior to the procedure for predonation to occur, a physician
4 ~~and surgeon, nurse practitioner acting pursuant to Article 2~~
5 ~~(commencing with Section 2725) of Chapter 6 of Division 2 of~~
6 ~~the Business and Professions Code, certified nurse midwife acting~~
7 ~~pursuant to Article 2.5 (commencing with Section 2746) of Chapter~~
8 ~~6 of Division 2 of the Business and Professions Code, or physician~~
9 ~~assistant acting pursuant to Chapter 7.7 (commencing with Section~~
10 ~~3500) of Division 2 of the Business and Professions Code, shall~~
11 ~~and surgeon shall~~ not incur any liability for his or her failure to
12 allow adequate time prior to the procedure for predonation to occur.

13 (e) The State Department of Public Health shall develop and
14 annually review, and if necessary revise, a standardized written
15 summary which explains the advantages, disadvantages, risks, and
16 descriptions of autologous blood, and directed and nondirected
17 homologous blood from volunteer donors. These blood options
18 shall include, but not be limited to, the blood options described in
19 subdivision (a). The summary shall be written so as to be easily
20 understood by a layperson.

21 (f) The Medical Board of California shall publish the
22 standardized written summary prepared pursuant to subdivision
23 (e) by the State Department of Public Health and shall distribute
24 copies thereof, upon request, to physicians and surgeons ~~and~~
25 ~~physician assistants~~. The Medical Board of California shall make
26 the summary available for a fee not exceeding in the aggregate the
27 actual costs to the State Department of Public Health and the
28 Medical Board of California for developing, updating, publishing
29 and distributing the summary. Physicians and surgeons, ~~nurse~~
30 ~~practitioners acting pursuant to Article 2 (commencing with Section~~
31 ~~2725) of Chapter 6 of Division 2 of the Business and Professions~~
32 ~~Code, certified nurse midwives acting pursuant to Article 2.5~~
33 ~~(commencing with Section 2746) of Chapter 6 of Division 2 of~~
34 ~~the Business and Professions Code, and physician assistants acting~~
35 ~~pursuant to Chapter 7.7 (commencing with Section 3500) of~~
36 ~~Division 2 of the Business and Professions Code, shall purchase~~
37 ~~shall purchase~~ the written summary from the Medical Board of
38 California for, or purchase or otherwise receive the written
39 summary from *the Web site of the board* or any other entity for,
40 distribution to their patients as specified in subdivision ~~(a)~~. The

1 ~~Medical Board of California shall, in collaboration with the Board~~
2 ~~of Registered Nursing, ensure that all nurse practitioners and~~
3 ~~certified nurse midwives have access to the standardized written~~
4 ~~summary prepared pursuant to subdivision (e). Clinics, (a). Clinics,~~
5 ~~health facilities, and blood collection centers may purchase the~~
6 ~~summary if they desire.~~

7 (g) Any entity may reproduce the written summary prepared
8 pursuant to subdivision (e) by the State Department of Public
9 Health and distribute the written summary to physicians and
10 surgeons, ~~nurse practitioners acting pursuant to Article 2~~
11 ~~(commencing with Section 2725) of Chapter 6 of Division 2 of~~
12 ~~the Business and Professions Code, certified nurse midwives acting~~
13 ~~pursuant to Article 2.5 (commencing with Section 2746) of Chapter~~
14 ~~6 of Division 2 of the Business and Professions Code, and~~
15 ~~physician assistants acting pursuant to Chapter 7.7 (commencing~~
16 ~~with Section 3500) of Division 2 of the Business and Professions~~
17 ~~Code: surgeons.~~

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