

AMENDED IN SENATE AUGUST 16, 2011
AMENDED IN SENATE JULY 1, 2011
AMENDED IN SENATE JUNE 20, 2011
AMENDED IN ASSEMBLY APRIL 27, 2011
AMENDED IN ASSEMBLY APRIL 13, 2011
AMENDED IN ASSEMBLY MARCH 21, 2011
CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 507

Introduced by Assembly Member Hayashi

February 15, 2011

An act to amend Sections 124960 and 124961 of, and to repeal Section 11453 of, the Health and Safety Code, relating to public health.

LEGISLATIVE COUNSEL'S DIGEST

AB 507, as amended, Hayashi. ~~Pain~~—*Control substances: pain management.*

(1) Existing law authorizes the Department of Justice to employ a physician to interview and examine any patient in connection with the prescription, possession, or use of a controlled substance, requires the patient to submit to the interview and examination, and authorizes the physician to testify in prescribed administrative proceedings.

This bill would repeal that provision.

(2) Existing law, the Medical Practice Act, provides for the licensing and regulation of physicians and surgeons by the Medical Board of California. The violation of specified provisions of the act is a crime. Existing law authorizes a physician and surgeon to prescribe for, or

dispense or administer to, a person under his or her treatment for a medical condition, drugs or prescription controlled substances for the treatment of pain or a condition causing pain, including, but not limited to, intractable pain. *Existing law sets forth the Pain Patient’s Bill of Rights.*

~~This bill would conform findings and declarations and other references to severe chronic intractable pain and to the California Intractable Pain Treatment Act revise the Pain Patient’s Bill of Rights.~~

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 11453 of the Health and Safety Code is
- 2 repealed.
- 3 SEC. 2. Section 124960 of the Health and Safety Code is
- 4 amended to read:
- 5 124960. The Legislature finds and declares all of the following:
- 6 (a) The state has a right and duty to control the illegal use of
- 7 opiate drugs.
- 8 (b) Inadequate treatment of acute and chronic pain originating
- 9 from cancer or noncancerous conditions is a significant health
- 10 problem.
- 11 (c) For some patients, pain management is the single most
- 12 important treatment a physician can provide.
- 13 ~~(d) A patient suffering from pain or a condition causing pain,~~
- 14 ~~including, but not limited to, intractable pain should have access~~
- 15 *(d) A patient suffering from severe chronic intractable pain*
- 16 *should have access to proper treatment of his or her pain.*
- 17 (e) Due to the complexity of their problems, many patients
- 18 ~~suffering from pain or a condition causing pain, including, but not~~
- 19 ~~limited to, intractable pain may require referral to a physician with~~
- 20 ~~expertise in the treatment of pain or a condition causing pain,~~
- 21 ~~including, but not limited to, intractable pain. In some cases, pain~~
- 22 ~~or a condition causing pain, including, but not limited to,~~
- 23 ~~irretractable suffering from severe chronic intractable pain may~~
- 24 *require referral to a physician with expertise in the treatment of*
- 25 *severe chronic intractable pain. In some cases, severe chronic*
- 26 *intractable pain is best treated by a team of clinicians in order to*

1 address the associated physical, psychological, social, and
2 vocational issues.

3 (f) In the hands of knowledgeable, ethical, and experienced pain
4 management practitioners, opiates administered for ~~pain or a~~
5 ~~condition causing pain, including, but not limited to, intractable~~
6 ~~severe acute pain and severe chronic intractable~~ pain can be safe.

7 (g) Opiates can be an accepted treatment for patients in ~~pain or~~
8 ~~a condition causing pain, including, but not limited to, intractable~~
9 ~~severe chronic intractable~~ pain who have not obtained relief from
10 any other means of treatment.

11 ~~(h) A patient suffering from pain or a condition causing pain,~~
12 ~~including, but not limited to, intractable pain has the option to~~

13 *(h) A patient suffering from severe chronic intractable pain has*
14 *the option to request or reject the use of any or all modalities to*
15 *relieve his or her pain.*

16 (i) A physician treating a patient who suffers from ~~pain or a~~
17 ~~condition causing pain, including, but not limited to, intractable~~
18 ~~severe chronic intractable~~ pain may prescribe a dosage deemed
19 medically necessary to relieve pain as long as the prescribing is
20 in conformance with Section 2241.5 of the Business and
21 Professions Code.

22 ~~(j) A patient who suffers from pain or a condition causing pain,~~
23 ~~including, but not limited to, intractable pain, has the option to~~

24 *(j) A patient who suffers from severe chronic intractable pain*
25 *has the option to choose opiate medication for the treatment of the*
26 *severe chronic intractable pain as long as the prescribing is in*
27 *conformance with the provisions of Section 2241.5 of the Business*
28 *and Professions Code.*

29 (k) The patient's physician may refuse to prescribe opiate
30 medication for a patient who requests the treatment for ~~pain or a~~
31 ~~condition causing pain, including, but not limited to, intractable~~
32 ~~severe chronic intractable~~ pain. However, that physician shall
33 inform the patient that there are physicians who treat ~~pain or a~~
34 ~~condition causing pain, including, but not limited to, intractable~~
35 ~~pain with severe chronic intractable pain with~~ methods that include
36 the use of opiates.

37 SEC. 3. Section 124961 of the Health and Safety Code is
38 amended to read:

39 124961. Nothing in this section shall be construed to alter any
40 of the provisions set forth in Section 2241.5 of the Business and

1 Professions Code. This section shall be known as the Pain Patient's
2 Bill of Rights.

3 ~~(a) A patient suffering from pain or a condition causing pain,~~
4 ~~including, but not limited to, intractable pain has the option to~~

5 *(a) A patient who suffers from severe chronic intractable pain*
6 *has the option to request or reject the use of any or all modalities*
7 *in order to relieve his or her pain.*

8 ~~(b) A patient who suffers from pain or a condition causing pain,~~
9 ~~including, but not limited to, intractable pain has the option to~~

10 *(b) A patient who suffers from severe chronic intractable pain*
11 *has the option to choose opiate medications to relieve that pain*
12 *without first having to submit to an invasive medical procedure,*
13 *which is defined as surgery, destruction of a nerve or other body*
14 *tissue by manipulation, or the implantation of a drug delivery*
15 *system or device, as long as the prescribing physician acts in*
16 *conformance with the provisions of the California Intractable Pain*
17 *Treatment Act, Section 2241.5 of the Business and Professions*
18 *Code.*

19 (c) The patient's physician may refuse to prescribe opiate
20 medication for the patient who requests a treatment for ~~pain or a~~
21 ~~condition causing pain, including, but not limited to, intractable~~
22 ~~severe chronic intractable~~ pain. However, that physician shall
23 inform the patient that there are physicians who treat pain and
24 whose methods include the use of opiates.

25 (d) A physician who uses opiate therapy to relieve ~~pain or a~~
26 ~~condition causing pain, including, but not limited to, intractable~~
27 ~~severe chronic intractable~~ pain may prescribe a dosage deemed
28 medically necessary to relieve the patient's pain, as long as that
29 prescribing is in conformance with Section 2241.5 of the Business
30 and Professions Code.

31 (e) A patient may voluntarily request that his or her physician
32 provide an identifying notice of the prescription for purposes of
33 emergency treatment or law enforcement identification.

34 (f) Nothing in this section shall do either of the following:

35 (1) Limit any reporting or disciplinary provisions applicable to
36 licensed physicians and surgeons who violate prescribing practices
37 or other provisions set forth in the Medical Practice Act, Chapter
38 5 (commencing with Section 2000) of Division 2 of the Business
39 and Professions Code, or the regulations adopted thereunder.

1 (2) Limit the applicability of any federal statute or federal
2 regulation or any of the other statutes or regulations of this state
3 that regulate dangerous drugs or controlled substances.

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6 **CORRECTIONS:**

7 **Text—Page 2.**

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