

MEDICAL BOARD OF CALIFORNIA
LEGISLATIVE ANALYSIS

BILL NUMBER: AB 1030
AUTHOR: Calderon
BILL DATE: March 26, 2019, Amended
SUBJECT: Gynecological Examinations: Informational Pamphlet
SPONSOR: Author
POSITION: Support

DESCRIPTION OF CURRENT LEGISLATION:

This bill would require the Medical Board of California (Board), on or before July 1, 2020, in coordination with the American College of Obstetricians and Gynecologists (ACOG), to develop an informational pamphlet for patients undergoing gynecological examinations.

BACKGROUND:

Existing law requires a physician primarily responsible for providing a patient an annual gynecological examination to provide, during the annual examination, a standardized summary containing a description of the symptoms and appropriate methods of diagnoses for gynecological cancers. This information is required to be provided in a layperson's language and in a language understood by the patient. Existing law allows these requirement to be met using existing publications or pamphlets developed by nationally recognized cancer organizations or by the State Department of Health Care Services. Existing law authorizes an administrative fine upon the second and subsequent complaints against a physician who fails to provide the pamphlet.

According to the Assembly Health Committee analysis, many organizations have developed informational brochures or provide information on their website regarding what to expect during a first gynecologic visit including the Centers for Disease Control, Planned Parenthood, and ACOG. ACOG's teen-specific information answers the following questions:

- When should I have my first gynecologic visit?
- Is it normal to be nervous before the first visit?
- What should I expect at the first gynecologic visit?
- What exams are performed?
- What happens during a general physical exam?
- What happens during an external genital exam?
- What are the pelvic exam and Pap test?
- What are vaccinations?
- What special concerns can be discussed with my ob-gyn? and,
- What can I do to stay healthy?

The ACOG document also provides a glossary of terms, and includes the information that the physician should be wearing gloves. The only information required by this bill, that is not already included on the ACOG document, is the information regarding privacy expectations and the telephone number for the Board.

ANALYSIS:

This bill would require the informational pamphlet for patients undergoing gynecological examinations to include, but not be limited to, all of the following:

- What a pelvic exam is and how it is properly performed.
- What a Pap smear is and how it is properly performed.
- The recommended age for a patient receiving a pelvic exam or Pap smear and how often a pelvic exam or Pap smear should be performed.
- Privacy expectations, including that privacy should be provided for the patient both when undressing and dressing and that a gown should be worn during the entire examination.
- An explanation of what a speculum is and how it should be properly used during an examination.
- That gloves should be worn by the practitioner during the examination.
- The duration of a pelvic exam and Pap smear.
- A telephone number for the Board at which a patient may report any misconduct that the patient feels may have occurred.

This bill would require the informational pamphlet to be made available for the use of licensees that provide gynecological services. The information pamphlet must either be posted as a printable file on the Board's website or made available for order as a printed deliverable on the Board's website, or both.

This bill would require a physician primarily responsible for providing a patient an annual gynecological examination to provide the patient with the informational pamphlet required by this bill before a patient's first gynecological examination with the physician. This bill would require the physician to have the patient sign and date a form attesting that the patient has received the informational pamphlet and understood the contents before the first gynecological examination with that physician. This bill would require forms showing receipt of the information to be kept as part of the patient's medical record. This bill would subject physicians who violate the requirements of this bill to existing law. Existing law authorizes an administrative fine upon the second and subsequent complaints against a physician who fails to provide the pamphlet.

According to the author, this bill will empower patients by giving them much needed information. The author states this bill will ensure that female patients receive the information they need to in order to identify, and hopefully prevent, instances of severe misconduct. The author notes that this bill requires the Board and ACOG to develop an informational pamphlet for patients undergoing a gynecological pelvic examination, with

basic information regarding how the procedure should be properly performed, privacy and sanitary expectations, and contact information in order to report any instances of misconduct.

ACOG already has information for teens that addresses most of the requirements in this bill. This bill would require physicians to give information on gynecological examinations to patients, which will help to protect consumers by providing them information on a proper examination. This may help to prevent sexual misconduct and ensure that instances of misconduct are reported to the Board, as such, the Board has taken a support position on this bill.

<u>FISCAL:</u>	Minor and absorbable.
<u>SUPPORT:</u>	California Health Coalition Advocacy Consumer Attorneys of California
<u>OPPOSITION:</u>	ACOG (Unless Amended) California Right to Life Committee, Inc.