

**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 introduced, 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, instead, would require the information to be given whenever there is a reasonable possibility, as determined by a qualified health care provider, that a blood transfusion may be necessary as a result of a medical or surgical procedure. The bill would also require the Medical Board of California to distribute copies of the summary to qualified health care providers upon request.

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~~ *qualified health care*

1 *provider*, that a blood transfusion may be necessary as a result of  
2 a medical or surgical procedure, the ~~physician and surgeon~~  
3 *qualified health care provider*, by means of a standardized written  
4 summary as most recently developed or revised by the State  
5 Department of *Public Health Services* pursuant to subdivision (e),  
6 shall inform the patient of the positive and negative aspects of  
7 receiving autologous blood and directed and nondirected  
8 homologous blood from volunteers. For purposes of this section,  
9 the term “autologous blood” includes, but is not limited to,  
10 predonation, intraoperative autologous transfusion, plasmapheresis,  
11 and hemodilution.

12 (b) The ~~physician and surgeon~~ *qualified health care provider*  
13 shall note on the patient’s medical record that the standardized  
14 written summary described in subdivision (e) was given to the  
15 patient.

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

18 (d) When there is no life-threatening emergency and there are  
19 no medical contraindications, the ~~physician and surgeon~~ *qualified*  
20 *health care provider* shall allow adequate time prior to the  
21 procedure for predonation to occur. Notwithstanding this chapter,  
22 if a patient waives allowing adequate time prior to the procedure  
23 for predonation to occur, a ~~physician and surgeon~~ *qualified health*  
24 *care provider* shall not incur any liability for his or her failure to  
25 allow adequate time prior to the procedure for predonation to occur.

26 (e) The State Department of *Public Health Services* shall  
27 develop and annually review, and if necessary revise, a  
28 standardized written summary which explains the advantages,  
29 disadvantages, risks, and descriptions of autologous blood, and  
30 directed and nondirected homologous blood from volunteer donors.  
31 These blood options shall include, but not be limited to, the blood  
32 options described in subdivision (a). The summary shall be written  
33 so as to be easily understood by a layperson.

34 (f) The Medical Board of California shall publish the  
35 standardized written summary prepared pursuant to subdivision  
36 (e) by the State Department of *Public Health Services* and shall  
37 distribute copies thereof, upon request, to ~~physicians and surgeons~~  
38 *qualified health care providers*. The Medical Board of California  
39 shall make the summary available for a fee not exceeding in the  
40 aggregate the actual costs to the State Department of *Public Health*

1 ~~Services~~ and the Medical Board of California for developing,  
2 updating, publishing and distributing the summary. ~~Physicians and~~  
3 ~~surgeons~~ *Qualified health care providers* shall purchase the written  
4 summary from the Medical Board of California for, or purchase  
5 or otherwise receive the written summary from any other entity  
6 for, distribution to their patients as specified in subdivision (a).  
7 Clinics, health facilities, and blood collection centers may purchase  
8 the summary if they desire.  
9 (g) Any entity may reproduce the written summary prepared  
10 pursuant to subdivision (e) by the State Department of *Public*  
11 ~~Health Services~~ and distribute the written summary to ~~physicians~~  
12 ~~and surgeons~~ *qualified health care providers*.