



House
Legislative
Analysis
Section
Olds Plaza Building, 10th Floor
Lansing, Michigan 48909
Phone: 517/373-6466

PROSTATE CANCER: TREATMENT INFORMATION

House Bill 4363

Sponsor: Rep. Thomas Mathieu

Committee: Health Policy

Complete to 10-2-95

A SUMMARY OF HOUSE BILL 4363 AS INTRODUCED 2-9-95

The bill would amend the Public Health Code to require a physician administering primary treatment to a prostate cancer patient to inform the patient, both orally and in writing, about all generally accepted medical treatments of the cancer, including surgical, radiological, or chemotherapeutic treatments, and experimental treatments that may be known to the physician but that may not yet be generally accepted by the medical community. In addition, the physician would be required to provide information on the procedures involved in the treatments, and the advantages, disadvantages, and risks of each method. The bill would specify that the duty imposed would not require disclosure of information beyond what a "reasonably well-qualified" licensed physician would know. The requirement, which would go into effect on April 1, 1996, would apply to both medical doctors and osteopathic physicians and surgeons.

A physician could comply with the requirement by providing the patient with a standardized written summary prepared by the Department of Public Health or with a brochure approved by the department containing similar information. The summary would have to be developed no later than March 1, 1996, by the department in cooperation with the Chronic Disease Advisory Committee and in consultation with appropriate professional organizations and patient advocacy groups including, but not limited to, Patient Advocates for Advanced Cancer Treatment (a non-profit organization composed of prostate cancer patients) or its successor. The summary would have to be drafted in non-technical terms that patients could understand. The two licensing boards, the board of medicine and the board of osteopathic medicine and surgery, would be responsible for distributing the summaries to physicians and would have to notify licensees in writing, by March 10, 1996, of the new requirement and of the availability of the summaries.

A form signed by the patient indicating that he had been given a copy of the summary or brochure would have to be included in the patient's medical record. A patient signing such a form would be barred from subsequently bringing a civil suit against the physician who provided the information based on failure to obtain informed consent; this immunity would only cover information pertaining to alternative forms of treatment of prostate cancer, and the advantages, disadvantages, and risks of each method.

The penalty for violating the bill's provisions would be a reprimand or fine, or both, imposed by the appropriate board's disciplinary subcommittee.

MCL 333.16221 et al.

House Bill 4363 (10-2-95)