RN1620801 **SP 2**

**INTRODUCED BY SENIOR SENATOR CERVANTES**

Legislative Counsel’s Digest

SP 2: PAIN MANAGEMENT.

UNDER EXISTING LAW, THE PAIN PATIENT’S BILL OF RIGHTS, A PATIENT WHO SUFFERS FROM SEVERE CHRONIC INTRACTABLE PAIN HAS THE OPTION TO REQUEST OR REJECT THE USE OF ANY OR ALL MODALITIES IN ORDER TO RELIEVE HIS OR HER PAIN AND TO CHOOSE OPIATE MEDICATIONS TO RELIEVE THAT PAIN, AS SPECIFIED. EXISTING LAW REQUIRES THE MEDICAL BOARD OF CALIFORNIA, IN CONSULTATION WITH THE STATE DEPARTMENT OF HEALTH CARE SERVICES, TO PERIODICALLY DEVELOP AND DISSEMINATE INFORMATION AND EDUCATIONAL MATERIAL REGARDING PAIN MANAGEMENT TECHNIQUES AND PROCEDURES TO EACH LICENSED PHYSICIAN AND SURGEON AND TO EACH GENERAL ACUTE CARE HOSPITAL IN THIS STATE.

THIS MEASURE WOULD MEMORIALIZE THE LEGISLATURE AND THE GOVERNOR TO ENACT LEGISLATION THAT WOULD DECLARE THAT PAIN MANAGEMENT IS A FUNDAMENTAL HUMAN RIGHT AND DIRECT THE MEDICAL BOARD OF CALIFORNIA TO ISSUE GUIDELINES, RULES, AND REGULATIONS AS NECESSARY TO CORRECT THE PROBLEM OF UNDERTREATMENT OF PAIN.

VOTE: MAJORITY.

SP 2: RELATING TO PAIN MANAGEMENT

WHEREAS, UNDERTREATMENT OF PAIN IS COMMON AND IS EXPERIENCED BY ALL AGE GROUPS. THE ELDERLY, MORE OFTEN, ARE UNDERTREATED DUE TO THE WIDELY HELD MISCONCEPTION THAT PAIN IS A NORMAL PART OF AGING AND, THEREFORE, IT IS UNREALISTIC TO EXPECT OLDER ADULTS TO BE PAIN FREE; AND

WHEREAS, THE WORLD HEALTH ORGANIZATION ESTIMATES THAT 80 PERCENT OF THE WORLD’S POPULATION DOES NOT HAVE SUFFICIENT ACCESS TO TREATMENT FOR MODERATE TO SEVERE PAIN; AND

WHEREAS, PAIN MANAGEMENT IS AN ETHICAL AND MORAL ISSUE THAT DEMANDS CONSTITUTIONAL GUARANTEES AND STATUTES THAT ADDRESS NEGLIGENCE, CRIME, AND ELDER ABUSE. PAIN MANAGEMENT IS A FUNDAMENTAL HUMAN RIGHT, AND FAILURE TO PROVIDE PAIN MANAGEMENT AMOUNTS TO PROFESSIONAL MISCONDUCT; NOW, THEREFORE, BE IT

RESOLVED, BY THE SENIOR SENATE AND THE SENIOR ASSEMBLY, JOINTLY, THAT THE SENIOR LEGISLATURE OF THE STATE OF CALIFORNIA AT ITS 2016 REGULAR SESSION, A MAJORITY OF THE MEMBERS VOTING THEREFOR, HEREBY PROPOSES THAT THE LEGISLATURE AND GOVERNOR OF THE STATE OF CALIFORNIA DECLARE THAT PAIN MANAGEMENT IS A FUNDAMENTAL HUMAN RIGHT AND DIRECT THE MEDICAL BOARD OF CALIFORNIA TO ISSUE GUIDELINES, RULES, AND REGULATIONS AS NECESSARY TO CORRECT THE PROBLEM OF UNDERTREATMENT OF PAIN TO RELIEVE THE UNNECESSARY SUFFERING OF ALL CALIFORNIANS; AND BE IT FURTHER

RESOLVED, THAT THE SENIOR LEGISLATURE OF THE STATE OF CALIFORNIA RESPECTFULLY MEMORIALIZES THE LEGISLATURE AND THE GOVERNOR OF THE STATE OF CALIFORNIA TO ENACT APPROPRIATE LEGISLATION THAT WOULD ADDRESS THE CONCERNS SET FORTH IN THIS MEASURE; AND BE IT FURTHER

RESOLVED, THAT A COPY OF THIS MEASURE BE TRANSMITTED TO THE PRESIDENT PRO TEMPORE OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, AND THE GOVERNOR OF THE STATE OF CALIFORNIA.