

ADVOCACY DAY

VOTE NO OR ABSTAIN ON AB2098

AB2098: Establishes that it is unprofessional conduct for physicians to provide COVID-19 information and treatment that contradicts then-current standard of care.

California Code, Business and Professions Code - BPC 2234.1

(a) A physician and surgeon shall not be subject to discipline pursuant to subdivision (b), (c), or (d) of Section 2234 solely on the basis that the treatment or advice he or she rendered to a patient is alternative or complementary medicine, including the treatment of persistent Lyme Disease, if that treatment or advice meets all of the following requirements:

(1) It is provided after informed consent and a good-faith prior examination of the patient, and medical indication exists for the treatment or advice, or it is provided for health or well-being.

(2) It is provided after the physician and surgeon has given the patient information concerning conventional treatment and describing the education, experience, and credentials of the physician and surgeon related to the alternative or complementary medicine that he or she practices.

(3) In the case of alternative or complementary medicine, it does not cause a delay in, or discourage traditional diagnosis of, a condition of the patient.

(4) It does not cause death or serious bodily injury to the patient.

(b) For purposes of this section, alternative or complementary medicine, means those health care methods of diagnosis, treatment, or healing that are not generally used but that provide a reasonable potential for therapeutic gain in a patient's medical condition that is not outweighed by the risk of the health care method.

(c) Since the National Institute of Medicine has reported that it can take up to 17 years for a new best practice to reach the average physician and surgeon, it is prudent to give attention to new developments not only in general medical care but in the actual treatment of specific diseases, particularly those that are not yet broadly recognized in California.

- AB2098 will punish doctors even if the patient benefits from the care. This is unreasonable when there are already laws in place to reprimand doctors for malpractice.
- AB2098 infringes on a doctor's right to make educated and individualized decisions about their patient's health and treatment, with the constant worrying that they will be subject to disciplinary action for thinking outside the box.
- This bill is The Semmelweis reflex, a reflex-like tendency to reject new evidence or new knowledge because it contradicts established norms, beliefs, or paradigms. This was coined from a Hungarian physician, who discovered in 1847 that handwashing between patients and surgery reduce infections and deaths. He was rejected and persecuted for this discovery.
- AB2098 allows the government to interfere in the doctor-patient relationship by regulating professionals who undergo extensive training and education that gives them the knowledge and ability to act in the best interest of their individual patients with differing needs and concerns.
 - For example, a physician may believe a particular patient's risk of experiencing myocarditis (heart inflammation) is not worth getting the COVID-19 vaccine. The provisions of this bill could result in such a physician being punished, even if the doctor is right.
- AB2098 will jeopardize development of medical practice in new areas that are not up-to-date or widely accepted in standards of care (e.g. Gender Identity Treatment and Care). Furthermore, your ability to get a second opinion from a doctor will be disrupted.