

WHEREAS,--Disfigurement-through-operations-has-occurred-with many-women-who-have-had-breast-cancer,-and

WHEREAS,-it-is-alleged-that--physicians--frequently--do--not communicate---to---women---with---breast--cancer--the--diagnosis, description,-and--purpose--of--the--treatment--proposed,-the probability--of--success--of--the--treatment,-the-risks-involved-in the-treatment,-feasible-alternative-treatments-available,-and-the possible-consequences-if-the-woman-refuses-the-treatment,-and

WHEREAS,-The-right-of-a-patient-to-grant-prior-consent-to--a medical-procedure-has-long-been-recognized-in-the-common-law,-and

WHEREAS,-The-most-important-element-of-valid-informed consent--to--any--medical--treatment--is-the-communication-by-the physician-of-adequate-information-to-enable-the-patient-to-make-a truly-voluntary-and-knowledgeable-decision,-and

WHEREAS,-Many-jurisdictions-have-codified--the--common--law right-to-informed-consent,-and

WHEREAS,-The--theoretical--legal--foundation--for-a-lack-of consent-suit-has-shifted-in-many-jurisdictions-from--the--earlier theory--of--battery--to--a--theory--predicated-on-the-physician's negligent--failure--to--comply--with--acceptable---standards---of practice,-if--the--physician's--failure--has--proximately-caused injury-to-the-patient,-and

WHEREAS,-The-most-accepted-standard-of-lack-of-consent-suits is-the-"reasonable-physician"-standard,-under--which--test,-the sufficiency--of--the--physician's--disclosure--is--determined--by comparing--it--with--the--scope-of-information-that-would-have-been disclosed--to--the--patient--under--similar--circumstances--by--a reasonable-physician,-and

WHEREAS,-Full--disclosure,-itery--provision--of--all-known information--regarding--the--treatment-proposed-and-alternatives, provides-the-best-defense-for--a--physician--against--a--lack--of informed-consent-claim,-and

WHEREAS,-Although-no-jurisdiction-has-adopted-a-standard-of full-disclosure,-rapid-medical-developments--and--sophisticated technology--have--created--a--situation--in--which-the-patient-is vulnerable-to--inappropriate--treatment--without--an--unambiguous communication-of-the-known-facts,-now,-therefore

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article - Health Occupations

14-504.

Subject to the hearing provisions of § 14-505 of this subtitle, the Commission, on the affirmative vote of a majority