

# HOUSE BILL REPORT

## EHB 1967

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### As Passed House:

March 8, 2007

**Title:** An act relating to the reporting of physician convictions for driving while under the influence to an approved substance abuse program.

**Brief Description:** Providing for the reporting of physician convictions for driving while under the influence to the medical quality assurance commission.

**Sponsors:** By Representatives Moeller, Skinner, Cody, Williams, Barlow, Rodne, Condotta and Campbell.

### Brief History:

#### Committee Activity:

Judiciary: 2/14/07, 2/21/07 [DP].

#### Floor Activity:

Passed House: 3/8/07, 96-0.

### Brief Summary of Engrossed Bill

- Requires prosecutors to notify the Washington State Patrol of persons convicted of DUI, and requires the WSP to transmit that information to the Department of Health to determine if the offender is a licensed physician
- Requires the Medical Quality Assurance Commission to assess whether a physician convicted of DUI should be referred to a treatment program for physicians.

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### HOUSE COMMITTEE ON JUDICIARY

**Majority Report:** Do pass. Signed by 11 members: Representatives Lantz, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Ahern, Flannigan, Kirby, Moeller, Pedersen, Ross and Williams.

**Staff:** Trudes Tango (786-7384).

### Background:

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

The responsibility of disciplining health care providers is divided between the Secretary of Health and various health profession boards and commissions (collectively known as "disciplining authorities") according to the profession that the provider is a member of and the relevant step in the disciplinary process.

The Medical Quality Assurance Commission (Commission) is responsible for disciplining physicians. The Commission may impose various sanctions on physicians who have committed unprofessional conduct or are unable to practice with reasonable skill and safety due to a physical or mental condition. A conviction of a gross misdemeanor or felony when the conviction is related to the practice of the person's profession, or the person's current misuse of alcohol or drugs can constitute unprofessional conduct.

The Commission contracts with certain entities to provide substance abuse programs for impaired physicians. In lieu of disciplinary action, the Commission may refer a physician who has committed unprofessional conduct to a voluntary substance abuse monitoring program if the Commission determines that the conduct may be the result of substance abuse. The program can include probationary conditions, treatment, and other requirements. The physician must agree to the referral and must satisfy all requirements of the program to avoid sanctions.

Last year, the Legislature enacted certain reporting requirements for licensed health care providers. One provision requires prosecuting attorneys to notify the Washington State Patrol (WSP) when a person is convicted of or pleads guilty to homicide, kidnapping, or a sex offense. The WSP transmits that information to the Department of Health (DOH), and the DOH identifies whether the offender is a health care provider licensed by one of the various boards or commissions. If the offender is a health care provider, the DOH must provide the conviction information to the disciplining authority that issued the credential.

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### **Summary of Engrossed Bill:**

Prosecuting attorneys must notify the WSP of persons who have been convicted of or plead guilty to driving under the influence of alcohol or drugs (DUI). The WSP must transmit that information to the DOH, which must identify whether the offender is a licensed physician. If the offender is a physician, the DOH must notify the Commission and the Commission must assess whether or not the physician should be referred to an impaired physician program.

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**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:**

(In support) This bill was brought by the Washington State Medical Association. The purpose of the physician program is to get to the physicians early and treat them before their alcohol use becomes a problem and their practice becomes unsafe. The treatment programs can last several years. Many physicians are brought to the program by family members. This bill allows courts to refer doctors to the program. This bill furthers ensuring quality practice and it compliments other disciplinary bills currently in play.

(Opposed) None.

**Persons Testifying:** Carl Nelson, Washington State Medical Association.

**Persons Signed In To Testify But Not Testifying:** None.