

SENATE BILL REPORT

HB 2432

As Reported by Senate Committee On:
Health Care, February 25, 2016

Title: An act relating to substance abuse monitoring for licensed veterinarians, osteopathic physicians and surgeons, and osteopathic physician assistants.

Brief Description: Concerning substance abuse monitoring for licensed veterinarians, osteopathic physicians and surgeons, and osteopathic physician assistants.

Sponsors: Representatives Riccelli, Harris, Cody, Caldier and Tarleton.

Brief History: Passed House: 2/12/16, 94-2.

Committee Activity: Health Care: 2/23/16, 2/25/16 [DP].

SENATE COMMITTEE ON HEALTH CARE

Majority Report: Do pass.

Signed by Senators Becker, Chair; Dammeier, Vice Chair; Cleveland, Ranking Minority Member; Angel, Bailey, Brown, Conway, Frockt, Jayapal, Keiser, Parlette and Rivers.

Staff: Kathleen Buchli (786-7488)

Background: A disciplining authority may refer a licensee to a substance abuse monitoring program in lieu of formal discipline if the disciplining authority determines that unprofessional conduct is the product of substance abuse. The licensee must consent to the referral. The referral may include probationary conditions. If the licensee does not consent to the referral or fails to meet the requirements of the program, the disciplining authority may take formal disciplinary action against the licensee.

The disciplining authorities for some health professions are directed by statute to enter into a contract with a voluntary substance abuse monitoring program. For example, the Veterinary Board of Governors must enter into a contract with an entity that may include any or all of the following:

- contracting with providers of treatment programs;
- receiving and evaluating reports of impairment;
- intervening where there is verified impairment;
- referring impaired veterinarians to treatment programs;
- monitoring the treatment and rehabilitation of impaired veterinarians; and

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- providing education, prevention of impairment, post-treatment monitoring, and support to impaired veterinarians.

The disciplining authorities for other health professions establish their programs through administrative rule. For example, the Board of Osteopathic Medicine and Surgery (Board) adopted a rule that requires the Board to enter into a contract with an approved substance abuse monitoring program. The Board rule imposes requirements on the program, including requiring the program to:

- have the qualifications and knowledge of both substance abuse and the practice of osteopathic medicine;
- maintain records on participants;
- make recommendations to the Board on whether an osteopathic practitioner should be prohibited from practicing and any restrictions on the practitioner's access to controlled substances; and
- report osteopathic practitioners who fail to comply with the program's requirements to the Board.

The costs of treatment are the responsibility of the participating licensee. The disciplining authorities for prescribers impose a surcharge on licensees to pay for staff at the monitoring program, who act as case managers and provide information to licensees on treatment options. The surcharge for veterinarians is \$10. The surcharge for osteopathic physicians and osteopathic physician assistants is \$25.

Summary of Bill: The requirement for the Board to contract with a substance abuse monitoring program is placed in statute. The Board must enter into a contract with an entity that may include any or all of the following:

- contracting with providers of treatment programs;
- receiving and evaluating reports of impairment;
- intervening where there is verified impairment;
- referring impaired osteopathic practitioners to treatment programs;
- monitoring the treatment and rehabilitation of impaired osteopathic practitioners; and
- providing education, prevention of impairment, post-treatment monitoring, and support to impaired osteopathic practitioners.

The surcharge placed on certain practitioners is increased as follows:

- For veterinarians, the surcharge is increased to \$25.
- For osteopathic physicians and osteopathic physician assistants, the surcharge is increased to \$50.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: The osteopathic practitioners and the veterinarians approached the prime sponsor and requested that the fee for the substance abuse monitoring program be increased. The programs need to have the resources necessary to help these practitioners. Funding increases will help to meet the need of the programs. The practitioners involved have agreed to the fee increase. The fees need to be increased because inflation has raised the costs of these programs and the increase will ensure the continued ability to provide services.

Persons Testifying: PRO: Rep. Riccelli, Prime Sponsor; Dr. Charles Meredith, Washington Physicians Health Program/Medical Director; Sheldon Cooper, Washington Physicians Health Program; Greg Hanon, Washington State Veterinary Medical Association.

Persons Signed In To Testify But Not Testifying: No one.