
Health Care & Wellness Committee

HB 2122

Brief Description: Concerning wellness programs for certain health care professionals.

Sponsors: Representatives Thai, Harris, Simmons, Reed and Wylie.

Brief Summary of Bill

- Exempts, under certain circumstances, physician wellness programs from the requirement of reporting a physician's or physician assistant's potential unprofessional conduct or inability to practice with reasonable skill and safety.
- Protects physician wellness program records from disclosure.

Hearing Date: 1/17/24

Staff: Jim Morishima (786-7191).

Background:

A holder of a health professional license is required to report to the appropriate disciplining authority conduct by another licensee that may constitute unprofessional conduct. The license holder is also required to report to the disciplining authority (or a voluntary substance use disorder monitoring program such as the Physicians Health Program) when another license holder is potentially unable to practice with reasonable skill and safety to consumers as a result of a mental or physical condition. Under rules adopted by the Department of Health, other persons and entities must make similar reports, including health care institutions, insurers, and employers.

Certain entities are exempt from the reporting requirement, including certain voluntary substance abuse monitoring programs, such as the Physicians Health Program, while the license holder is

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actively participating in the program. The exemption does not apply if the license holder's conduct constitutes a clear and present danger to the public health, safety, or welfare. Program records relating to the programs are generally confidential.

Summary of Bill:

Physician wellness programs are exempt from the requirement of reporting potential unprofessional conduct or inability to practice with reasonable skill and safety. This exemption does not apply if the program determines the participant is not competent to continue to practice or is a danger to themselves or to the health and welfare of the participant's patients or the public.

All physician wellness program records are confidential and exempt from public disclosure. The records are not subject to discovery by subpoena or admissible as evidence. Program records include case notes, progress notes, and correspondence.

A physician wellness program is defined as a program to address issues related to career fatigue and wellness in physicians, osteopathic physicians, and physician assistants established (or contracted for) by an employer of physicians and physician assistants, a nonprofit professional medical organization representing a specialty of physicians, or a statewide organization representing physicians and physician assistants. The program may not allow as a participant a person employed by, or with a financial interest in, the program. A physician wellness program does not include the monitoring of physicians who may be unable to practice medicine with reasonable skill and safety by reason of a health condition.

Appropriation: None.

Fiscal Note: Not requested.

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