

FINAL BILL REPORT

ESHB 2071

C 215 L 91
Synopsis As Enacted

Brief Description: Giving the governor the authority to appoint the medical disciplinary board.

By House Committee on Health Care (originally sponsored by Representatives Moyer, Prentice, Day and Braddock).

House Committee on Health Care
Senate Committee on Health & Long-Term Care

Background: The state Medical Disciplinary Board consists of three non-physician members appointed by the governor to represent the public and eight physician members representing each of the eight state congressional districts elected by physicians in the respective districts. The physician members from odd-numbered districts are elected in odd-numbered years and the physician members in even-numbered districts are elected in even-numbered years.

The public members of the board serve four-year terms, and the physician members serve two-year terms.

No member of the board currently represents physician assistants who are licensed and regulated by the board.

The board has authority to identify physicians and physician assistants who are impaired by alcohol or drugs. The board receives and evaluates reports of suspected impairment, intervenes in verified cases, and refers impaired physicians and physician assistants to treatment. The board cannot obtain access to the driving records of a physician or physician assistant to assist in the identification of impaired practitioners because these records are confidential.

The Uniform Disciplinary Act provides standardized procedures and sanctions for specified acts of unprofessional conduct for health practitioners regulated by the state. Current law, however, does not specify as unprofessional conduct the acceptance by health professionals of gratuities offered by representatives of manufacturers of medical products and services, such as pharmaceuticals, where a conflict of interest is presented.

Summary: The governor is directed to appoint the members of the state Medical Disciplinary Board. The physician members are appointed to represent the state congressional districts, respectively. Current terms of the board are not affected. The governor must consider recommendations for board appointments from professional medical associations in the state and must appoint members to fill vacancies promptly.

All members serve four-year terms, although the governor may stagger the initial terms of appointment.

The membership of the board is expanded to include an additional member representing the public, and a physician assistant who may vote only on disciplinary matters relating to physician assistants.

The board is authorized to obtain a copy of a driving record of a physician or physician assistant from the state Department of Licensing for assisting in the identification of practitioners who are impaired by alcohol and drug abuse.

The acceptance of more than a nominal gratuity, hospitality or subsidy by a health practitioner offered by a representative or vendor of a manufacturer of medical products or services, that presents a conflict of interest, constitutes unprofessional conduct. The health professional disciplinary authorities, in consultation with the Department of Health, are directed to define by rule circumstances creating a conflict of interest, based on recognized professional ethical standards.

Votes on Final Passage:

House	97	0	
Senate	45	1	(Senate amended)
House			(House refused to concur)

Conference Committee

Senate	35	4
House	98	0

Effective: July 28, 1991