

SENATE BILL REPORT

ESHB 2071

AS REPORTED BY COMMITTEE ON HEALTH & LONG-TERM CARE,  
APRIL 4, 1991

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

**SPONSORS:** 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**

**Majority Report:** Do pass as amended.

Signed by Senators West, Chairman; L. Smith, Vice Chairman; Amondson, Johnson, L. Kreidler, Niemi, and Wojahn.

**Staff:** Scott Plack (786-7409)

**Hearing Dates:** April 3, 1991; April 4, 1991

**BACKGROUND:**

Currently the State Medical Disciplinary Board consists of three non-physician public members appointed by the Governor and eight physician members elected by physicians from the eight state congressional districts. The physician members from odd-numbered congressional districts are elected in odd-numbered years and the physician members in even-numbered congressional 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.

There is presently no member on the board representing 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. Under the program, the board receives and evaluates reports of suspected impairment, intervenes in verified cases, and refers impaired physicians and physician assistants to treatment. Presently, however, 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 the health practitioners regulated by the state. Current law does not specify as unprofessional conduct the acceptance by

physicians and other 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 to appoint the members of the State Medical Disciplinary Board. The physician members are to be appointed from the state congressional districts. Current terms of the board are not affected however. The Governor is required to consider recommendations for board appointments from professional medical associations in the state and to promptly appoint members to fill vacancies.

The membership of the board is increased to include an additional member representing the public, and a nonvoting member who is a physician assistant.

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 by a credentialed health care practitioner of more than a nominal gratuity, hospitality or subsidy from a representative or vendor of a manufacturer of medical products or services intended for subsequent sale or use in published research, and when a conflict of interest is present, constitutes unprofessional conduct. The health professional disciplinary authorities, in consultation with the Department of Health, are directed to define by rule conflicts of interest based on recognized professional ethical standards.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** none requested

**SUMMARY OF PROPOSED SENATE AMENDMENT:**

The current law concerning the election of physicians to the Medical Disciplinary Board is restored. The physician assistant member of the board may vote on matters related to the discipline of physician assistants.

**TESTIMONY FOR:**

The appointment of physicians to serve on the Medical Disciplinary Board by the Governor will increase confidence among the public. The ability to secure driver records will help the board identify impaired physicians and direct them into treatment. The amendment to the Uniform Disciplinary Act will help curb abuses among providers who accept gratuities from drug manufacturers in exchange for prescribing certain brands of drugs.

**TESTIMONY AGAINST:** None

**TESTIFIED:** PRO: Robert Kimmel, M.D., NCLA, AMC-Professional League; William Tooker, NCLA; Led Eddinger, Washington State Medical Association; Symma L. Winston, M.A., Alternative Health Care; Al Schaefer, Bioconsultants; Lois Danell; Donald Starr; Jeff Larsen, Washington Academy of Physician Assistants; Henry Stoll, Washington Academy of Physician Assistants; Marilyn Ward