

2 **SHB 1618** - S COMM AMD

3 By Committee on Health & Long-Term Care

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5 Strike everything after the enacting clause and insert the
6 following:

7 **"Sec. 1.** RCW 18.71.0195 and 1994 sp.s. c 9 s 328 are each amended
8 to read as follows:

9 (1) The contents of any report file under RCW 18.130.070 shall be
10 confidential and exempt from public disclosure pursuant to chapter
11 42.17 RCW, except that it may be reviewed (a) by the licensee involved
12 or his or her counsel or authorized representative who may submit any
13 additional exculpatory or explanatory statements or other information,
14 which statements or other information shall be included in the file, or
15 (b) by a representative of the commission, or investigator thereof, who
16 has been assigned to review the activities of a licensed physician.

17 Upon a determination that a report is without merit, the
18 commission's records may be purged of information relating to the
19 report.

20 (2) Every individual, medical association, medical society,
21 hospital, medical service bureau, health insurance carrier or agent,
22 professional liability insurance carrier, professional standards review
23 organization, ~~((and))~~ agency of the federal, state, or local government
24 ~~((shall be)),~~ or the entity established by RCW 18.71.300 and its
25 officers, agents, and employees are immune from civil liability,
26 whether direct or derivative, for providing information to the
27 commission under RCW 18.130.070, or for which an individual health care
28 provider has immunity under the provisions of RCW 4.24.240, 4.24.250,
29 or 4.24.260.

30 **Sec. 2.** RCW 18.71.300 and 1994 sp.s. c 9 s 329 are each amended to
31 read as follows:

32 ~~((Unless the context clearly requires otherwise,))~~ The definitions
33 in this section apply throughout RCW 18.71.310 through 18.71.340 unless
34 the context clearly requires otherwise.

1 (1) (~~"Committee"~~) "Entity" means a nonprofit corporation formed
2 by physicians who have expertise in the areas of (~~alcoholism~~) alcohol
3 abuse, drug abuse, (~~or~~) alcoholism, other drug addictions, and mental
4 illness and who broadly represent the physicians of the state and that
5 has been designated to perform any or all of the activities set forth
6 in RCW 18.71.310(1) (~~pursuant to rules adopted~~) by the commission
7 (~~under chapter 34.05 RCW~~).

8 (2) "Impaired" or "impairment" means the (~~presence of the diseases~~
9 ~~of alcoholism, drug abuse, mental illness~~) inability to practice
10 medicine with reasonable skill and safety by reason of physical or
11 mental illness including alcohol abuse, drug abuse, alcoholism, other
12 drug addictions, or other debilitating conditions.

13 (3) "Impaired physician program" means the program for the
14 prevention, detection, intervention, (~~and~~) monitoring, and treatment
15 of impaired physicians established by the commission pursuant to RCW
16 18.71.310(1).

17 (4) "Physician" means a person licensed under this chapter, chapter
18 18.71A RCW, or a professional licensed under another chapter of Title
19 18 RCW whose disciplinary authority has a contract with the entity for
20 a program for its license holders.

21 (5) "Treatment program" means a plan of care and rehabilitation
22 services provided by those organizations or persons authorized to
23 provide such services to be approved by the commission or entity for
24 impaired physicians taking part in the impaired physician program
25 created by RCW 18.71.310.

26 **Sec. 3.** RCW 18.71.310 and 1994 sp.s. c 9 s 330 are each amended to
27 read as follows:

28 (1) The commission shall enter into a contract with the
29 (~~committee~~) entity to implement an impaired physician program. The
30 impaired physician program may include any or all of the following:

31 (a) (~~Contracting~~) Entering into contractual or other
32 relationships supportive of the impaired physician program with
33 (~~providers of~~) professionals who provide either evaluation or
34 treatment (~~programs~~) services, or both;

35 (b) Receiving and (~~evaluating~~) assessing reports of suspected
36 impairment from any source;

37 (c) Intervening in cases of (~~verified~~) actual impairment, or in
38 cases where there is reasonable cause to suspect impairment;

1 (d) Referring suspected or actual impaired physicians ~~((to))~~ for
2 evaluation or treatment ~~((programs))~~;

3 (e) Monitoring the treatment and rehabilitation of impaired
4 physicians including those ordered by the commission;

5 (f) Providing ~~((post-treatment))~~ monitoring and continuing
6 treatment and rehabilitative support of ~~((rehabilitative-impaired))~~
7 physicians;

8 (g) Performing such other activities as agreed upon by the
9 commission and the ~~((committee))~~ entity; and

10 (h) Providing prevention and education services.

11 (2) A contract entered into under subsection (1) of this section
12 shall be financed by a surcharge of ~~((up to))~~ twenty-five dollars per
13 year on each license renewal or issuance of a new license to be
14 collected by the department of health from every physician and
15 ~~((surgeon))~~ physician assistant licensed under this chapter in addition
16 to other license fees and the medical discipline assessment fee
17 established under RCW ~~((18.72.380))~~ 18.71.400. These moneys shall be
18 placed in the health professions account to be used solely for the
19 implementation of the impaired physician program.

20 **Sec. 4.** RCW 18.71.320 and 1994 sp.s. c 9 s 331 are each amended to
21 read as follows:

22 The ~~((committee))~~ entity shall develop procedures in consultation
23 with the commission for:

24 (1) Periodic reporting of statistical information regarding
25 impaired physician activity;

26 (2) Periodic disclosure and joint review of such information as the
27 commission may deem appropriate regarding reports received, contacts or
28 investigations made, and the disposition of each report~~((:—PROVIDED,~~
29 ~~That))~~. However, the ~~((committee))~~ entity shall not disclose any
30 personally identifiable information except as provided in subsections
31 (3) and (4) of this section;

32 (3) Immediate reporting to the commission of the name and results
33 of any contact or investigation regarding any suspected or actual
34 impaired physician who is reasonably believed to constitute an imminent
35 danger to himself or herself or to the public;

36 (4) Reporting to the commission, in a timely fashion, any suspected
37 or actual impaired physician who ~~((refuses))~~ fails to cooperate with
38 the ~~((committee, refuses))~~ entity, fails to submit to evaluation or

1 treatment, or whose impairment is not substantially alleviated through
2 treatment, ~~((and)) or~~ who, in the opinion of the ~~((committee))~~ entity,
3 is unable to practice medicine with reasonable skill and safety(~~(-~~
4 ~~However, impairment, in and of itself, shall not give rise to a~~
5 ~~presumption of the inability to practice medicine with reasonable skill~~
6 ~~and safety))~~);

7 (5) Informing each participant of the impaired physician program of
8 the program procedures, the responsibilities of program participants,
9 and the possible consequences of noncompliance with the program.

10 **Sec. 5.** RCW 18.71.330 and 1994 sp.s. c 9 s 332 are each amended to
11 read as follows:

12 If the commission has reasonable cause to believe that a physician
13 is impaired, the commission shall cause an evaluation of such physician
14 to be conducted by the ~~((committee))~~ entity or the ~~((committee's))~~
15 entity's designee or the commission's designee for the purpose of
16 determining if there is an impairment. The ~~((committee))~~ entity or
17 appropriate designee shall report the findings of its evaluation to the
18 commission.

19 **Sec. 6.** RCW 18.71.340 and 1987 c 416 s 6 are each amended to read
20 as follows:

21 All ~~((committee))~~ entity records are not subject to disclosure
22 pursuant to chapter 42.17 RCW.

23 NEW SECTION. **Sec. 7.** A new section is added to chapter 18.71 RCW
24 to read as follows:

25 The secretary, members of the commission, an impaired practitioner
26 program approved by the commission, or individuals acting on their
27 behalf are immune from suit in any civil action based on any
28 disciplinary proceedings or other official acts performed in the course
29 of their duties."

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33 On page 1, line 1 of the title, after "physicians;" strike the
34 remainder of the title and insert "amending RCW 18.71.0195, 18.71.300,

1 18.71.310, 18.71.320, 18.71.330, and 18.71.340; and adding a new
2 section to chapter 18.71 RCW."

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