

# HOUSE BILL REPORT

## 2SHB 1618

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### As Passed Legislature

**Title:** An act relating to treatment programs for impaired physicians.

**Brief Description:** Modifying certain aspects of programs that treat impaired physicians.

**Sponsors:** By House Committee on Health Care (originally sponsored by Representatives Skinner, Dyer, Conway, Zellinsky, Cody, Backlund, Parlette and Clements).

**Brief History:**

**Committee Activity:**

Health Care: 1/22/98 [DP2S];

Appropriations: 2/2/98, 2/5/98 [DPS(HC)].

**Floor Activity:**

Passed House: 2/12/98, 94-2.

Senate Amended.

House Concurred.

Passed Legislature.

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### HOUSE COMMITTEE ON HEALTH CARE

**Majority Report:** The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by 8 members: Representatives Dyer, Chairman; Backlund, Vice Chairman; Skinner, Vice Chairman; Cody, Ranking Minority Member; Anderson; Conway; Wood and Zellinsky.

**Minority Report:** Do not pass. Signed by 1 member: Representative Sherstad.

**Staff:** John Welsh (786-7133).

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### HOUSE COMMITTEE ON APPROPRIATIONS

**Majority Report:** The substitute bill by Committee on Health Care be substituted therefor and the substitute bill do pass. Signed by 28 members: Representatives Huff, Chairman; Alexander, Vice Chairman; Clements, Vice Chairman; H. Sommers, Ranking Minority Member; Doumit, Assistant Ranking Minority Member; Gombosky, Assistant Ranking Minority Member; Benson; Carlson; Chopp; Cody; Cooke; Crouse; Grant; Keiser; Kenney; Kessler; Lambert; Linville; Mastin; McMorris; Parlette; Poulsen; Regala; D. Schmidt; Sehlin; Sheahan; Talcott and Tokuda.

**Staff:** Deborah Frazier (786-7152).

**Background:** The Impaired Physician Program is a program under contract with the Medical Quality Assurance Commission for the treatment of physicians impaired as a result of alcoholism, drug abuse, mental illness, or other debilitating conditions. This program also includes by contract the participation of osteopathic physicians, podiatrists, and veterinarians.

This program involves physicians and other impaired health practitioners who volunteer, or have been required, to participate in treatment by their respective disciplinary authorities as a condition for deferring sanctions imposed under the Uniform Disciplinary Act. A committee of physicians contracting with the program provides intervention, monitoring of the treatment and rehabilitation, prevention, and education services for impaired physicians.

A physician must be verified as impaired prior to intervention by the commission.

The Impaired Physician Program is funded by a \$25 annual surcharge on physician licenses which is deposited in the Health Professions Account for use solely for the program. But there is no such surcharge on the licenses of physician assistants or osteopathic physician assistants.

There is no immunity from civil liability provided for the Impaired Physician Program or similar programs serving other practitioners.

There is a declaration that impairment by itself does not give rise to a presumption of unskilled or unsafe practice.

**Summary of Second Substitute Bill:** There is a legislative finding that funds generated by surcharges on physician license fees are not being fully spent on the Impaired Physician Program.

The Impaired Physician Program is changed in several respects.

The entity established to administer the Impaired Physician Program is immune from civil liability. Similar voluntary substance abuse monitoring programs or impaired practitioner programs established by the other professional disciplinary authorities are also immune from civil liability.

The entity is defined as a nonprofit corporation formed by physicians with expertise in alcohol and drug abuse who contract with the Medical Quality Assurance Commission to evaluate, treat and monitor impaired physicians unable to practice medicine with reasonable skill and safety. The commission can intervene in cases of verified impairment, or when there is reasonable cause to suspect impairment.

Other regulated health professions may contract with the Medical Quality Assurance Commission for providing services to other impaired health practitioners.

There is an Impaired Physician account created in the custody of the State Treasurer. The \$25 surcharge on physician license fees for funding the program is extended to physician assistant licenses, as well as osteopathic physician assistant licenses. Funds deposited in the account may only be used for the Impaired Physician Program. Only the Secretary of Health may authorize expenditures from this account.

The declaration that impairment does not give rise to a presumption of unskilled or unsafe practice is repealed.

The disciplining authorities of the other regulated professions may adopt rules requiring impaired practitioner programs or voluntary substance abuse monitoring programs to report impaired practitioners. The cost of treatment is borne by the practitioner when treated by approved treatment programs or other providers approved by the entity or the commission.

There is a declaration encouraging the courts to impose sanctions on clients and attorneys making allegations in bad faith and without reasonably objective and substantive grounds.

Changes in terminology of a technical nature are made.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Testimony For:** (Health Care) The Impaired Physician Program is strengthened in several ways. Its funding is assured with a discrete account in the state treasury. Immunity from liability is provided for the program. The program is able to reach physicians who are suspected of impairment. Current terminology is updated.

(Appropriations) The Impaired Physician Program is strengthened in several ways. Its funding is assured with a discrete account in the state treasury. Immunity from liability is provided for the program. The program is able to reach physicians who are suspected of impairment. Current terminology is updated.

**Testimony Against:** (Health Care) None.

(Appropriations) None.

**Testified:** (Health Care) Carl Nelson, Washington State Medical Association (pro); Dr. Lynn Hankes, WPHP (pro); Jeff Larsen, Washington Academy of Physician Assistants and Washington Osteopathic Medical Association (pro); and Ron Weaver, Department of Health (pro).

(Appropriations) Carl Nelson, Washington State Medical Association; and Jeff Larsen, Washington Academy of Physician Assistants and Washington Osteopathic Medical Association.