
SUBSTITUTE HOUSE BILL 1618

State of Washington

55th Legislature

1997 Regular Session

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

Read first time 02/25/97.

1 AN ACT Relating to treatment programs for impaired physicians;
2 amending RCW 18.71.0195, 18.71.300, 18.71.310, 18.71.320, 18.71.330,
3 and 18.71.340; and adding a new section to chapter 18.71 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

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

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

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

18 (2) Every individual, medical association, medical society,
19 hospital, medical service bureau, health insurance carrier or agent,

1 professional liability insurance carrier, professional standards review
2 organization, (~~and~~) agency of the federal, state, or local government
3 (~~shall be~~), or the entity established by RCW 18.71.300 and its
4 officers, agents, and employees are immune from civil liability,
5 whether direct or derivative, for providing information to the
6 commission under RCW 18.130.070, or for which an individual health care
7 provider has immunity under the provisions of RCW 4.24.240, 4.24.250,
8 or 4.24.260.

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

11 (~~Unless the context clearly requires otherwise,~~) The definitions
12 in this section apply throughout RCW 18.71.310 through 18.71.340 unless
13 the context clearly requires otherwise.

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

21 (2) "Impaired" or "impairment" means the (~~presence of the diseases~~
22 ~~of alcoholism, drug abuse, mental illness~~) inability to practice
23 medicine with reasonable skill and safety by reason of physical or
24 mental illness including alcohol abuse, drug abuse, alcoholism, other
25 drug addictions, or other debilitating conditions.

26 (3) "Impaired physician program" means the program for the
27 prevention, detection, intervention, (~~and~~) monitoring, and treatment
28 of impaired physicians established by the commission pursuant to RCW
29 18.71.310(1).

30 (4) "Physician" means a person licensed under this chapter, chapter
31 18.71A RCW, or a professional licensed under another chapter of Title
32 18 RCW whose disciplinary authority has a contract with the entity for
33 a program for its license holders.

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

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

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

6 (a) ~~((Contracting))~~ Entering into contractual or other
7 relationships supportive of the impaired physician program with
8 ~~((providers—of))~~ professionals who provide either evaluation or
9 treatment ~~((programs))~~ services, or both;

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

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

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

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

18 (f) Providing ~~((post-treatment))~~ monitoring and continuing
19 treatment and rehabilitative support of ~~((rehabilitative-impaired))~~
20 physicians;

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

23 (h) Providing prevention and education services.

24 (2) A contract entered into under subsection (1) of this section
25 shall be financed by a surcharge of ~~((up to))~~ twenty-five dollars per
26 year on each license renewal or issuance of a new license to be
27 collected by the department of health from every physician and
28 ~~((surgeon))~~ physician assistant licensed under this chapter in addition
29 to other license fees and the medical discipline assessment fee
30 established under RCW ~~((18.72.380))~~ 18.71.400. These moneys shall be
31 placed in the health professions account to be used solely for the
32 implementation of the impaired physician program.

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

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

37 (1) Periodic reporting of statistical information regarding
38 impaired physician activity;

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

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

11 (4) Reporting to the commission, in a timely fashion, any suspected
12 or actual impaired physician who ~~((refuses))~~ fails to cooperate with
13 the ~~((committee, refuses))~~ entity, fails to submit to evaluation or
14 treatment, or whose impairment is not substantially alleviated through
15 treatment, ~~((and))~~ or who, in the opinion of the ~~((committee))~~ entity,
16 is unable to practice medicine with reasonable skill and safety(~~(-~~
17 ~~However, impairment, in and of itself, shall not give rise to a~~
18 ~~presumption of the inability to practice medicine with reasonable skill~~
19 ~~and safety))~~);

20 (5) Informing each participant of the impaired physician program of
21 the program procedures, the responsibilities of program participants,
22 and the possible consequences of noncompliance with the program.

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

25 If the commission has reasonable cause to believe that a physician
26 is impaired, the commission shall cause an evaluation of such physician
27 to be conducted by the ~~((committee))~~ entity or the ~~((committee's))~~
28 entity's designee or the commission's designee for the purpose of
29 determining if there is an impairment. The ~~((committee))~~ entity or
30 appropriate designee shall report the findings of its evaluation to the
31 commission.

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

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

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

3 The secretary, members of the commission, an impaired practitioner
4 program approved by the commission, or individuals acting on their
5 behalf are immune from suit in any action, civil or criminal, based on
6 any disciplinary proceedings or other official acts performed in the
7 course of their duties.

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