

SENATE BILL REPORT

EHB 1967

As Reported By Senate Committee On:
Judiciary, March 30, 2007

Title: An act relating to the reporting of physician convictions for driving while under the influence to an approved substance abuse program.

Brief Description: Providing for the reporting of physician convictions for driving while under the influence to the medical quality assurance commission.

Sponsors: Representatives Moeller, Skinner, Cody, Williams, Barlow, Rodne, Condotta and Campbell.

Brief History: Passed House: 3/08/07, 96-0.

Committee Activity: Judiciary: 3/20/07, 3/30/07 [DP].

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass.

Signed by Senators Kline, Chair; McCaslin, Ranking Minority Member; Carrell, Murray, Roach and Weinstein.

Staff: Lidia Mori (786-7755)

Background: The Medical Quality Assurance Commission (Commission) is responsible for disciplining physicians. The Commission may impose various sanctions on physicians who have committed unprofessional conduct or are unable to practice with reasonable skill and safety due to a physical or mental condition. A conviction of a gross misdemeanor or felony when the conviction is related to the practice of the person's profession, or the person's current misuse of alcohol or drugs can constitute unprofessional conduct.

The Commission contracts with certain entities to provide substance abuse programs for impaired physicians. In lieu of disciplinary action, the Commission may refer a physician who has committed unprofessional conduct to a voluntary substance abuse monitoring program if the Commission determines that the conduct may be the result of substance abuse. The program can include probationary conditions, treatment, and other requirements. The physician must agree to the referral and must satisfy all requirements of the program to avoid sanctions.

Last year, the Legislature enacted certain reporting requirements for licensed health care providers. One provision requires prosecuting attorneys to notify the Washington State Patrol (WSP) when a person is convicted of or pleads guilty to homicide, kidnapping, or a sex

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

offense. The WSP transmits that information to the Department of Health (DOH), and the DOH identifies whether the offender is a health care provider licensed by one of the various boards or commissions. If the offender is a health care provider, the DOH must provide the conviction information to the disciplining authority that issued the credential.

Summary of Engrossed Bill: Prosecuting attorneys must notify the WSP of persons who have been convicted of or plead guilty to driving under the influence of alcohol or drugs (DUI). The WSP must transmit that information to the DOH, which must identify whether the offender is a licensed physician. If the offender is a physician, the DOH must notify the Commission and the Commission must assess whether or not the physician should be referred to an impaired physician program.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: Washington has an excellent impaired physician program. The genesis of this bill is to interrupt the addiction cycle early and get impaired physicians into treatment so that lives and resources can be saved. Ten percent of the physician population has problems with alcohol or drugs, just like the general population. Substance abuse is a quality of care issue.

OTHER: Prosecutors do communicate all convictions to the WSP now. This information should continue being routed to the WSP so they can run a cross check.

Persons Testifying: PRO: Representative Moeller; Carl Nelson, Washington State Medical Association.

OTHER: Tom McBride, citizen.