

# FINAL BILL REPORT

## HB 2432

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Synopsis as Enacted

**Brief Description:** Concerning substance abuse monitoring for licensed veterinarians, osteopathic physicians and surgeons, and osteopathic physician assistants.

**Sponsors:** Representatives Riccelli, Harris, Cody, Caldier and Tarleton.

**House Committee on Health Care & Wellness**  
**House Committee on Appropriations**  
**Senate Committee on Health Care**

### **Background:**

A disciplining authority may refer a licensee to a substance abuse monitoring program in lieu of formal discipline if the disciplining authority determines that unprofessional conduct is the product of substance abuse. The licensee must consent to the referral. The referral may include probationary conditions. If the licensee does not consent to the referral or fails to meet the requirements of the program, the disciplining authority may take formal disciplinary action against the licensee.

The disciplining authorities for some health professions are directed by statute to enter into a contract with a voluntary substance abuse monitoring program. For example, the Veterinary Board of Governors must enter into a contract with an entity that may include any or all of the following:

- contracting with providers of treatment programs;
- receiving and evaluating reports of impairment;
- intervening where there is verified impairment;
- referring impaired veterinarians to treatment programs;
- monitoring the treatment and rehabilitation of impaired veterinarians; and
- providing education, prevention of impairment, post-treatment monitoring, and support to impaired veterinarians.

The disciplining authorities for other health professions establish their programs through administrative rule. For example, the Board of Osteopathic Medicine and Surgery (BOMS) adopted a rule that requires the BOMS to enter into a contract with an approved substance abuse monitoring program. The BOMS rule imposes requirements on the program, including requiring the program to:

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- have the qualifications and knowledge of both substance abuse and the practice of osteopathic medicine;
- maintain records on participants;
- make recommendations to the BOMS on whether an osteopathic practitioner should be prohibited from practicing and any restrictions on the practitioner's access to controlled substances; and
- report osteopathic practitioners who fail to comply with the program's requirements to the BOMS.

The costs of treatment are the responsibility of the participating licensee. The disciplining authorities for prescribers impose a surcharge on licensees to pay for staff at the monitoring program, who act as case managers and provide information to licensees on treatment options. The surcharge for veterinarians is \$10. The surcharge for osteopathic physicians and osteopathic physician assistants is \$25.

**Summary:**

The requirement for the BOMS to contract with a substance abuse monitoring program is placed in statute. The BOMS must enter into a contract with an entity that may include any or all of the following:

- contracting with providers of treatment programs;
- receiving and evaluating reports of impairment;
- intervening where there is verified impairment;
- referring impaired osteopathic practitioners to treatment programs;
- monitoring the treatment and rehabilitation of impaired osteopathic practitioners; and
- providing education, prevention of impairment, post-treatment monitoring, and support to impaired osteopathic practitioners.

The surcharge imposed on certain practitioners is increased as follows:

- For veterinarians, the surcharge is increased to \$25.
- For osteopathic physicians and osteopathic physician assistants, the surcharge is increased to \$50.

**Votes on Final Passage:**

House	94	2
Senate	46	2

**Effective:** June 9, 2016