

# HOUSE BILL REPORT

## HB 2432

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### As Passed Legislature

**Title:** An act relating to substance abuse monitoring for licensed veterinarians, osteopathic physicians and surgeons, and osteopathic physician assistants.

**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.

#### **Brief History:**

##### **Committee Activity:**

Health Care & Wellness: 1/22/16, 1/29/16 [DP];

Appropriations: 2/8/16, 2/9/16 [DP].

##### **Floor Activity:**

Passed House: 2/12/16, 94-2.

Passed Senate: 3/2/16, 46-2.

Passed Legislature.

#### **Brief Summary of Bill**

- Increases the impaired practitioner surcharge for osteopathic physicians, osteopathic physician assistants, and veterinarians.

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### HOUSE COMMITTEE ON HEALTH CARE & WELLNESS

**Majority Report:** Do pass. Signed by 10 members: Representatives Cody, Chair; Schmick, Ranking Minority Member; Caldier, Clibborn, Jinkins, Johnson, Moeller, Robinson, Tharinger and Van De Wege.

**Minority Report:** Do not pass. Signed by 2 members: Representatives DeBolt and Short.

**Staff:** Jim Morishima (786-7191).

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### HOUSE COMMITTEE ON APPROPRIATIONS

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**Majority Report:** Do pass. Signed by 31 members: Representatives Dunshee, Chair; Ormsby, Vice Chair; Chandler, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys, Cody, Condotta, Dent, Fitzgibbon, Haler, Hansen, Harris, Hudgins, S. Hunt, Jinkins, Kagi, Lytton, MacEwen, Magendanz, Pettigrew, Robinson, Sawyer, Schmick, Senn, Springer, Stokesbary, Sullivan, Tharinger, Van Werven and Walkinshaw.

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

**Staff:** Linda Merelle (786-7092).

**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:

- 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 of Bill:**

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 placed 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.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony (Health Care & Wellness):**

(In support) The substance abuse monitoring program is a public safety program that protects patients and providers. No one is immune to substance abuse and mental health issues and this program helps providers get the treatment they need on a confidential basis. The types of services provided by the program have increased over the years per the request of the affected professions. The professions help fund this important program through fees, which have remained flat for 20 years. Costs have also increased because of inflation. Increasing the fee will help the program continue to provide high quality services in Washington. The affected providers have agreed to this fee increase.

(Opposed) None.

**Staff Summary of Public Testimony (Appropriations):**

(In support) The osteopath practitioners and veterinarians, who are the subjects of this bill, were due for a surcharge increase, and they have agreed to an increase.

(Opposed) None.

**Persons Testifying** (Health Care & Wellness): Representative Riccelli, prime sponsor; David Knutson, Washington Osteopathic Medical Association; and Sheldon Cooper and Charles Meredith, Washington Physicians Health Program.

**Persons Testifying** (Appropriations): Greg Hanon, Washington State Veterinary Medical Association; and Susie Tracy, Washington Physicians Health Program.

**Persons Signed In To Testify But Not Testifying** (Health Care & Wellness): None.

**Persons Signed In To Testify But Not Testifying** (Appropriations): None.