

# HOUSE BILL REPORT

## HB 1198

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### As Passed Legislature

**Title:** An act relating to substance abuse monitoring for podiatric physicians and surgeons.

**Brief Description:** Concerning substance abuse monitoring for podiatric physicians and surgeons.

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

#### **Brief History:**

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

Health Care & Wellness: 1/17/17, 1/25/17 [DP].

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

Passed House: 2/9/17, 92-6.

Passed Senate: 4/6/17, 47-2.

Passed Legislature.

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

- Increases the impaired practitioner surcharge for podiatric physicians and surgeons from \$25 to \$50.

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### HOUSE COMMITTEE ON HEALTH CARE & WELLNESS

**Majority Report:** Do pass. Signed by 17 members: Representatives Cody, Chair; Macri, Vice Chair; Schmick, Ranking Minority Member; Graves, Assistant Ranking Minority Member; Caldier, Clibborn, DeBolt, Harris, Jinkins, MacEwen, Riccelli, Robinson, Rodne, Short, Slatter, Stonier and Tharinger.

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

#### **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

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meet the requirements of the program, the disciplining authority may take formal disciplinary action against the licensee.

The Podiatric Medical Board (PMB) contracts with a substance abuse monitoring program to help oversee a podiatric physician and surgeon's compliance with program requirements.

Rules adopted by the PMB require the program to:

- maintain records on program participants;
- be responsible for providing feedback to a participant as to whether treatment progress is acceptable;
- report to the PMB any participant who fails to comply with requirements of the program;
- provide the PMB with statistical reports and financial statements; and
- be able to evaluate drug screening laboratories, lab results, substance abuse treatment providers, support groups, participants' work environments, and the ability of podiatric physicians and surgeons to practice with reasonable skill and safety.

The program may provide evaluations or treatment to participants. The program may also evaluate and recommend whether a podiatric physician and surgeon should be prohibited from practice for a period of time and any restrictions on the podiatric physician and surgeon's access to controlled substances.

The costs of treatment are borne by the participating podiatric physician and surgeon. The PMB imposes a \$25 surcharge on licensees to pay for staff at the monitoring program, who act as case managers and provide information to licensees on treatment options.

### **Summary of Bill:**

The requirement for the PMB to contract with a substance abuse monitoring program is placed in statute. The PMB 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 when there is verified impairment;
- referring impaired podiatric physicians and surgeons to treatment programs;
- monitoring the treatment and rehabilitation of impaired podiatric physicians and surgeons; and
- providing education, prevention of impairment, post-treatment monitoring, and support to impaired podiatric physicians and surgeons.

The surcharge imposed by the PMB for the program is increased from \$25 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:**

(In support) For 30 years, the Washington Physicians Health Program (WPHP) has been increasing public health by supporting physician health; it is one of the oldest and most respected programs in the country. The WPHP provides confidential referral and monitoring services for providers suffering from any medical impairment. Most of the providers self-refer into the program and over half are in the program for substance abuse issues. The WPHP provides the same services regardless of the surcharge level, which pays about two-thirds of the costs of the program. The program, however, is not insulated from inflation and rising costs. The WPHP works with individual professions to increase the surcharge in a way that works for them. The podiatric physicians are following suit with the other professions to voluntarily raise the surcharge. This bill will preserve the WPHP's ability to provide high quality services to the providers of Washington.

(Opposed) None.

**Persons Testifying:** Representative Harris, prime sponsor; Sheldon Cooper, Washington Physicians Health Program; and Christopher Bundy and Melanie Stewart, Washington Podiatric Medical Association.

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