

REVENUE: No revenue impact

FISCAL: Fiscal statement issued

Action:	Do Pass the A-Engrossed Measure
Vote:	5 - 0 - 0
Yeas:	Bates, Kruse, Morse, Shields, Monnes Anderson
Nays:	0
Exc.:	0
Prepared By:	Sandy Thiele-Cirka, Administrator
Meeting Dates:	2/15

WHAT THE MEASURE DOES: Eliminates monitoring entity from impaired health professional program. Requires program to report professional's participation in program and noncompliance with program directly to professional's licensing board if professional is referred to program by board. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Recent court decision
- Ineffectiveness of monitoring entity
- Effort to streamline process
- Previous licensee self-referral process
- Public safety issue if self-referred professional does not report to board dropping out of program
- Ramifications relating to federal regulations and confidentiality

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: In 2009, the Legislative Assembly enacted House Bill 2345 which removed impaired professional programs from specific boards and directed Department of Human Services (DHS) to establish, or contract to establish, an impaired health professional program. The measure also directed DHS to contract with an independent third party to establish a monitoring entity for impaired professionals. The monitoring entity was created as a mechanism to obtain preliminary information from a self-referred licensee. In the event the licensee was noncompliant and the licensee rescinded their consent to disclose information, the monitoring entity would be able to convey certain preliminary information to the board.

During the implementation period, a circuit court decision was issued that held if a self-referred licensee rescinded their consent, the monitoring entity was not permitted to provide any information to the regulatory Board, including the licensee's name and certain documents held by the monitoring entity. This court decision negated the intended purpose of the monitoring entity.

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This summary has not been adopted or officially endorsed by action of the committee.