

**REVENUE: No revenue impact**

**FISCAL: Fiscal statement issued**

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**Action:** Do Pass as Amended and Be Printed Engrossed  
**Vote:** 10 - 0 - 0  
**Yeas:** Bruun, Cannon, Dembrow, Garrett, Harker, Kennemer, Kotek, Maurer, Thompson, Greenlick  
**Nays:** 0  
**Exc.:** 0  
**Prepared By:** Sandy Thiele-Cirka, Administrator  
**Meeting Dates:** 1/21, 4/1

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**WHAT THE MEASURE DOES:** Requires licensee of a health professional regulatory board to report prohibited conduct to the board. Defines licensee, prohibited conduct and unprofessional conduct. Requires licensees to report other licensees without undue delay, or no later than 10 working days. Requires the board receiving the report of prohibited or unprofessional conduct to investigate and if necessary present the facts to the appropriate law enforcement agency without undue delay or no later than 10 working days. Requires licensees arrested or convicted of a misdemeanor or felony to report conviction or arrest to the board within 10 days after conviction or arrest. Specifies that other boards that have reporting requirements are required to maintain those reporting standards. Grants immunity from civil liability for good faith reporting. Maintains federal and state compliance with confidentiality laws.

**ISSUES DISCUSSED:**

- Recent court case that highlights the lack of reporting prohibited/unprofessional behavior
- Importance of protecting the public
- Impact of reporting to appropriate law enforcement agency
- Comparison to mandatory child and elder abuse requirements
- Professions requesting exclusion from the proposed reporting requirement
- Impact on non-physician licensees and professions that have mandatory reporting
- Review types of misconduct
- Current language confusion
- Concerns relating the reporting process
- Workgroup that developed amendment

**EFFECT OF COMMITTEE AMENDMENT:** Defines licensee, prohibited conduct and unprofessional conduct. Requires licensees to report other licensees without undue delay, or no later than 10 working days. Requires the board receiving in the report of prohibited or unprofessional conduct to investigate and if necessary present the facts to the appropriate law enforcement agency without undue delay or no later than 10 working days. Requires licensees arrested or convicted of a misdemeanor or felony to report conviction or arrest to the board within 10 days after conviction or arrest. Specifies that other boards that have reporting requirements are required to maintain those reporting standards. Grants immunity from civil liability for good faith reporting. Maintains federal and state compliance with confidentiality laws.

**BACKGROUND:** In 2004 a physician (who was part of a group practice) molested an anesthetized patient. Another physician in the practice, as well as staff, was aware of the misconduct and did not report the actions to the appropriate regulatory board. The abused patient believes that “the system” protects the professionals before the patients. The issue was brought to the attention of the House Interim Health Care Committee and HB 2059 was introduced.

Currently, reporting requirements of the various health care professional boards are inconsistent with one another, and the boards are unable to share information concerning dangerous practitioners with other boards or law enforcement agencies.

4/7/2009 12:19:00 PM

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