

REVENUE: No revenue impact

FISCAL: Fiscal statement issued

Action:	Do Pass as Amended and Be Printed Engrossed
Vote:	8 - 0 - 0
Yeas:	Conger, Doherty, Hoyle, Kennemer, Keny-Guyer, Parrish, Greenlick, Thompson
Nays:	0
Exc.:	0
Prepared By:	Sandy Thiele-Cirka, Administrator
Meeting Dates:	2/1, 2/3

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. Specifies that if licensee self-refers to program, program may not report licensee's enrollment or successful completion of program to licensee's board. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Impaired versus self-referral
- Court decision regarding protection of confidentiality for licensee who self-refers to monitoring program.
- Need to streamline the reporting process
- Cost effectiveness
- Proposed amendment

EFFECT OF COMMITTEE AMENDMENT: Specifies that if licensee self-refers to program, program may not report licensee's enrollment or successful completion of program to licensee's board.

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 In the event the licensee was noncompliant and the licensee rescinded their consent to disclose information, the monitoring entity would be able to convey certain preliminary information to the regulatory Board.

During the implementation period, a circuit court decision was issued that held if a self-referred licensee rescinded their consent, the monitoring entity was not permitted to provide any information to the regulatory Board, including the licensee's name and certain documents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