



# Oregon

John A. Kitzhaber, MD, Governor

## Medical Board

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### TESTIMONY IN SUPPORT OF HOUSE BILL 2124A-5

**Senate Committee on Health Care and Human Services**  
**Sen. Laurie Monnes Anderson, Chair**  
**May 28, 2013**

MEASURE: HB 2124A  
EXHIBIT: 56  
S. HEALTHCARE & HUMAN SERVICES  
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SUBMITTED BY: Kathleen Haley

Thank you for the opportunity to testify on the -5 Amendment to House Bill 2124A, which would make changes to the impaired health professional program.

These amendments are reflective of the work led by Representative Greenlick to involve the four health regulatory boards currently participating in the Health Professionals' Services Program (HPSP). The language also includes contributions from the Oregon Medical Association and the Oregon Psychiatric Association.

The health licensing boards encourage licensees with mental health concerns to continue to practice while seeking appropriate monitoring and care. The -5 amendment would support these licensees in two important ways:

- Enrolled licensees with solely a mental health diagnosis would be exempt from the frequent, random drug and alcohol testing required for those enrollees with substance use disorders unless the board required this testing of an individual licensee.
- Enrolled licensees would not be reported to their licensing boards as "substantially noncompliant" for seeking inpatient treatment unless the licensee is civilly committed.

Under the current statute, all reports of substantial non-compliance result in an "investigation" by the licensing boards. The -5 amendment will allow boards to "review" these reports, avoiding the full investigatory process if, for example, a licensee could not reach the testing facility on one occasion because he or she was working a 12-hour shift.

The cost of the program has risen substantially. The -5 amendment would remove some of the program's assessment and evaluation responsibilities that can be safely performed by the boards or independent evaluators. The participating health regulatory boards would also have the option of whether or not to allow licensees to self-refer to the program.

Finally, the HPSP is limited to monitoring enrolled licensees. For those licensing boards that wish to allow for treatment of licensees with a mental health diagnosis or substance use disorder, the -5 amendment would clarify that the boards are able to contract with a treatment program separate from the HPSP monitoring program.

**THE OREGON MEDICAL BOARD RESPECTFULLY REQUESTS THE COMMITTEE  
TO ADOPT THE -5 AMENDMENTS WITH A "DO PASS" RECOMMENDATION.**

Kathleen Haley, JD  
Executive Director

