

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action:	Do Pass as Amended and Be Printed Engrossed
Vote:	9 - 0 - 0
Yeas:	Clem, Conger, Harker, Kennemer, Keny-Guyer, Lively, Thompson, Weidner, Greenlick
Nays:	0
Exc.:	0
Prepared By:	Tyler Larson, Administrator
Meeting Dates:	2/11, 2/27

WHAT THE MEASURE DOES: Defines “substantial noncompliance” to include criminal behavior, conduct that causes harm to public or patient, impairment in health care setting in the course of employment, sexual impropriety with patient, positive drug test, civil commitment for mental illness, failure to participate in program after entering into agreement and failure to enroll after being referred. Removes lack of capacity to stand trial from definition of substantial noncompliance. Allows regulatory boards discretion to require drug testing when program reports substantial noncompliance for mental health disorder. Clarifies role of board in assessing ability of direct supervisor to supervise licensee. Requires third party independent audits occur every four years. Allows certain boards to contract with other programs to deliver therapeutic services to licensees. Declares an emergency, effective on passage.

ISSUES DISCUSSED:

- Distinguishing between enrolled professionals with a mental health diagnosis only and those with a substance abuse disorder or a combination Boards contracting to provide treatment separate from the monitoring program
- Impaired professional who self-refers and reporting to the regulatory board
- Opt out of self-referral
- Meaning of “sexual impropriety with a patient”

EFFECT OF COMMITTEE AMENDMENT: Adds sexual impropriety with patient to definition of substantial noncompliance. Removes lack of capacity to stand trial from definition of substantial noncompliance. Clarifies role of board in assessing ability of the direct supervisor to supervise the licensee.

BACKGROUND: In 2009, House Bill 2345 was enacted, which requires the establishment of a statewide confidential monitoring program for health professional licensees who are unable to practice with professional skill and safety due to substance use disorder or a mental health disorder. Four health boards currently participate in the Health Professionals’ Services Program (HPSP) administered by the Oregon Health Authority and the Department of Human Services. Currently statute does not define “substantial noncompliance” for licensees referred to the program. HPSP requires drug testing for all noncompliance, but does not establish how often audits must occur, and does not allow boards to offer alternatives to the state impaired professional program.

3/1/2013 12:49:00 PM

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