

HCS HB 691 -- IMPAIRED PHYSICIAN PROGRAM

SPONSOR: Schaaf

COMMITTEE ACTION: Voted "do pass" by the Committee on Healthcare Transformation by a vote of 9 to 3.

This substitute authorizes the State Board of Registration for the Healing Arts within the Department of Insurance, Financial Institutions and Professional Registration to establish an impaired physician program to promote the early identification, intervention, treatment, or rehabilitation of physicians who may be impaired due to illness, substance abuse, or as the result of any mental condition. Documents and communications related to the program will be considered privileged and confidential. Records and proceedings of the program will be privileged and confidential, may only be used in program functions, will not be considered public records, and will not be subject to court subpoena or used as evidence in any civil, criminal, or administrative proceeding. The program may to disclose information relative to an impaired physician in certain specified situations.

FISCAL NOTE: No impact on General Revenue Fund in FY 2010, FY 2011, and FY 2012. Estimated Cost on Other State Funds of \$4,162 in FY 2010, \$0 in FY 2011, and \$0 in FY 2012.

PROPOSERS: Supporters say that the bill encourages physicians to get help from the program and won't impede malpractice actions against a physician. Many organizations have programs for impaired professionals.

Testifying for the bill were Representative Schaaf; and Missouri State Medical Association.

OPPOSERS: Those who oppose the bill say that physicians already seek treatment without the privileges provided by the bill and the bill is not necessary. The bill provides a private privilege for a special class of people and will withhold information from juries.

Testifying against the bill was Missouri Republican Attorneys for Civil Justice.

OTHERS: Others testifying on the bill explained the actions and the responsibilities of maintaining the controlled substance drug supply and how an impaired physician is handled under established regulations.

Testifying on the bill was Department of Health and Senior

Services.