

House Engrossed

physicians; wellness programs; confidentiality

State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

HOUSE BILL 2429

AN ACT

AMENDING TITLE 32, CHAPTER 32, ARTICLE 1, ARIZONA REVISED STATUTES, BY
ADDING SECTION 32-3229.01; RELATING TO HEALTH PROFESSIONALS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 32, chapter 32, article 1, Arizona Revised
3 Statutes, is amended by adding section 32-3229.01, to read:

4 32-3229.01. Physician wellness programs; confidentiality;
5 definition

6 A. ANY STATEWIDE ASSOCIATION THAT IS EXEMPT FROM TAXATION UNDER 26
7 UNITED STATES CODE SECTION 501 (c)(3) OR 501(c)(6) AND THAT PRIMARILY
8 REPRESENTS PHYSICIANS LICENSED TO PRACTICE MEDICINE PURSUANT TO CHAPTER 13
9 OR 17 OF THIS TITLE MAY ESTABLISH A PHYSICIAN WELLNESS PROGRAM.

10 B. A RECORD OF A PHYSICIAN'S PARTICIPATION IN A PHYSICIAN WELLNESS
11 PROGRAM IS CONFIDENTIAL AND NOT SUBJECT TO DISCOVERY, SUBPOENA OR A
12 REPORTING REQUIREMENT TO THE APPLICABLE HEALTH PROFESSION REGULATORY
13 BOARD, UNLESS EITHER:

14 1. THE PHYSICIAN VOLUNTARILY PROVIDES FOR WRITTEN RELEASE OF THE
15 INFORMATION.

16 2. THE DISCLOSURE IS REQUIRED TO MEET A PERSON'S OBLIGATION:

17 (a) TO REPORT CRIMINAL CONDUCT.

18 (b) TO REPORT AN ACT OF UNPROFESSIONAL CONDUCT.

19 (c) TO REPORT THAT THE PHYSICIAN IS NOT ABLE TO SAFELY PRACTICE
20 MEDICINE.

21 (d) TO WARN AN INDIVIDUAL OF AN IMMINENT THREAT OF HARM.

22 C. FOR THE PURPOSES OF THIS SECTION, "PHYSICIAN WELLNESS PROGRAM":

23 1. MEANS A PROGRAM OF EVALUATION, COUNSELING, INCLUDING SUBSTANCE
24 ABUSE COUNSELING, OR ANOTHER MODALITY TO ADDRESS AN ISSUE RELATED TO
25 CAREER FATIGUE OR WELLNESS IN A PHYSICIAN WHO IS LICENSED PURSUANT TO
26 CHAPTER 13 OR 17 OF THIS TITLE.

27 2. DOES NOT INCLUDE PROVIDING SERVICES THAT ARE INTENDED TO MONITOR
28 FOR IMPAIRMENT.