

Senate Engrossed House Bill

~~physicians; wellness programs; confidentiality~~
(now: health professional 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. Health professional wellness programs;
5 confidentiality; 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 HEALTH PROFESSIONALS WHO ARE LICENSED TO PRACTICE PURSUANT TO
9 CHAPTER 13, 15 OR 17 OF THIS TITLE MAY ESTABLISH A HEALTH PROFESSIONAL
10 WELLNESS PROGRAM.
11 B. A RECORD OF A HEALTH PROFESSIONAL'S PARTICIPATION IN A HEALTH
12 PROFESSIONAL WELLNESS PROGRAM IS CONFIDENTIAL AND NOT SUBJECT TO
13 DISCOVERY, SUBPOENA OR A REPORTING REQUIREMENT TO THE APPLICABLE HEALTH
14 PROFESSION REGULATORY BOARD, UNLESS EITHER:
15 1. THE HEALTH PROFESSIONAL VOLUNTARILY PROVIDES FOR WRITTEN RELEASE
16 OF THE INFORMATION.
17 2. THE DISCLOSURE IS REQUIRED TO MEET A PERSON'S OBLIGATION:
18 (a) TO REPORT CRIMINAL CONDUCT.
19 (b) TO REPORT AN ACT OF UNPROFESSIONAL CONDUCT.
20 (c) TO REPORT THAT THE HEALTH PROFESSIONAL IS NOT ABLE TO SAFELY
21 PRACTICE.
22 (d) TO WARN AN INDIVIDUAL OF AN IMMINENT THREAT OF HARM.
23 C. FOR THE PURPOSES OF THIS SECTION, "HEALTH PROFESSIONAL WELLNESS
24 PROGRAM":
25 1. MEANS A PROGRAM OF EVALUATION, COUNSELING, INCLUDING SUBSTANCE
26 ABUSE COUNSELING, OR ANOTHER MODALITY TO ADDRESS AN ISSUE RELATED TO
27 CAREER FATIGUE OR WELLNESS IN A HEALTH PROFESSIONAL WHO IS LICENSED
28 PURSUANT TO CHAPTER 13, 15 OR 17 OF THIS TITLE.
29 2. DOES NOT INCLUDE PROVIDING SERVICES THAT ARE INTENDED TO MONITOR
30 FOR IMPAIRMENT.