

REFERENCE TITLE: **physicians; wellness programs; confidentiality**

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

HB 2429

Introduced by
Representatives Shah: Osborne

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)(6) AND THAT PRIMARILY REPRESENTS HEALTH
8 CARE PROFESSIONALS LICENSED TO PRACTICE MEDICINE PURSUANT TO CHAPTER 13,
9 17 OR 25 OF THIS TITLE MAY ESTABLISH A PHYSICIAN WELLNESS PROGRAM.

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

15 1. THE HEALTH PROFESSIONAL VOLUNTARILY PROVIDES FOR WRITTEN RELEASE
16 OF THE INFORMATION.

17 2. THE DISCLOSURE IS REQUIRED TO MEET A LICENSEE'S OBLIGATION TO
18 REPORT A CRIMINAL CHARGE OR ACTION OR UNPROFESSIONAL CONDUCT OR THE
19 PHYSICIAN IS NOT ABLE TO SAFELY PRACTICE MEDICINE.

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

21 1. MEANS A PROGRAM OF EVALUATION, COUNSELING OR ANOTHER MODALITY TO
22 ADDRESS AN ISSUE RELATED TO CAREER FATIGUE OR WELLNESS IN A HEALTH CARE
23 PROFESSIONAL WHO IS LICENSED PURSUANT TO CHAPTER 13, 17 OR 25 OF THIS
24 TITLE.

25 2. DOES NOT INCLUDE PROVIDING SERVICES THAT ARE INTENDED TO MONITOR
26 FOR IMPAIRMENT.