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 32-329.01; RELATING TO HEALTH PROFESSIONALS.

(TEXT OF BILL BEGINS ON NEXT PAGE)
Be it enacted by the Legislature of the State of Arizona:

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

32-3229.01. Health professional wellness programs; confidentiality; definition

A. ANY STATEWIDE ASSOCIATION THAT IS EXEMPT FROM TAXATION UNDER UNITED STATES CODE SECTION 501(c)(3) OR 501(c)(6) AND THAT PRIMARILY REPRESENTS HEALTH PROFESSIONALS WHO ARE LICENSED TO PRACTICE PURSUANT TO CHAPTER 13, 15 OR 17 OF THIS TITLE MAY ESTABLISH A HEALTH PROFESSIONAL WELLNESS PROGRAM.

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

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

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

(a) TO REPORT CRIMINAL CONDUCT.

(b) TO REPORT AN ACT OF UNPROFESSIONAL CONDUCT.

(c) TO REPORT THAT THE HEALTH PROFESSIONAL IS NOT ABLE TO SAFELY PRACTICE.

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

C. FOR THE PURPOSES OF THIS SECTION, "HEALTH PROFESSIONAL WELLNESS PROGRAM":

1. MEANS A PROGRAM OF EVALUATION, COUNSELING, INCLUDING SUBSTANCE ABUSE COUNSELING, OR ANOTHER MODALITY TO ADDRESS AN ISSUE RELATED TO CAREER FATIGUE OR WELLNESS IN A HEALTH PROFESSIONAL WHO IS LICENSED PURSUANT TO CHAPTER 13, 15 OR 17 OF THIS TITLE.

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