



## ARIZONA STATE SENATE

### *Fifty-Fifth Legislature, Second Regular Session*

#### AMENDED FACT SHEET FOR H.B. 2429

##### physician; wellness programs; confidentiality

###### Purpose

Allows any statewide non-profit association that primarily represents licensed nurses or medical or osteopathic physicians to establish a health professional wellness program and states that health professional participation in the program is confidential unless outlined criteria are met.

###### Background

The primary duty of the Arizona Board of Nursing, Arizona Medical Board and the Board of Osteopathic Physicians and Surgeons is to protect the public from unlawful, incompetent, unqualified, impaired or unprofessional practice of their respective medical industries. The boards accomplish this through various powers and duties, including: 1) issuing or reviewing professional health care licenses; 2) investigating claims of misconduct; and 3) developing and recommending standards for the boards' respective industries (A.R.S. §§ [32-1403](#); [32-1606](#) and [32-1803](#)).

U.S. Code § 501(c)(3) grants taxation exemptions to qualifying organizations operating for specified purposes and who cannot serve any private interest, including the interest of the creator or shareholders. No net earnings of the organization can be used to the benefit of any private shareholder or individual. U.S. Code § 501(c)(6) provides taxation exemptions for business leagues, chambers of commerce, real-estate boards, boards of trade and other nonprofit business organizations where no net earnings benefit any private individual or shareholder ([26 U.S.C. § 501](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

###### Provisions

1. Allows any statewide non-profit association that primarily represents licensed nurses or medical or osteopathic physicians to establish a health professional wellness program.
2. States that 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 the:
  - a) health professional voluntarily provides for written release of the information; or
  - b) disclosure is required to meet a person's obligation to:
    - i. report criminal conduct;
    - ii. report an act of unprofessional conduct;
    - iii. report that the health professional is not able to safely practice medicine; or
    - iv. warn an individual of an imminent threat of harm.

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3. Defines *health professional wellness program* as a program of evaluation, counseling, including substance abuse counseling, or another modality to address an issue related to career fatigue or wellness of a licensed nurse or medical or osteopathic physician.
4. Excludes, from the definition of *health professional wellness program*, providing services that are intended to monitor for impairment.
5. Becomes effective on the general effective date.

Amendments Adopted by Committee

1. Replaces the physician wellness program with a health professional wellness program.
2. Expands the health professional wellness program to include nurses.

House Action

HHS	1/24/22	DPA	9-0-0-0
3 <sup>rd</sup> Read	2/3/22		56-3-1

Senate Action

HHS	3/23/22	DPA	7-0-1
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Prepared by Senate Research

March 24, 2022

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