

HOUSE BILL NO. HB1003

Physician assistance program.

Sponsored by: Joint Judiciary Interim Committee and Joint
Labor, Health and Social Services Interim
Committee

A BILL

for

1 AN ACT relating to professions and occupations; creating a
2 state physician assistance committee as specified;
3 specifying duties; amending related provisions; and
4 providing for an effective date.

5

6 *Be It Enacted by the Legislature of the State of Wyoming:*

7

8 **Section 1.** W.S. 33-26-701 is created to read:

9

10 ARTICLE 7

11 PHYSICIAN ASSISTANCE PROGRAM

12

13 **33-26-701. Physician assistance program; committee**
14 **authorized; purpose; rules and regulations.**

15

1 (a) The board shall create a state physician
2 assistance committee for the purpose of implementing a
3 physician assistance program to provide supervision and
4 assistance to those licensees whose performance or conduct
5 may impair their professional competence or their ability
6 to practice medicine. The state committee may investigate
7 referrals and complaints about the performance or conduct
8 of a licensee that may impair his professional competence
9 or ability to practice medicine.

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11 (b) The state committee may also provide assistance
12 to licensees who are suffering from impairment or other
13 circumstances that may adversely affect their professional
14 competence or conduct. The committee may also provide
15 advice and training to licensees in practice management.
16 The purpose of providing practice management assistance is
17 to provide completely confidential assistance, advice and
18 training to licensees in a manner that fosters maximum
19 openness in communications between a licensee and the
20 committee and that encourages a licensee to seek assistance
21 from the committee. Any information provided to or
22 obtained by the state committee, or provided to or obtained
23 by any agent of the committee, shall:

1 (i) Be confidential as provided by W.S.
2 33-26-408(f);

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4 (ii) Not be considered a public record under the
5 provisions of W.S. 16-4-201 through 16-4-205;

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7 (iii) Not be discoverable or admissible in any
8 civil proceeding without the written consent of the
9 licensee to whom the information pertains; and

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11 (iv) Not be discoverable or admissible in any
12 disciplinary proceeding under article 4 of this chapter
13 except to the extent provided by procedural rules of the
14 board relating to the investigation of and disciplinary
15 proceedings concerning the conduct of a licensee or
16 applicant for admission or reinstatement to the practice of
17 medicine in this state.

18

19 (c) The limitations placed on the disclosure and
20 admissibility of information in this section shall not
21 apply to information relating to a licensee's
22 noncooperation with the state physician assistance
23 committee or any agent of that committee, or to information
24 otherwise obtained by the board from any other source.

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2 (d) All meetings of the state physician assistance
3 committee are exempt from the provisions of the public
4 meetings law, W.S. 16-4-401 through 16-4-407.

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6 (e) Any person making a complaint or referral to the
7 board as to the competence of a licensee or who provides
8 information or testimony in connection with the state
9 physician assistance committee shall not be subject to an
10 action for civil damages as a result thereof as provided by
11 W.S. 33-26-408(a).

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13 (f) The board shall adopt rules and regulations for
14 the implementation of the provisions of this section.

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16 **Section 2.** W.S. 33-26-408(a)(ii) and (f)(i) is
17 amended to read:

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19 **33-26-408. Protected action and communication.**

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21 (a) There shall be no liability on the part of and no
22 action for damages against:

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1 (ii) Any person providing information
2 voluntarily or pursuant to a subpoena, in good faith to a
3 peer review committee or in good faith to the board, ~~or~~ the
4 examining committee or the state physician assistance
5 committee without malice and in reasonable belief that the
6 information is accurate.

7
8 (f) The following documents are not public documents
9 and are not subject to disclosure by the board to any
10 person or entity nor are they subject to discovery in any
11 civil or administrative action or admissible in any
12 nonboard proceeding except when necessary for further board
13 action, in any action in which the board may be named as a
14 party or upon judicial review of a board order:

15
16 (i) Investigative notes, attorney's notes and
17 work product and reports, pleadings, correspondence,
18 witness statements and deposition transcripts and copies of
19 original medical and prescription records in the possession
20 of the board or the state physician assistance committee,
21 whether acquired by the board or the committee, by any
22 agent of the board or the committee or by any agency that
23 has cooperated with or provided information to the board or

1 the committee regarding the investigation of a disciplinary
2 docket; and
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4 **Section 2.** This act is effective immediately upon
5 completion of all acts necessary for a bill to become law
6 as provided by Article 4, Section 8 of the Wyoming
7 Constitution.
8

9 (END)