

BY: Economic and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL NO. 424

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after “hospitals,” insert “related institutions,”; in line 6, after “practitioners;” insert “providing certain exceptions to the reporting requirement under certain circumstances;”; and in line 22, strike “14-5A-24, and 14-5A-25” and substitute “and 14-5A-24”.

AMENDMENT NO. 2

On page 6, in line 2, after “(A)” insert “EXCEPT AS PROVIDED IN SUBSECTIONS (B) AND (C) OF THIS SECTION,”; after line 8, insert:

“(B) A HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH SYSTEM, OR EMPLOYER THAT HAS REASON TO KNOW THAT A LICENSED RESPIRATORY CARE PRACTITIONER HAS COMMITTED AN ACTION OR HAS A CONDITION THAT MIGHT BE GROUNDS FOR REPRIMAND OR PROBATION OF THE LICENSED RESPIRATORY CARE PRACTITIONER OR SUSPENSION OR REVOCATION OF THE LICENSE BECAUSE THE LICENSED RESPIRATORY CARE PRACTITIONER IS ALCOHOL IMPAIRED OR DRUG IMPAIRED IS NOT REQUIRED TO REPORT THE PRACTITIONER TO THE BOARD IF:

(1) THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH SYSTEM, OR EMPLOYER KNOWS THAT THE LICENSED RESPIRATORY CARE PRACTITIONER IS:

(I) IN AN ALCOHOL OR DRUG TREATMENT PROGRAM THAT IS ACCREDITED BY THE JOINT COMMISSION ON THE ACCREDITATION OF HEALTH CARE ORGANIZATIONS OR IS CERTIFIED BY THE DEPARTMENT; OR

(II) UNDER THE CARE OF A HEALTH CARE PRACTITIONER WHO IS COMPETENT AND CAPABLE OF DEALING WITH ALCOHOLISM AND DRUG ABUSE;

(Over)

(2) THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH SYSTEM, OR EMPLOYER IS ABLE TO VERIFY THAT THE LICENSED RESPIRATORY CARE PRACTITIONER REMAINS IN THE TREATMENT PROGRAM UNTIL DISCHARGE; AND

(3) THE ACTION OR CONDITION OF THE LICENSED RESPIRATORY CARE PRACTITIONER HAS NOT CAUSED INJURY TO ANY PERSON WHILE THE PRACTITIONER IS PRACTICING AS A LICENSED RESPIRATORY CARE PRACTITIONER.

(C) A PERSON IS NOT REQUIRED UNDER THIS SECTION TO MAKE ANY REPORT THAT WOULD BE IN VIOLATION OF ANY FEDERAL OR STATE LAW, RULE, OR REGULATION CONCERNING THE CONFIDENTIALITY OF ALCOHOL AND DRUG ABUSE PATIENT RECORDS.”;

and in lines 9 and 12, strike “(B)” and “(C)”, respectively, and substitute “(D)” and “(E)”, respectively.