

1 AN ACT relating to physician wellness programs.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 311 IS CREATED TO  
4 READ AS FOLLOWS:

5 *As used in Sections 1 to 4 of this Act:*

6 *(1) (a) "Physician wellness program" means a program that:*

7 *1. Is organized or contracted for by a Kentucky-based trade association*  
8 *exempt under 26 U.S.C. sec. 501(c)(6) of the Internal Revenue Code*  
9 *that represents physicians licensed to practice medicine or osteopathy*  
10 *in Kentucky; and*

11 *2. Provides counseling, coaching, or similar services to address issues*  
12 *related to career fatigue.*

13 *(b) A physician wellness program does not include an impaired physician*  
14 *program authorized by KRS 311.616.*

15 *(2) (a) "Career fatigue" means a work-related, psychological disorder that*  
16 *manifests in emotional exhaustion, depersonalization, and a diminished*  
17 *sense of personal accomplishment.*

18 *(b) Career fatigue does not include any condition that impairs the physician's*  
19 *judgment or adversely affects the physician's ability to practice medicine in*  
20 *a competent, ethical, and professional manner.*

21 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 311 IS CREATED TO  
22 READ AS FOLLOWS:

23 *(1) A physician who participates in a physician wellness program shall not be*  
24 *required to disclose such participation to any health care facility, hospital,*  
25 *medical staff, health insurer, government agency, or other entity that requests*  
26 *such information as a condition of participation, employment, credentialing,*  
27 *payment, licensure, compliance, or other requirement.*

1 (2) A physician shall not be required to report information to any health care facility,  
 2 hospital, medical staff, health insurer, government agency, or other entity  
 3 regarding another physician who is a participant in a physician wellness  
 4 program.

5 (3) The failure to disclose or report information relating to the participation by a  
 6 physician in a physician wellness program shall not be grounds for suspension,  
 7 removal, termination of employment or contract, or any other adverse action by a  
 8 health care facility, hospital, medical staff, health insurer, government agency, or  
 9 other entity.

10 (4) The obligation to disclose or report the information relating to the participation  
 11 by a physician in a physician wellness program shall not be a condition of  
 12 participation, employment, credentialing, licensure, compliance or other  
 13 requirement by a health care facility, hospital, medical staff, health insurer,  
 14 government agency, or other entity.

15 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 311 IS CREATED TO  
 16 READ AS FOLLOWS:

17 A person or entity shall not retaliate, discriminate, or otherwise take adverse action  
 18 with respect to a physician who is participating in a physician wellness program based  
 19 solely on the physician's participation.

20 ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 311 IS CREATED TO  
 21 READ AS FOLLOWS:

22 Nothing in Sections 1 to 4 of this Act shall be construed to:

23 (1) Allow a physician to withhold information requested by the current version of the  
 24 uniform application form for the evaluation and reevaluation of health care  
 25 providers required by KRS 304.17A-545; or

26 (2) Waive a physician's obligation to:

27 (a) Disclose information regarding any condition for which the physician is not

1           *being appropriately treated and that impairs the physician's judgment or*  
2           *adversely affects the physician's ability to practice medicine in a competent,*  
3           *ethical, and professional manner; or*  
4           *(b) Report information regarding another physician to the Kentucky Board of*  
5           *Medical Licensure under KRS 311.606.*