

CHAPTER 14

(SB 12)

AN ACT relating to physician wellness programs.

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

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

As used in Sections 1 to 4 of this Act:

- (1) (a) *"Physician wellness program" means a program that:*
 1. *Is organized or contracted for by a Kentucky-based trade association exempt under 26 U.S.C. sec. 501(c)(6) of the Internal Revenue Code that represents physicians licensed to practice medicine or osteopathy in Kentucky; and*
 2. *Provides counseling, coaching, or similar services to address issues related to career fatigue.*
- (b) *A physician wellness program does not include an impaired physician program authorized by KRS 311.616.*
- (2) (a) *"Career fatigue" means a work-related, psychological disorder that manifests in emotional exhaustion, depersonalization, and a diminished sense of personal accomplishment.*
- (b) *Career fatigue does not include any condition that impairs the physician's judgment or adversely affects the physician's ability to practice medicine in a competent, ethical, and professional manner.*

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

- (1) *A physician who participates in a physician wellness program shall not be required to disclose such participation to any health care facility, hospital, medical staff, health insurer, government agency, or other entity that requests such information as a condition of participation, employment, credentialing, payment, licensure, compliance, or other requirement.*
- (2) *A physician shall not be required to report information to any health care facility, hospital, medical staff, health insurer, government agency, or other entity regarding another physician who is a participant in a physician wellness program.*
- (3) *The failure to disclose or report information relating to the participation by a physician in a physician wellness program shall not be grounds for suspension, removal, termination of employment or contract, or any other adverse action by a health care facility, hospital, medical staff, health insurer, government agency, or other entity.*
- (4) *The obligation to disclose or report the information relating to the participation by a physician in a physician wellness program shall not be a condition of participation, employment, credentialing, licensure, compliance or other requirement by a health care facility, hospital, medical staff, health insurer, government agency, or other entity.*

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

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

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

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

- (1) *Allow a physician to withhold information requested by the current version of the uniform application form for the evaluation and reevaluation of health care providers required by KRS 304.17A-545; or*
- (2) *Waive a physician's obligation to:*
 - (a) *Disclose information regarding any condition for which the physician is not being appropriately treated and that impairs the physician's judgment or adversely affects the physician's ability to practice medicine in a competent, ethical, and professional manner; or*

- (b) *Report information regarding another physician to the Kentucky Board of Medical Licensure under KRS 311.606.*

Signed by Governor March 17, 2023.