

RCW 18.130.177 Physician well-being program records—Disclosure.

(1)(a) Physician well-being program records relating to well-being program participants created specifically for, and collected and maintained by the physician well-being program, are confidential and exempt from disclosure under chapter 42.56 RCW and shall not be subject to discovery by subpoena or admissible as evidence. This privilege does not protect facts, information, communications, or documents available from other original sources and does not protect any document outside the scope of the privilege established under this section.

(b) This section does not apply to the organizing documents or contracts establishing a physician well-being program or to records created prior to the establishment of the physician well-being program.

(c) Nothing in this section precludes introduction into evidence information about a license holder collected and maintained in a physician well-being program in any civil action by the license holder regarding:

(i) The individual's participation in the program;

(ii) The restriction of the license holder's clinical or staff privileges when a report has been made under RCW 18.130.070(1)(d)(iii); or

(iii) Termination of the license holder's employment when a report has been made under RCW 18.130.070(1)(d)(iii).

(d) The information admitted under (c) of this subsection must not be reasonably discoverable, given the scope and limits of discovery, from other nonprivileged sources.

(2) In the case that the license holder is unable to practice with reasonable skill and safety or a patient has been harmed, a report must be made to the disciplinary [disciplining] authority or the physicians health program or voluntary substance use disorder monitoring program approved by a disciplining authority under RCW 18.130.175 in accordance with RCW 18.130.070(1)(d)(iii) and rules adopted by the Washington medical commission. Any report made to the disciplining authority under this section is not privileged or confidential and is subject to the public records act. [2025 c 97 s 3.]