

**Legal Counsel Revisions to Proposed Draft Language for Guidelines for Determining When to Order a Clinical Competency Examination.**

- (a) The program manager may order a physician to undergo a clinical competency examination if :
  - (1) The physician has not practiced medicine for one year or more;  
or
  - (2) There is reasonable cause to believe that the physician is unable to practice medicine with reasonable skill and safety to patients. For purposes of this section, reasonable cause shall be demonstrated by one or more clinical evaluations or by written documentation prepared by the physician's committee case consultant, program case manager, group facilitator, worksite or hospital monitor(s), or well-being committee(s), that contains specific factual descriptions of objective observations of repeated incidents that raise concerns about the physician's ability to practice medicine safely.
- (b) Prior to ordering a clinical competency examination pursuant to subsection (a)(2), the diversion evaluation committee or physician's committee case consultant shall rule out a physical or psychiatric cause for the physician's perceived or observed inability to practice medicine safely and may conduct a re-evaluation interview of the physician.