

TERMS AND CONDITIONS RELATIVE TO DISCIPLINE FOR DRUG AND ALCOHOL ABUSE (1-6)

Mandatory Terms and Conditions (1-4)

1. Suspension Pending Clinical Diagnostic Evaluation.

Respondent's license is immediately suspended pending a clinical diagnostic evaluation to determine the extent of respondent's chemical dependency. The clinical diagnostic evaluation shall be conducted by an evaluator approved by the Board. While pending the evaluation and results, Respondent's license shall remain suspended. The suspension shall continue for the length of time necessary to complete the evaluation and for the Board to review the evaluation and determine if Respondent is currently fit to practice Veterinary Medicine. While awaiting the completion of the evaluation, respondent shall be subject to random biologic fluid testing at least twice a week. Regardless of the length of time to complete the evaluation, respondent's suspension shall not be lifted until respondent has obtained 30 days of negative biologic fluid tests. All costs shall be borne by respondent.

2. Authorization for Board to Communicate with Employers and Supervisors

Respondent shall, within 10 days of the effective date of this decision, provide to the Board, or its designee, the names, physical addresses, mailing addresses, and telephone numbers of all employers and supervisors. Further, respondent shall give specific written authorization for the Board or its designee to directly communicate in any form with the employers and supervisors of respondent.

Respondent shall notify the Board or its designee within 10 days of any change in employment or supervision and shall concurrently provide updated authorization to communicate with any new employer or supervisor

3. Biological Drug and Alcohol Testing

Respondent shall immediately submit to biologic fluid testing for controlled substances and/or alcohol. Tests shall be conducted by order of the Board or its designee by a testing facility approved by the Board. There will be no confidentiality in test results; positive test results will be immediately reported to the Board and to respondent's current employer. The Administrative Law Judge shall determine the minimum frequency of testing for the first year and each subsequent year of probation thereafter based on the facts of the case, mitigating and aggravating circumstances, and on evidence of rehabilitation, within a range of 52 – 104 tests per year for the first year and 36 – 104 tests per year thereafter.

Nothing precludes the Board from increasing the number and/or frequency of testing based on information included in the clinical diagnostic evaluation, site monitor reports, failed tests, or other reasonable information pointing to a lack of sobriety or an increased threat of public harm.

4. Positive Results from Substance Tests

Upon confirmed positive test for a controlled substance for which respondent does not possess a lawful prescription which is medically necessary to treat a medical condition or for alcohol when respondent is precluded from consuming alcohol, respondent's license shall immediately be suspended. Respondent shall undergo a clinical diagnostic evaluation. The clinical

diagnostic evaluation shall be conducted by an evaluator approved by the Board. While pending the evaluation and results, Respondent's license shall remain suspended. Respondent's suspension shall not be lifted until respondent has obtained at least 30 days of negative biologic fluid tests.

Confirmed positive tests for controlled substances and/or alcohol constitute major violations of probation.

While confirmation of a presumptive positive test is being sought, respondent shall immediately cease practicing and leave work. The Board shall notify respondent's employer and work site monitor, if any. Respondent may not return to work until further instructed by the Board.

Optional Terms and Conditions (5-6)

5. Group Support Meetings

Respondent shall attend group support meetings as determined by his clinical diagnostic evaluation. Type and frequency of meetings shall be determined by the clinical diagnostician. Report of respondent's attendance at group meetings shall be made to the Board by the group meeting facilitator who shall have no financial, personal, or business relationship with the licensee within the year immediately preceding the commencement of group meetings and shall have at least three (3) years of experience in the treatment and rehabilitation of substances abuse and shall be licensed or certified by the state or other nationally certified organization. The report shall contain the date and location of the meeting, notation of respondent's attendance and participation level, and progress, if any. Unexcused absences shall be reported by the facilitator to the Board or its designee within 24 hours of the absence.6.Worksite Monitor Respondent's practice of Veterinary Medicine shall be subject to worksite monitoring. Respondent is required to complete all required consent forms and sign an agreement with the worksite monitor and the board allowing the Board to communicate with the worksite monitor.

6. Worksite Monitor

The worksite monitor shall meet the following criteria:

- A. The worksite monitor shall not have financial, personal or familial relationship with the respondent. If it is impractical for anyone but the respondent's employer to serve as the worksite monitor, this requirement may be waived by the Board; however, under no circumstances shall a respondent's worksite monitor be an employee of the licensee.
- B. The worksite monitor's license scope of practice shall include the scope of practice of the licensee that is being monitored as approved by the Board, be a person in a position of authority who is capable of monitoring the respondent at work.
- C. The worksite monitor shall have an active unrestricted California license with no disciplinary action within the last five (5) years.
- D. The worksite monitor shall sign a declaration that he or she has reviewed the terms and conditions of the respondent's disciplinary order and agrees to monitor the respondent as set forth by the Board.
- E. The worksite monitor must adhere to the following required methods of monitoring the respondent:
 - a. Face to face meetings with the respondent in the work environment on a frequent bases as determined by the Board with a minimum of once a week.
 - b. Interview other staff in the office regarding the respondent's behavior, if applicable.

- c. Review respondent's work attendance
- F. Worksite Monitor shall report to the Board as follows:
 - a. Any suspected substance abuse must be verbally reported to the Board or its designee within one (1) business day of occurrence. If occurrence is not during the Board's normal business hours, the verbal report must be within one (1) hours of the next business day. A written report shall be submitted to the Board within 48 hours of occurrence.
 - b. The worksite monitor shall complete and submit a written report monthly or as directed by the Board. The report shall include:
 - i. Respondent's name and license number
 - ii. Worksite monitor's name, license number and signature
 - iii. Worksite location
 - iv. Dates respondent had face to face meetings with monitor'
 - v. Staff interviewed, if applicable
 - vi. Attendance report
 - vii. Any change in behavior and/or personal habits
 - viii. Any indicators that can lead to suspected substance abuse