

DEPARTMENT OF CONSUMER AFFAIRS  
TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS  
**DIVISION 20. VETERINARY MEDICAL BOARD**

**INITIAL STATEMENT OF REASONS**

Uniform Standards for Substance-Abusing Licensees

**HEARING DATE:** No hearing has been scheduled for the proposed action

**SUBJECT MATTER OF PROPOSED REGULATIONS:** Uniform Standards for Substance-Abusing Licensees

**SECTION(S) AFFECTED:** Amend section 2006, and adopt sections 2006.5, 2006.51, 2006.52, 2006.53, 2006.54, 2006.55, and 2006.56 of article 1 of division 20, title 16 of the California Code of Regulations (CCR)<sup>1</sup>.

**BACKGROUND AND STATEMENT OF THE PROBLEM**

The Veterinary Medical Board (Board) licenses, regulates, and investigates complaints against five different license categories in California, totaling approximately 43,000 licensees. These licensing categories include veterinary premises, veterinarians, university veterinarians, registered veterinary technicians (RVTs), and veterinary assistant controlled substance permit (VACSP) holders. It is the Board's duty to enforce and administer the California Veterinary Medicine Practice Act (Chapter 11 (commencing with section 4800) of Division 2 of the Business and Professions Code (BPC) (Practice Act). The Board is authorized to establish necessary rules and regulations for the enforcement of the Practice Act and the laws subject to its jurisdiction (BPC section 4808).

This proposed regulation will enhance the Board's mission to protect the public by adopting consistent standards to apply when dealing with substance-abusing licensees and registrants (licensees). Substance abuse is an increasing problem in the health care professions, where the impairment of a health care practitioner for even one moment can mean irreparable harm to a patient.

To address this problem, in September 2008, Senate Bill (SB) 1441 (Ridley-Thomas, Chapter 548, Statutes of 2008) was signed into law. The Legislature declared that substance abuse monitoring programs, particularly for health care professionals, must operate with the highest level of integrity and consistency. Patient protection is paramount. The legislation, in BPC section 315, mandated that the California Department of Consumer Affairs (DCA) establish a Substance Abuse Coordination

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<sup>1</sup> All CCR references are to title 16 unless otherwise noted

Committee (SACC), subject to the Bagley-Keene Open Meeting Act, comprised of the Executive Officers of the DCA’s healing arts boards, a representative of the California Department of Alcohol and Drug Programs, and chaired by the DCA Director. The SACC was charged with developing consistent, uniform standards and best practices in sixteen specific areas for healing arts boards to use when dealing with substance-abusing licensees, uniform standards that can be adopted into regulation, whether or not a board chooses to have a formal wellness program. The SACC developed sixteen uniform standards as required by SB 1441 (DCA Uniform Standards).

Starting in 2012 through 2014, the Board discussed the DCA Uniform Standards at meetings held on July 7, 2012, October 10, 2012, January 29, 2013, April 23–23, 2014, July 22–23, 2014, and October 21–22, 2014, but implementation of regulatory Uniform Standards was put on hold due to confusion on the authority to move forward.

SB 796 (Hill, Chapter 600, Statutes of 2017) required the SACC to reconvene to update the criteria for Uniform Standard #4 related to drug testing to reflect recent developments in testing research and technology. After the adoption of SB 796, the Board discussed the DCA Uniform Standards at meetings held on April 23, 2018, June 27, 2018, and October 30, 2018. The SACC revised the DCA Uniform Standards and modified Uniform Standard #4 in March 2019. The Board then discussed the DCA Uniform Standards at meetings held on July 17–18, 2019 and September 12, 2019, and proposed regulatory language was approved at the October 9–11, 2019 meeting. The Board discussed the Uniform Standards again on October 21, 2021, and on January 14, 2022, the Board voted to amend the previously approved proposed regulatory language, and that amended language is the subject of this rulemaking.

To comply with SB 1441 and SB 796, in this rulemaking the Board seeks to amend CCR section 2006 to incorporate by reference the “Veterinary Medical Board Uniform Standards for Substance-Abusing Licensees, January 2022” (*Vet Med Standards*) and add CCR sections 2006.5, 2006.51, 2006.52, 2006.53, 2006.54, 2006.55, and 2006.56. Amending and adopting these regulations will implement the DCA Uniform Standards, which shall be adhered to in every case where an individual is placed on probation due, in part, to a substance abuse problem. These standards are not guidelines and shall be followed in all instances, except that the Board may impose more restrictive conditions, if necessary, to protect the public. The *Vet Med Standards* contain a cover page, a table of contents, amended CCR section 2006 and new CCR sections 2006.5, 2006.51, 2006.52, 2006.53, 2006.54, 2006.55, and 2006.56, an Introduction, and mandatory and optional Terms and Conditions to be imposed on individuals placed on probation due, in part, to a substance abuse problem. The Terms and Conditions were drafted by combining some of the DCA Uniform Standards, along with adding other language the Board felt was necessary for both clarity and to better implement the standards involved.

Existing law, under BPC section 4808, authorizes the Board to adopt or repeal regulations to execute any provisions of the Practice Act. The Board intends to use its

authority to amend and add regulations that implement DCA's Uniform Standards guidelines for the discipline of substance-abusing licensees.

Existing law, under BPC section 315.2, specifies that a healing arts board within DCA is required to order a licensee to cease practice if the licensee tests positive for any substance that is prohibited under the terms of the licensee's probation or diversion program. Furthermore, the cease practice order pursuant to this section does not constitute disciplinary action and is not subject to adjudicative hearings. This proposed rulemaking includes this provision in the *Vet Med Standards* which are incorporated by reference by this rulemaking.

Existing law, under BPC section 315.4, authorizes healing arts boards within the DCA to order a licensee on probation or in a diversion program to cease practice for major violations and when the board orders a licensee to undergo a clinical diagnostic evaluation pursuant to the uniform and specific standards amended and authorized under BPC section 315. Furthermore, the cease practice order pursuant to this section does not constitute disciplinary action and is not subject to adjudicative hearings. This proposed regulation includes this provision in the *Vet Med Standards* which are incorporated by reference by this rulemaking.

Existing law, under Government Code section 11400.20 authorizes an agency to amend regulations to govern an adjudicative proceeding. This proposed regulation will amend CCR section 2006 to permit the Board to use the *Vet Med Standards* in reaching a decision on disciplinary actions for substance-abusing licensees.

Existing law, under Government Code section 11425.50(e) specifies that a penalty may not be based on a guideline, criterion, bulletin, manual, instruction, and order standard of general application or other rule unless it has been adopted as a regulation. This proposed regulation will amend CCR section 2006 to permit the Board to use the *Vet Med Standards* in reaching a decision on disciplinary actions for substance-abusing licensees.

Existing regulations, under CCR section 2006, specify that the Board shall consider the disciplinary guidelines in reaching a decision on a disciplinary action under the Administrative Procedures Act. This proposed regulation will amend that section to require the Board to apply the *Vet Med Standards*, and add CCR sections 2006.5, 2006.51, 2006.52, 2006.53, 2006.54, 2006.55, and 2006.56 all of which must be followed when reaching a decision on disciplinary actions for substance-abusing licensees.

There is no existing federal regulation or statute comparable to the proposed regulations. This rulemaking will enhance the Board's ability to protect the public by providing the Board with consistent standards to follow and apply in dealing with substance-abusing licensees. This rulemaking would ensure all substance-abusing applicants and licensees are held to the same disciplinary standard. The Board seeks to better inform applicants, licensees, evaluators, laboratories, specimen collectors,

wellness program vendors, and the public by adopting seven new regulation sections regarding how the Board is implementing the DCA Uniform Standards. By incorporating by reference the *Vet Med Standards*, the Board seeks to inform ALJs, DAGs, licensees, and the public of how the DCA Uniform Standards will be implemented by the Board through the mandatory and optional Terms and Conditions of probation in the *Vet Med Standards*.

Pages 1–2 of the *Vet Med Standards* are a cover page and a table of contents, followed by pages 3–10, which contain amended CCR section 2006 and the seven new CCR sections (2006.5, 2006.51, 2006.52, 2006.53, 2006.54, 2006.55, and 2006.56), an Introduction, and mandatory and optional Terms and Conditions to be imposed on individuals placed on probation due, in part, to a substance abuse problem. The Terms and Conditions were drafted by combining some of the DCA Uniform Standards, along with adding other language the Board felt was necessary for clarity, or to better implement the DCA Uniform Standards. Because of this, this statement of reasons will discuss:

- The adoption of the seven new CCR sections (starting with CCR § 2006.5);
- The amendments to CCR section 2006 which incorporate the *Vet Med Standards* by reference; and
- The *Vet Med Standards*

## **ANTICIPATED BENEFITS FROM THIS REGULATORY ACTION**

The Board anticipates that California veterinarians, RVTs, and consumers will benefit from having clearly defined terms and conditions related to licensees who have substance abuse related issues. The Board believes the licensees and the public benefit from the Board clearly stating in this regulation that it retains its authority to revoke the probation of a substance-abusing licensee who violates a term or condition of probation.

The Board anticipates that the public and licensees will benefit from the established standards as the Board and/or California Department of Consumer Affairs (DCA) will audit vendors to ensure compliance with established standards.

The Board anticipates that licensees will benefit from the established standards to get individuals back to a full and unrestricted license as soon as possible after proving they have been successful in completing the treatment or recovery program. The public will benefit as the Board will only allow individuals who have successfully completed the program to safely go back to full time practice.

## Specific Purpose of, and Rationale for, Each Adoption, Amendment, or Repeal

### Adopt § 2006.5.

#### Actions by Substance-Abusing Licensees and Consequences Thereof

##### **Adopt § 2006.5 subsection (a)**

**Purpose:** Subsection (a) defines the term “prohibited substance” as illegal drugs or substances that are not approved by a licensed health care professional. This term is used in the DCA Standards which the Board seeks to implement in this rulemaking.

**Rationale:** The definition of “prohibited substance” provides an expanded definition of items that are for the most part illegal in nature. However, the flexibility of the terminology permits the Board to include new illegal substances, which may not currently exist, but will pose a risk to the public’s health, safety, or welfare in the future. In addition, some current substances, such as cannabis, may be determined to have health benefits even though the US Drug Enforcement Agency lists cannabis as a Schedule I drug.

The definition also allows for substances that have been legal for long periods of time, such as alcohol, but may not have health benefits when consumed in large quantities or in high toxic content (e.g., high proof alcohol).

Defining this term also informs licensees that the individual is not to consume items unless prescribed by the licensee’s health care practitioner and approved by the Board, or alcohol or any other substance the licensee has been instructed by the Board not to use. It is the Board’s desire to implement the DCA Uniform Standards that require licensees eliminate the consumption of prohibited substances in order to provide much needed services to the public.

##### **Adopt § 2006.5 subsection (b)**

**Purpose:** Subsection (b) defines the term “biological fluid testing” as the types of testing approved to determine the existence of substances within the body. This term is used in the DCA Standards #4 (other drug standards section, last paragraph) and Uniform Standards #10 (major violations section—item 6) as an appropriate type of testing method which the Board seeks to implement in this rulemaking.

**Rationale:** This definition is necessary to define the approved types of testing which can determine the existence of various substances within the body. Inclusion of the term “biological fluid testing” in regulation helps to clarify the type of testing the Board may deem to be required. This term lists the type of testing commonly used to determine the existence of substances that an individual may have in their body. Without defining this term, the Board could inadvertently use language that is not acceptable by the courts, or terminology that requires further clarification as it is uncommon.

### **Adopt § 2006.5 subsections (c), (d), (e), and (f)**

**Purpose:** All language in subsections (c), (d), (e), and (f), with the exception of paragraph (c)(9), is, with minor modifications to the grammar for clarity, the language in Standard #10 (major violations and minor violations sections) of the DCA Uniform Standards. Subsection (c) paragraph (9) adds to that language in Standard #10 which lists major violations of probation by substance-abusing licensees to add that the Board will consider it a major violation if a licensee fails to comply with any term or condition of probation which presents an immediate threat to the violator or to the public. The Board is placing these subsections in regulation to establish the major and/or minor violation(s) of probation and establish the actions the Board may take against a licensee for major and/or minor violations of probation by substance-abusing licensees.

**Rationale:** In adopting Standard #10 of the DCA Uniform Standards, the Board believes licensees and the public benefit from having a list of major and minor violations of probation by substance-abusing licensees and the consequences the Board may impose for such violations in regulation.

The Board decided, in the interest of public safety, to add subsection (c), paragraph (9), to DCA Standard #10's list of major and minor violations and the consequences. Subsection (c) paragraph (9) establishes that if a substance-abusing licensee fails to comply with any term or condition of probation which presents an immediate threat to the violator or to the public, that will be considered a major violation. Subsection (c) paragraph (9) was added to effectuate the Board's commitment to public safety. Substance-abusing licensees are on notice that they must keep their own and the public's safety paramount when complying with conditions of probation.

### **Adopt § 2006.5 subsection (g)**

**Purpose:** Subsection (g) added to the language in Standard #10 of the DCA Uniform Standards that the Board's authority to revoke the probation of a licensee who has violated a term or condition of that probation is not limited by the section.

**Rationale:** The Board believes the licensees and the public benefit from the Board clearly stating in this regulation that it retains its authority to revoke the probation of a substance-abusing licensee who violates a term or condition of probation. This will allow the Board to protect the public in the event a licensee fails to adhere to the terms and/or conditions of their probation. It is the intent of the Board that licensees with substance abuse issues have a life free from prohibited substances. If such a licensee is unable to comply, the Board will therefore need to use its authority to protect the public, fulfilling its statutory mandate.



**Adopt § 2006.51.  
Clinical Diagnostic Evaluations for Substance-Abusing Licensees.**

**Adopt § 2006.51 subsection (a), paragraphs (1), (2), (3), and (4)**

**Purpose:** To implement the DCA Uniform Standards, all language in subsection (a) and paragraphs (1), (2), (3) and (4), with minor modifications to the grammar for clarity, is taken directly from Standard #1 of the DCA Uniform Standards.

**Rationale:** The Board believes licensees and the public benefit from having the qualifications and restrictions regarding clinical diagnostic evaluators (evaluators) from DCA Uniform Standard #1 placed in regulation. The rationale of each paragraph is listed below:

- Paragraph (1) establishes the minimum work experience and license requirements of the health care professionals who provide an evaluation of substance-abusing licensees. This item provides consistency and establishes minimum standards for evaluators. The three years' experience was determined to be the appropriate minimum level of experience required for an evaluator, as the vendor's medical director will be providing oversight. Substance-abusing veterinarians and RVTs can pose a serious risk of harm to patients and require careful, experienced treatment and monitoring. Less than three years' experience was determined to not provide sufficient breadth of knowledge to promote confidence in key stakeholders that providers contracting with the program will effectively protect the public.
- Paragraph (2) establishes that the clinical diagnostic evaluation is conducted utilizing acceptable professional standards and discourages individuals from utilizing less known or less effective means of conducting an evaluation.
- Paragraph (3) establishes a criterion to reduce the probability of a conflict of interest between the licensee and the evaluator. The determination that at least five years shall have passed from when an evaluator and licensee had any relationship was deemed sufficient time to reduce the likelihood of a bias or conflict of interest in the evaluation of the licensee.
- Paragraph (4) permits the evaluator to assess a licensee individually and make the appropriate professional recommendations. The notification deadline of 24 hours for the vendor to notify the Board was determined to be sufficient time for the Board to become aware that a licensee is a threat to themselves or others, which then allows the Board to take further, and possibly immediate, action if necessary.

**Adopt § 2006.51 subsection (a), paragraph (5)**

**Purpose:** To implement the DCA Uniform Standards, the language in subsection (a), paragraph (5), and subparagraphs (A) through (I) is taken directly from Standard #2 (item 2) of the DCA Uniform Standards. This language establishes that the evaluator will

provide an opinion on whether the licensee is safe to return to part-time or full-time work and what restrictions should be imposed, including participation in an inpatient or outpatient program. The evaluator is to consider the factors set out in (a), (5), (A) through (I).

**Rationale:** This section establishes minimum factors for the evaluator to consider when formulating an opinion and this section provides consistent standards the Board is expecting an evaluator to consider when an evaluation is conducted.

#### **Adopt § 2006.51 subsection (a), paragraph (6)**

**Purpose:** This paragraph allows the Board to place the expense burden on the licensee for the costs associated with an evaluation. This section is also necessary to inform the participants that they are responsible to cover the costs of entering the program.

**Rationale:** By placing the burden of costs of the program on the participant, the Board ensures the cost is paid for by the specific individual in the program. The Board does not have statutory authority in its Practice Act (neither the Board's fee statute, BPC section 4905, or regulation, CCR section 2070) to absorb or set the costs of the diversion program.

#### **Adopt § 2006.51 subsection (a), paragraph (7)**

**Purpose:** To implement the DCA Uniform Standards, the language in subsection (a), paragraph (7) is taken directly from Standard #1 (last paragraph) of the DCA Uniform Standards. This language was slightly modified to clarify that not only requests for additional information, but also for requests for additional time, are permitted, and that the Board has the authority to grant up to a 30-day extension.

**Rationale:** The Board determined that 10 days was sufficient time to evaluate and determine if the participant is a threat to the safety of the public. The Board determined 30 days was also a reasonable extension the Board could grant to the evaluator to complete their evaluation. The Board considers this a minor clarification aligned with the goals and spirit of the DCA Uniform Standards, to ensure quality evaluations if circumstances require an evaluator to need and request more time to complete the evaluation report.

#### **Adopt § 2006.51 subsections (b) and (c)**

**Purpose:** To implement the DCA Uniform Standards, the language in subsections (b) and (c) is taken directly from Standard #2 (items 1 and 2, respectively) of the DCA Uniform Standards with minor grammatical changes.

**Rationale:** Subsections (b) and (c) are necessary to protect the public by establishing the Board's authority while an individual is receiving a clinical diagnostic evaluation:



- Paragraph (b) enhances consumer protection by authorizing the Board to order licensees to cease practice pending results of an evaluation. This protects the public from licensees who have a substance abuse issue or may not be sober by blocking such licensees from performing veterinary services.
- Paragraph (c) provides consistent monitoring of the participant and encourages the participant to choose a sober lifestyle while identifying individuals who struggle with substance abuse even while they wait the result of the diagnostic evaluation. The two times a week testing requirement follows the DCA's Uniform Standard #2 and will identify and encourage individuals to continue to avoid taking prohibited substances. However, in the event that testing reveals a licensee has ingested any prohibited substances, the Board can take immediate action to protect the public.

**Adopt § 2006.51 subsection (d)**

**Purpose:** The language in the first sentence of subsection (d) is a deadline that is self-imposed by the Board. It requires the Board to review the clinical diagnostic evaluation report and decide within ten business days of receipt whether the licensee is safe to return to either part-time or full-time practice and what restrictions or recommendations shall be imposed on the licensee based on the recommendations of the evaluator.

To implement the DCA Uniform Standards, the second sentence in subsection (d) is taken directly from Standard #2 (item 1) of the DCA Uniform Standards.

**Rationale:** The Board determined that 10 business days will allow the Board sufficient time to review a licensee's evaluation, determine if the participant is a threat to the safety of the public and decide what restrictions or recommendations shall be imposed upon the licensee. The Board is aware that not all licensees subject to evaluation will be considered a threat to the safety of the public and that some licensees will need relatively minor restrictions or recommendations for treatment. In the interests of those licensees, the Board is imposing its own ten business day deadline on making determinations based upon the evaluation. This self-imposed deadline minimizes the economic impact of the mandatory cease practice order on licensees the Board determines to have only minor substance abuse problems. This self-imposed deadline also recognizes the importance of starting treatment as soon as possible for licensees with severe substance abuse problems, and ensures the Board decides upon what treatment will be required within 10 business days.

The second sentence in subsection (d) sets out the standard of 30 days of negative biological fluid tests before a licensee can return to practice, which is intended to encourage the licensee from refraining the use of prohibited substances.

**Adopt § 2006.51 subsection (e)**

**Purpose:** Paragraph (e) establishes the licensee shall comply with the recommendations or conditions recommended by the examiner conducting the

evaluation within 15 calendar days after being notified by the Board or its designee. This requirement provides consistency to establish a timeline of compliance after the Board notifies the licensee of the results of the licensee's clinical diagnostic evaluation.

**Rationale:** The Board has added in this requirement that a licensee comply with restrictions or conditions within fifteen calendar days to ensure participants continue on the path to recovery while also giving participants sufficient opportunity to comply. The Board believes this addition adds clarity to the processes established in the DCA Uniform Standards. The Board is adding this 15 calendar day deadline to reduce the risk that a licensee reverts back to substance abuse and possibly negatively impacts the health and safety of consumers and their animals.

### **Adopt § 2006.52.**

#### **Request by a Substance-Abusing Licensee to Return to Practice.**

#### **Adopt § 2006.52 subsection (a) and paragraphs (1), through (3)**

**Purpose:** To implement the DCA Uniform Standards, the language in subsection (a) and paragraphs (1), (2), and (3) is taken directly from Standard #11 (items 1, 2, and 3) of the DCA Uniform Standards with minor additional language added by the Board to clarify the process of requesting a return to practice.

**Rationale:** Each of the following paragraphs are a part of the criteria licensees must meet for a return to full practice under Uniform Standard #11:

- Paragraph (a)(1) requires compliance of the licensee with the program, allowing the Board to view a consistent pattern of compliance as a justification for allowing a licensee to return to practice.
- Paragraph (a)(2) requires work site reports, evaluations, and other information to demonstrate that the licensee is not a threat to the public as they are able to safely provide veterinary services.
- Paragraph (a)(3) requires the licensee have had negative biological fluid tests within a six month period, two positive worksite monitor reports; and complete compliance with other terms and conditions of the program.

#### **Adopt § 2006.52 subsection (b) and paragraphs (1) through (5)**

**Purpose:** To implement the DCA Uniform Standards, the language in subsection (b) and paragraphs (1) through (5) is taken directly from Standard #12 (items 1 through 5) of the DCA Uniform Standards with minor grammatical changes to clarify the process of requesting a full and unrestricted license to practice.

**Rationale:** The Board anticipates that licensees will benefit from the established standards to get individuals back to a full and unrestricted license as soon as possible

after proving they have been successful in completing the treatment or recovery program. The public will benefit as the Board will only allow individuals who have successfully completed the program to safely go back to full time practice. Incorporating the language from Standard #12 is expected to have the following benefit for each paragraph under subsection (b):

- Paragraph (1) establishes a history of compliance with the terms of the disciplinary order.
- Paragraph (2) establishes that the licensee can recover from addiction and is not likely a threat to the public.
- Paragraph (3) establishes a pattern of compliance by the licensee with the activities that promote the licensee’s recovery from addiction or substance abuse.
- Paragraph (4) establishes that the licensee can safely return to practice. This item incorporates the overall goal of the program, which is to return highly skilled individuals back to safe practice to provide services to the community.
- Paragraph (5) requires the licensee demonstrate the licensee has a long-term commitment to recovery and mitigates the probability of relapse and subsequent risk to the public.

**Adopt § 2006.53.  
Disclosure of Substance-Abusing Licensee Information**

**Adopt § 2006.53 and subsections (a) through (c)**

**Purpose:** To implement the DCA Uniform Standards, the language in this regulation is taken directly from Standard #14 of the DCA Uniform Standards with minor grammatical changes to clarify what information about a substance-abusing licensee will be disclosed to the public by the Board.

**Rationale:** The Board anticipates that the public will have access to the success of the program, while also permitting the licensee to have confidentiality related to their progress or completion of the wellness program.

This regulation incorporates Uniform Standard #14 and complies with any California Public Records Act (Government Code 6250 et. al.) requests, while also providing confidentiality to the licensee. Confidentiality is necessary as the program is intended to encourage licensees to seek sobriety and, not punish licensees who voluntarily enroll to better themselves and deal with their substance abuse issues.

Paragraphs (a) through (c) are necessary to clarify the only information which may be disclosed about a participant in the program.

**Adopt § 2006.54.  
Requirements for Laboratories/Testing Locations and  
Specimen Collectors for Testing Substance-Abusing Licensees.**

**Adopt § 2006.54 subsections (a), (b)(7) through (b)(11), and (c)**

**Purpose:** To implement the DCA Uniform Standards, the language in subsection (a) is taken from Standard #13 (item 1), the language in paragraphs (b)(7) through (11) is taken from Standard #13 (items (2)(a)(1) through (7)) and the language in subsection (c) is taken from Standard #13 (2)(a)(8) of the DCA Uniform Standards all with modifications and grammatical changes to clarify the locations and criteria for specimen collection. The purpose of adopting these subsections is to establish standards for private-sector vendors and testing locations for testing specimen collections from substance-abusing licensees.

**Rationale:** Incorporating these standards is expected to have the following benefits:

- Subsection (a) establishes a vendor shall report any major violation to the Board and the subsection cross references major violations as defined in CCR section 2006.5, which track the major violations defined in the DCA Uniform Standards, Standard #10, with the addition of a paragraph asserting the Board's right to consider actions presenting an immediate threat to the licensee or the public as major violations.
- Subsection (b), paragraph (7) requires specimen collection and testing locations have adequate supplies on site for all licensees for which the location is responsible on any day of the week and is intended to ensure that the Board can receive test results without delay.
- Subsection (b), paragraph (8) establishes the types of scientific tests (of urine, blood, or hair) that a test location is expected to be able to process to detect alcohol and illegal and controlled substances in a person's body.
- Subsection (b), paragraph (9) requires the vendor have secure testing sites throughout the state and is intended to allow licensees access to locations near to where they live.
- Subsection (b), paragraph (10) adds access to test results for the licensee and the Board while providing privacy for the licensee. Subparagraph (A) is intended to provide online access or a 24-hour phone service for a licensee to check in daily for drug testing. Paragraph (b)(10)(B) ensures that the testing location utilizes HIPPA-compliant website in order to protect the medical information of the licensee. Each of these paragraphs provides consistency to provide access to the test results, while protecting the medical information of the licensee.

- Subsection (b), paragraph (11) requires testing sites to use qualified personnel as specified to ensure those individuals who have the required knowledge and expertise to properly analyze the test results.
- Subsection (c) establishes that even if a licensee holds a valid prescription for a substance, a toxicology screen finding usage of that substance will not be considered negative.

**Adopt § 2006.54 subsection (b), paragraphs (1) through (6)**

**Purpose:** To implement the DCA Uniform Standards, the language in this regulation is taken directly from Standard #4 (within the "Other Drug Standards" section) with modifications and grammatical changes to clarify what information about a substance-abusing licensee will be disclosed to the public by the Board.

**Rationale:** Incorporating these standards under subsection (b) as paragraphs (1) through (6) is expected to have the following benefits:

- subsection (b), paragraphs (1) , (2), (3) and (5) will benefit the Board and licensees by requiring laboratory, testing, or specimen collection providers or contractors to follow established standards, certifications, accreditations, and trainings so results are reliable and the Board need not bear the cost of developing, improving, and maintaining training related to such standards, certifications, accreditations, and trainings.
- subsection (b), paragraph (4) requires specimen collectors have direct observation of the testing specimens to reduce the probability of an individual using any device, tool, or liquid to cheat the test. The intent is for the tests to provide accurate results.
- subsection (b), paragraph (6) establishes deadlines for testing locations to submit specimens to the laboratories, for laboratories to process the specimen, and to report the results to the Board. This establishes standards for the testing locations and laboratories, while providing the Board with legally defensible results in a timely manner.

**Adopt § 2006.55.  
Requirements for Wellness Program Vendors.**

**Adopt § 2006.55 subsection (a), paragraphs (1), (2), and (3)**

**Purpose:** To implement the DCA Uniform Standards, subsection (a), and paragraphs (1), (2), and (3) is taken directly from Standard #13 (items 4(e)(1) through (3)) of the DCA Standards and establishes a criteria for vendors to follow for their wellness programs.

**Rationale:** The Board anticipates that vendors will benefit from the established standards as the Board and the DCA will audit vendors to ensure compliance with established standards. This will provide checks and balances so that vendors must maintain accurate records and identify any inadequacies, deficiencies, irregularities, or non-compliance in their report to the Board or DCA. This regulation is necessary to establish standards for wellness program services vendors to follow and to also establish an auditing criterion for continued compliance with professional standards.

- Subsection (a), paragraph (1) allows the Board to hold one entity responsible without having to go through multiple subcontractors. In addition, this section makes it clear that the vendor is ultimately responsible for the actions of its subcontractors and that it cannot shift the burden to the subcontractors.
- Subsection (a), paragraph (2) establishes timelines for the termination of subcontracted services and requiring the vendor to terminate services of a subcontractor who fails to provide effective or timely service within 30 business days of when the subcontractor has failed to provide timely services.
- Subsection (a), paragraph (3) requires the Board be notified within five business days of the termination of a subcontractor. This keeps the Board aware of subcontractors who fail to provide effective or timely services.

**Adopt § 2006.55 subsections (b), (c), and (d)**

**Purpose:** To implement the DCA Uniform Standards, subsections (b), (c), and (d) are language taken directly from Standard #15 (items 1 through 3), of the DCA Standards to establish: (1) external audits by qualified, independent reviewers to be conducted within an established time-period, (2) cycles and deadlines for the reviewer to provide their results to the Board; and (3) deadlines for DCA and the Board to respond to the findings of the audit reports

**Rationale:** Adopting these standards reduces the probability of a conflict of interest between the vendor and individuals within DCA by permitting a periodic independent review by different individuals on the effectiveness of the monitoring services and the vendors providing the services. The intent is to provide an unbiased opinion of the effectiveness of the program by an entity other than the vendor or DCA staff to ensure there is a check that the program is serving the licensees and protecting the public.

External audits allow for consistency so that the Board may identify inadequacies, deficiencies, irregularities, or non-compliance, and ensure that the Board is holding vendors accountable for their information; it also assists the Board with its mandate to provide protection of the public.

The requirements of paragraph (3) ensure the Board and the DCA respond to findings or issues from the audit report.



**Adopt § 2006.56.**  
**Reporting Requirements Relating to Substance-Abusing Licensees**

**Adopt § 2006.56 subsections (a) through (d)**

**Purpose:** To implement the DCA Uniform Standards, subsections (a) through (d) incorporate aspects of Uniform Standards #4 and #16 (sections: category breakdown, analyzing data section, criteria for determining harm and effectiveness) to establish reporting requirements and data collection for reporting to the California legislature, DCA, and the Board regarding individuals who are in the wellness and/or probation program.

**Rationale:** The Board anticipates that information to be reported to the DCA and the Legislature will be used to evaluate the success of licensees who are in the program. This regulation is necessary to establish the effectiveness of the program based on the outcomes of individuals who participate. Each of the following subsections are necessary to track the information needed to establish the effectiveness of the program:

- Subsection (a) is required so that the Board reports to both DCA and the California legislature data on the various categories of information related to licensees in Board's wellness program. Paragraphs (1) to (10) are necessary to create identical standards of measurement to allow comparison of all DCA entities' wellness programs and to enable monitoring, over the long-term, to determine if the program is effective for the participants.
- Subsection (b) requires that, for each item listed in paragraphs (1) through (10) in subsection (a), the Board must identify the specific substance abuse problem and whether the licensee is in a wellness program or a probation program. This data will allow the Board, the DCA and the Legislature to identify possible patterns in substance abuse the Board may choose to address.
- Subsection (c) requires the Board, when determining the success of terms and conditions of probation, take into account any information from the data reported in subsections (a) and (b) that indicates specific licensing categories or specific substance abuse problems that have either higher or lower probability of success. That data from subsections (a) and (b) may be used to determine risk factors when the Board must determine whether a license should be revoked or placed on probation. These requirements will assist the Board in making data-driven responses to specific types of substance-abuse problems.
- Subsection (d) incorporates Uniform Standard #16 (criteria for determining harm and effectiveness section) and requires the Board to use a specific criterion to determine if the terms and conditions of probation protect the licensee from harm and assist in the long-term recovery for the licensee. This standard provides consistency to ensure the program is effective for licensees for the long-term and minimizes the probability of a relapse by the licensee. Subsection (d), paragraphs (1) and (2)

provide consistency to determine if all the participants, who were on probation, were successful in completing the program and to determine if at least 75% of the participants, who were on probation, were successful in completing the program. This criterion is utilized to set the minimum standards for measuring the success of the program and will help the Board to determine if modification of the program better encourages individuals to maintain sobriety, and ultimately, return those highly skilled professionals back to providing services to the community.

### **Adopt § 2006.56 subsection (e)**

**Purpose:** To implement the DCA Uniform Standards, subsection (e) is taken directly from Standard 4 of the DCA Standards to establish reporting requirements and data for the California legislature and DCA regarding individuals who are in the wellness and/or probation program.

**Rationale:** The Board anticipates that information will be used to determine the long-term success of the program by allowing the Board to analyze trends or patterns of outcomes for individuals in the program. Subsection (e) incorporates Uniform Standard #4 (historical data and post-implementation data section) and establishes the following criteria for the Board to determine the effectiveness of the program:

- Subsection (e), paragraph (1), including subparagraphs (A)–(D) establishes categories of information to be collected to help determine if historical patterns exist for individuals who have failed in an aspect of testing.
- Subsection (e), paragraph (2), including (A)–(S), establishes categories of information to be collected to determine any yearly trends of participants in the program and to provide detailed data of how individuals are performing in the program. In addition, the Board will have oversight from DCA and the Legislature to determine if the program is effective and how it compares to the effectiveness of other DCA healing arts entities’ programs for substance-abusing licensees.

The historical data required above is mandatory and will be utilized to determine the effectiveness of the program; it will help the Legislature, DCA, Board, and the public to discover issues in the profession and may identify ways to improve areas of the substance-abuse program.

### **Amend § 2006.**

### **Disciplinary Guidelines and Uniform Standards for Substance-Abusing Licensees**

### **Amend § 2006 subsection (a)**

**Purpose:** CCR section 2006(a) is being amended to update the edition of the “Veterinary Medical Board Disciplinary Guidelines” from “October 2021 Edition” to read “January 2022 Edition,” and to clarify language concerning factors which warrant a deviation in terms of probation.

**Rationale:** Updating the title of this section to incorporate the Uniform Standards for Substance-Abusing Licensees provides consistency as the current title of the regulation only includes the Board’s Disciplinary Guidelines. Adding the phrase “Uniform Standards for Substance-Abusing Licensees” to the title will clarify the items covered in this section and make the section easier to find in the table of contents, index, or search engine results.

The rulemaking updating the Board’s Disciplinary Guidelines to the October 2021 version became effective on April 1, 2022. No changes have been made the Board’s Disciplinary Guidelines, but the Board would like to update the document to have a January 2022 revision date, and to revise the text of CCR section 2006(a) to reflect this change. The Board is seeking to have 2022 versions in regulation for both the Disciplinary Guidelines and the *Vet Med Standards* document.

Adding to the phrase "the presence of mitigating factors" so that it reads: "the presence of mitigating *or aggravating* factors" provides consistency as the Board must consider other mitigating or aggravating factors to evaluate other factors that are not otherwise addressed in the Board’s criteria. This criterion allows the individual and the Office of the Attorney General to provide additional evidence to facilitate a determination of whether the individual is sufficiently rehabilitated to provide veterinary services consistent with the public health, safety, and welfare. In addition, a non-substantive change was made to add a subsection "(a)."

**Amend § 2006 subsection (b)**

**Purpose:** Adding in subsection (b) provides licensees and the public with notice that if a licensee is subject to discipline on grounds involving drugs and/or alcohol, they will be presumed to be a substance-abusing licensee. This presumption may be rebutted, but if it is not, when applying probationary conditions in a disciplinary order, the Board will follow the terms and conditions set out in the *Vet Med Standards*. Subsection (b) incorporates the *Vet Med Standards* by reference. The *Vet Med Standards* has a cover page, table of contents, eight regulation sections regarding substance-abusing licensees, an Introduction, and then provides four (4) required and four (4) optional Terms and Conditions of probation to be utilized when applying probationary conditions in the disciplinary order.

**Rationale:** Incorporating the *Vet Med Standards* by reference is necessary for implementing the DCA Uniform Standards, to insure inclusion of any Terms and Conditions not specified in proposed CCR § 2006.5 through § 2006.56. The standards language includes information regarding section 315 of the Code and the SACC. The SACC established standards DCA healing arts boards are required to adopt when a licensee is currently using or has recently used a prohibited substance. The language proposed specifies that ALJs, parties, and staff are required to use the *Vet Med Standards* when developing a recovery plan for individuals subject to the *Vet Med Standards*.

The added language specifies that the probationary terms and conditions within the incorporated document, *Vet Med Standards*, are to be used in every case where the individual is determined to be a substance-abusing licensee. Any reference to the Board also means staff working for the Board or the Board's designee. The document also specifies that the Board's Disciplinary Guidelines should still be used in formulating the penalty and in considering additional terms or conditions of probation appropriate for greater public protection. The conditions contained within the *Vet Med Standards* are required to be used in lieu of any similar standard or optional term or condition within the Board's Disciplinary Guidelines.

Adoption of the *Vet Med Standards* will provide licensees with an opportunity to correct their substance abuse issues without having their license immediately revoked. It provides opportunity for the individual to correct their behavior, provides a path towards a healthier lifestyle, and provides the licensee with a path to go back to full employment and be able to provide much needed services to the public and their animals.

**Adopt  
Veterinary Medical Board Uniform Standards for  
Substance-Abusing Licensees, January 2022 (by incorporation by reference)**

**Cover Page**

**Purpose:** The purpose of this proposal is to provide a cover page for the *Vet Med Standards* that identifies the title of the document and contains the Board's physical address, contact information, name of the Executive Officer and a creation date.

**Rationale:** The Board anticipates that the public, veterinarians, and registered veterinary technicians (RVTs) will be better able to find the *Vet Med Standards* with the new cover page and be better informed as to the Board's location, contact information, executive officer, and the date the document was created. A cover sheet is necessary to provide clear and transparent identification of the document. Having a cover page identifies for the public and licensees that the document contains the Board's Uniform Standards for Substance-Abusing Licensees. The cover page also includes the Board's physical and mailing address, telephone number, and website address for ease of reference, so the public, licensees, and other users of the *Guidelines* have immediate access to the Committee's contact information. The name of the Executive Officer and a creation date will help the public and staff track any revisions or subsequent versions of the *Vet Med Standards*.

**Table of Contents**

**Purpose:** Amending the *Vet Med Standards* to include a table of contents will clarify the organization of the *Vet Med Standards* and give page references for each item.

**Rationale:** The Board anticipates that ALJs, DAGs, the public, veterinarians, RVTs, and applicants will benefit from the addition of a table of contents that will identify the

subjects covered and specify their page location in the *Vet Med Standards*. The table of contents is necessary to make the *Vet Med Standards* more user-friendly and provide transparency and clarity as to the disciplinary authority of the Board and the potential disciplinary outcomes for substance-abusing applicants and licensees.

### **Regulations § 2006 and Proposed CCR §§ 2006.5, 2006.51, 2006.52, 2006.53, 2006.54, 2006.55, and 2006.56**

**Purpose:** The purpose of setting out the amended regulation §2006 and the proposed seven new sections (§§2006.5, 2006.51, 2006.52, 2006.53, 2006.54, 2006.55, and 2006.56) is to provide all the Board’s information regarding substance-abusing licensees in one place for ALJs, DAGs, the public, applicants, RVTs, veterinarians, and Board staff.

**Rationale:** The anticipated benefits and rationale supporting the adoption of each of the seven proposed new regulations §§2006.5, 2006.51, 2006.52, 2006.53, 2006.54, 2006.55, and 2006.56 and the proposed amendments to §2006 were all discussed in detail above. Incorporating the related regulations into one document will make it easier for readers to have one resource for viewing the applicable regulations without having to search WestLaw or the Practice Act for each of the regulations.

### **Introduction**

**Purpose:** The purpose of the introduction is to state the Board’s authority to adopt these requirements and indicate to the reader the brief history of how the Disciplinary Guidelines and the *Vet Med Standards* documents, and related regulations and terms & conditions of probation became required. The introduction also helps to establish that terms and conditions, either required or optional, that shall be used when determining how to correct the behavior of a participant.

**Rationale:** The inclusion of the introductory information helps establish key points in the history of the creation of the Uniform Standards required for healing arts entities of DCA and helps the reader to understand how these regulations came to be. The information makes it clear to the participants of the wellness program, including staff members, ALJs, DAGs, and public that the Board will utilize the terms and conditions within the *Vet Med Standards* as a response to participants of the wellness program.

### **Required Terms and Conditions of Probation**

The Board proposes incorporating language from DCA Uniform Standards, however, some terms referenced within the Standards have been modified. Terms related to a particular gender (him/her variations) or “licensee” have been restated as a gender-neutral term “respondent,” which is a common term utilized by staff, ALJs, and DAGs.



## **Required Term and Condition #1. Notice of Employer or Supervisor Information**

**Purpose:** To implement the DCA Uniform Standards, this required term and condition of probation is taken directly from Standard #3 of the DCA Uniform Standards with the addition of the introductory phrase “Within seven (7) days of the effective date of this Decision”, and references to “licensee” are replaced with “respondent.” This standard also requires that the licensee provide written consent to allow Board staff to communicate with the employer about the licensee’s work status, performance, and monitoring.

**Rationale:** This required term and condition of probation requires a licensee who has an employer to provide the Board with the names, physical addresses, mailing addresses and phone numbers of all employers and supervisors within seven (7) days of the effective date of the decision. This standard also requires that the licensee provide written consent to allow Board staff to communicate with the employer about the licensee’s work status, performance, and monitoring. The references from “licensee” in Standard #3 were replaced with “respondent” as this is common language Board enforcement staff, ALJs, and DAGs are all familiar with when an individual is the subject of an accusation. These requirements from the DCA Uniform Standards cannot protect the public if a Respondent can fail to comply for months after the effective date of the decision. The Board chose to give Respondents seven (7) days from the date of the decision to ensure the employer information is provided quickly. Seven (7) days provides the Respondent at least one weekend during which to assemble the information needed to comply with this condition. This information gives the Board the ability to quickly intervene and take necessary actions to keep the licensee on track and protect patients, especially if the licensee is using prohibited substances or alcohol on the job.

## **Required Term and Condition #2. Biological Fluid Testing**

**Purpose:** To implement the DCA Uniform Standards, this required term and condition of probation contains language taken directly from Standards #4 (sections: testing frequency schedule, exceptions to testing frequency schedule, and portions of the other drug standards), #8, #9, and #10 of the DCA Uniform Standards with minor changes for clarity. The Board is also proposing to adopt additional language to clarify the responsibilities and expectations for participants subject to testing: specific dates as ordered by the Board or its designee, the burden of costs being borne by the Respondent, certified copy of laboratory test results can be used as evidence in any proceedings, determination of positive biological fluid test when a cease-practice order is issued.

**Rationale:** Randomness is important in drug testing as it increases the likelihood that the Board will obtain accurate results while encouraging the participant to adhere to a substance-free lifestyle. The testing frequency schedule proposed by the Board allows for appropriate randomness in testing (without regular intervals or a pattern), preventing licensees from gauging when they will be tested. By establishing minimum testing



frequency “ranges” and employing randomness in testing, licensees will not be able to consider one (1) or more days as a “safety period” following the submission of a biological sample for testing. Requiring a licensee to submit a specimen on the same day as directed will eliminate the ability of a licensee to “flush” their system overnight. The standard is broad enough to allow the Board to evaluate each licensee’s situation on a case-by-case basis, if appropriate. For example, one of the exemptions allows the Board to adjust the testing frequency schedule in cases where a licensee is an admitted recovered substance abuser or addict, who has already participated in a rehabilitation program before being placed on probation. In cases where there is evidence that the person has randomly tested previously and has maintained sobriety, the Board has decided to retain flexibility to alter the duration of high-frequency testing, in a manner that is equivalent to the proposed testing schedule. Allowing exceptions will both protect the public and fit each licensee’s needs, while increasing the likelihood of successful rehabilitation of the licensee by providing a plan that is manageable and realistic.

By placing the burden of costs on the participant, the Board ensures costs are not absorbed by other areas of the Board’s budget nor do the costs drive up license fees. Certified laboratory testing results are also necessary for the Board to ensure that it has legally defensible evidence if a participant is subject to disciplinary proceedings; because without certified results, there may be inconsistencies, which could result in unenforceable disciplinary actions being taken against a licensee.

### **Required Term and Condition #3. Abstain from the Use of Alcohol, Controlled Substances, and Dangerous Drugs**

**Purpose:** To implement the DCA Uniform Standards, the language of this required term and condition of probation is taken from Standards #4 and #8 of the DCA Uniform Standards to establish a history of substance abuse and determine whether a positive test result is evidence of prohibited use. This Term and Condition also implements the requirement that the Respondent abstain from using alcohol, controlled substances, and dangerous drugs, imposes a reporting requirement for lawful medication(s), lists the required health care provider information and prescription medication information, the quarterly reporting requirements, avoidance of individuals using illegal substances, and the consequences of positive test results registering above established laboratory cut off levels which includes reporting positive test results to a Respondent’s employer.

**Rationale:** Abstinence from the use of prohibited substances is necessary in the recovery of an individual with a history to substance abuse. By establishing that the participant is not to have prohibited substances in their body, the Board is attempting to establish a routine for the participant to lead a healthier lifestyle. By allowing lawful medication exemptions and also notification of those medications to the Board within 15 days, the Board is permitting the individual to continue medications that the individual’s licensed health care practitioner has determined is necessary. The 15 days is necessary, so that the Board is made aware of the medication to determine if the substances may have affected test result(s); timely notification is necessary, so the Board has enough time to act in the event there is possible danger to the public. This

time also allows the participant sufficient time (half a month) to notify the Board of medication(s) prescribed by their doctor.

Requirements to provide contact information of the prescriber and information about any medications are necessary to ensure that the Board is able to verify that prescription medications were obtained lawfully. Information concerning a Respondent's substance abuse history is also necessary to determine the probability of relapse, patterns of relapse, or changes in behavior (some of which may be linked to legal or illegal medication usage).

Quarterly information reported to the Board is necessary so that the Board has consistent and timely information required to generate a report on the effectiveness of the program to DCA, the Legislature, Board members, and the public. By establishing deadlines for reporting and the specific requirements needed to be reported, the Board is able to analyze the data to provide to the entities as previously mentioned. In addition, the information allows the Board to identify patterns to determine if there is a risk to public safety by reviewing information in the medical history of an individual. By placing the responsibility on the Respondent to have their health care practitioner to provide the information to the Board, the Board encourages the participant to be active in their recovery by taking responsibility for the timely reporting of necessary information by their doctor. Coordination authorization by the Board is for consulting a specialist who may be more familiar with how medications interact in the body; their specialized knowledge is valuable in the Board's determination of the results of a Respondent's tests.

The final requirement that Respondents avoid individuals who use illegal substances, such as prohibited substances that are smokable, provides information to the Respondents that it is the Board's expectation that the individual change their lifestyle to avoid these individuals and maintain a sober lifestyle. The Board also seeks to ensure public safety, so accusations and notification to a Respondent's employer in the event the individual tests positive beyond the established laboratory cut off level is necessary so that the individual may be removed from practice as soon as possible.

#### **Required Term and Condition #4. Violation of Probation Condition for Substance-Abusing Licensees**

**Purpose:** To implement the DCA Uniform Standards, the language of this required term and condition of probation is taken directly from Standards #8, 9, and 10 of the DCA Uniform Standards with minor changes in the language for clarity. Additional language is added related to a Respondent's rights and the Board's authority over a Respondent in relation to a violation of a term or condition of probation, including information resulting from an Accusation, Petition to Revoke Probation, or an Interim Suspension Order.

**Rationale:** In compliance with SB 1441, major and minor violations and consequences are defined. If a licensee commits a major violation, the Board may issue an immediate

cease practice order and refer the matter for disciplinary action or other action as determined by the Board. If a licensee commits a minor violation, the Board would be required to determine what action is appropriate based on the violation.

Protection of the public is the highest priority of the Board in exercising its licensing, regulatory, and disciplinary functions. Major violations would result in consequences that would be defined in this section, which is identical to proposed CCR section 2006.5(c), and clearly defines the response the Board will take when a violation occurs. Minor violations would result in consequences determined appropriate by the Board, e.g., issuing a cease practice order or issuing a citation, and aligns with proposed CCR section 2006.5(e). By incorporating Term and Condition #4, the Board creates a clear process, which includes the results of a violation of a term and condition, that is not arbitrary, which allows the Respondent to know what process will be followed in the event of a violation.

### **Optional Terms and Conditions of Probation**

#### **Optional Term and Condition #5. Clinical Diagnostic Evaluations and Reports; Temporary Removal from Practice**

**Purpose:** To implement the DCA Uniform Standards, the language of this required term and condition of probation is taken directly from Standards #1 and 2 of the DCA Uniform Standards with minor changes to the language for clarity. This Term and Condition identifies the information that must be addressed or contained in the evaluation report and timeframes for submitting the report to the Board.

**Rationale:** The Board is required to protect the public, including their animals, by ensuring individuals are safe to practice. Thirty (30) days from the date of the decision was determined to be sufficient time for a Respondent to undergo a clinical diagnostic evaluation. It enhances the Board's protection of the public as the individual is required to go for an evaluation to determine if there are prohibited substances in a Respondent's system to determine if the Respondent is a danger to the safety of the public.

The Board is proposing adopting the following acceptable criterion requirements for a clinical diagnostic evaluation (similar to proposed CCR section 2006.51):

- Specifying requirements for a clinical diagnostic evaluation of the licensee and the required qualifications for the providers charged with evaluating the licensee along with timeframes for completing the clinical diagnostic evaluation;
- Ensuring that the Board is notified quickly if the licensee is a threat to themselves or the public;

- Ensuring the Board is provided with a professional opinion as to whether the licensee has a substance abuse problem, and whether the licensee is a threat to themselves or others; and
- Prohibiting personal, financial, and business relationships between the evaluator and licensee, thereby ensuring objectivity in assessments.

Due to the complexity of an addictive disease, professional substance abuse evaluations are needed to assist the Board in making informed decisions regarding a licensee’s ability to practice safely. Many individuals who have substance abuse issues also have other mental problems/diagnoses. The evaluator can present recommendations for a therapeutic treatment plan. The treatment recommendations may be incorporated into a Board order as elements for monitoring. By specifying that the Board be provided with expert recommendations for treatment and practice restrictions, the standard also ensures that licensees who have undergone treatment and have made steps towards recovery can safely return to practice.

Clinical diagnostic evaluations conducted prior to this Term and Condition are not sufficient, a new evaluation is required within 30 days of the date of the decision; this also ensures that the evaluation as required by the decision follows the DCA Uniform Standards. By placing the burden of costs of the program to the participant, the Board ensures costs do not increase the cost of other board functions, , primarily resulting in license fee increases, but that the cost is paid for by the specific individual in the program.

The Board upholds its responsibility to protect the public by prohibiting the practice of veterinary medicine by a substance-abusing licensee. This condition clarifies that the time a Respondent is not practicing veterinary medicine does not count as part of their probation, a necessary restriction to provide the Board time needed to determine if the individual is a threat to the public while practicing veterinary medicine.

15 days was determined to be sufficient for the Respondent to comply with the restrictions and start following the order(s). This allows for approximately half a month to comply while also establishing an urgency between the Board and the individual to follow a life free of prohibited substances. This restriction and urgency is intended to help facilitate Respondent’s recovery, while allowing the Board to track and identify individuals who do not comply with this term and condition of their probation.

**Optional Term and Condition #6. Substance Abuse Support Group Meetings**

**Purpose:** To implement the DCA Uniform Standards, the language of this required term and condition of probation is taken directly from Standard #5 of the DCA Uniform Standards with clarifications to compliance dates after an effective decision.

**Rationale:** The Board is required to protect the public, including their animals, by ensuring individuals are safe to practice. The thirty (30) days from the date of the

decision was determined to be sufficient time for a Respondent to attend substance abuse support group meetings by allowing the Respondent sufficient time to find a group that may work for them. It enhances the Board's protection of the public by requiring the individual to have support from individuals who have gone through similar challenges and struggles while seeking a sober lifestyle. Requiring Respondents to comply with decisions issued by the Board increases consumer protection by:

- Holding licensees placed on probation due to substance abuse accountable for attending meetings and being active in their own recovery;
- Allowing the group meeting facilitator and the Board to work together to assist in the licensee's recovery and quickly prevent relapse with open channels of communication; and
- Ensuring that licensees are receiving professional help from a person not related to them in any way that will allow for objectivity and balance during their recovery.

Banning a relationship between the facilitator and the Respondent within the last five (5) years was determined to be appropriate so that sufficient time lapses between the two individuals to reduce the probability of a bias or conflict of interest. Clarifying that previous participation in a substance abuse group led by the same facilitator is acceptable is intended to allow the Respondent to use a person with whom they are familiar, comfortable, and already have a built trust with when seeking recovery.

### **Optional Term and Condition #7. Worksite Monitor Requirements and Responsibilities**

**Purpose:** To implement the DCA Uniform Standards, the language of this required term and condition of probation is taken directly from Standards #7 and 13 of the DCA Uniform Standards with clarifications to compliance dates after an effective decision.

**Rationale:** The Board is required to protect the public, including their animals, by ensuring individuals are safe to practice. Thirty (30) days was determined to be sufficient time for a Respondent to find and seek a worksite monitor which allows the Respondent sufficient time to find an individual to monitor them. It enhances the Board's protection of the public by requiring the individual to be sober free and accountable while providing veterinary services.

This Term and Condition requires the Board to determine if a worksite monitor is necessary for a particular licensee and outlines the requirements the proposed monitor must meet in order to be approved by the Board to serve as a monitor.

SB 1441 required DCA to establish monitor requirements and standards, including, but not limited to:

- Required qualifications of monitors;

- Required methods of monitoring by monitors; and
- Required reporting by monitors.

The worksite monitor's role is to have face-to-face contact with a licensee who has a substance abuse history to ensure that the licensee is not using prohibited substances. The monitor is also responsible for reporting to the Board whether patient safety may be at risk and any change in the licensee's behavior that may be cause for suspected substance abuse.

The licensee and the worksite monitor must sign and submit consent forms in order for the Board to communicate with the monitor regarding the licensee's performance while at work. Implementing this standard provides:

- Ongoing documentation of the licensee's behavior and would ensure the public's safety; and
- Immediate notification to the Board if a licensee is suspected of working under the influence of drugs and/or alcohol.

The monitor should not have any financial or personal relationship with the licensee. This standard establishes that there is not to be a relationship which may cause a bias or the ability of the monitor to provide an impartial report to the Board or its designee. By making this requirement clear, it is the intent of the Board to receive information that is factual, but not used in a way for an employee at the Respondent's job to use the information to exact revenge or provide favoritism to the Respondent; it is also not the desire for any case of future reprisal if the monitor is an employee or subordinate of the Respondent. The standard does contain a provision to allow the Board to waive this requirement as some licensees may only have an employer available to serve as a worksite monitor. Frequent face-to-face contact with the licensee is important in order to assess any changes in appearance and behavior which may suggest substance abuse or impairment. The monitor needs to interview the staff in the office to detect any changes in the licensee's behavior and review the attendance records in order to provide adequate reports to the Board on the licensee's performance in the work environment. Most importantly, this standard identifies the timeline for reporting to the Board any possible substance abuse by the licensee and details what information must be included in the monitor's report.

The worksite monitor's detailed report, including date, time, location, Respondent's actions, and any additional information provides clarification to the reporting requirements of worksite monitors in the written report, which is due 48 hours after occurrence. This clarification provides the Board with information to determine if the Respondent requires additional testing and if the licensee poses a risk to public safety.

In the event a worksite monitor changes employment, the Respondent is required to find another suitable replacement within five (5) days. Five (5) days was considered



sufficient time for the Respondent to select a worksite monitor as certain aspects of the worksite monitoring require immediate action (e.g., reporting to the Board within 48 hours of suspected substance abuse by the Respondent). Fifteen (15) was determined to be sufficient time for the worksite monitor to take over the responsibilities of the previous individual as this will allow consistent reporting to the Board for individuals subject to this type of monitoring; this also allows, at worst, for a slight delay in the monthly reporting as the new individual becomes familiar with the reporting requirements. Failure of the Respondent to obtain and receive approval of a worksite monitor within 60 days is also important as it emphasizes the responsibility for the Respondent to comply and find an individual who is able to monitor their behavior at work; this additional time also takes into consideration that the worksite monitor who left, may have done so abruptly, which requires a new hire to replace the individual. In the event the Respondent fails to find a worksite monitor within the 60 days, the notification to cease practicing will become necessary and the three (3) days is necessary to prevent a possible harm to the public or their animals.

### **Optional Term and Condition #8 Drug or Alcohol Use Treatment Program**

**Purpose:** To implement the DCA Uniform Standards, the language of this required term and condition of probation is taken directly from Standards #6 and 13 (item 2(d)) of the DCA Uniform Standards with clarifications to compliance dates after an effective decision.

**Rationale:** Thirty (30) days was determined to be sufficient time for a Respondent to attend substance abuse support group meetings in that it gives the Respondent sufficient time to find a group that may work for them. It enhances the Board's protection of the public by requiring the individual to have support from individuals who have gone through similar challenges and struggles while seeking a sober lifestyle.

### **UNDERLYING DATA**

1. SB 1441 (Chapter 548, Statutes of 2008) authored by Senator Ridley-Thomas
2. March 3, 2009 SACC Agenda and Relevant Meeting Materials
3. May 6, 2009 SACC Agenda and Relevant Meeting Materials
4. May 18, 2009 SACC Agenda and Relevant Meeting Materials
5. July 15, 2009 SACC Agenda and Relevant Meeting Materials
6. September 2, 2009 SACC Agenda and Relevant Meeting Materials
7. September 22, 2009 SACC Agenda and Relevant Meeting Materials
8. November 16, 2009 SACC Agenda and Relevant Meeting Materials
9. April 6, 2010 SACC Agenda and Relevant Meeting Materials
10. April 11, 2011 SACC Agenda and Relevant Meeting Materials
11. July 24–25, 2012 Board Agenda, Relevant Meeting Materials, and Meeting Minutes
12. October 16–17, 2012 Board Agenda, Relevant Meeting Materials, and Meeting Minutes
13. January 29–31, 2013 Board Agenda, Relevant Meeting Materials, and Meeting Minutes

14. April 23–24, 2014 Board Agenda, Relevant Meeting Materials, and Meeting Minutes
15. July 22–23, 2014 Board Agenda, Relevant Meeting Materials, and Meeting Minutes
16. October 21–22, 2014 Board Agenda, Relevant Meeting Materials, and Meeting Minutes
17. SB 796 (Chapter 600, Statutes of 2017) authored by Senator Hill
18. April 23, 2018 SACC Agenda
19. June 27, 2018 SACC Agenda
20. October 30, 2018 SACC Agenda
21. November 14–16, 2018 Board Agenda, Relevant Meeting Materials, and Meeting Minutes
22. January 23–24, 2019 Board Agenda, Relevant Meeting Materials, and Meeting Minutes
23. The SACC's "Uniform Standards Regarding Substance-Abusing Healing Arts Licensees, March 2019"
24. July 17–18, 2019 Board Agenda, Relevant Meeting Materials, and Meeting Minutes
25. September 12, 2019 Board Agenda, Meeting Materials, and Meeting Minutes
26. October 9–11, 2019 Board Agenda, Relevant Meeting Materials, and Meeting Minutes
27. October 21–22, 2021 Board Agenda, Relevant Meeting Materials, and Meeting Minutes
28. January 19–20, 2022 Board Agenda, Relevant Meeting Materials, and Meeting Minutes
29. Calculations for the Economic and Fiscal Impact Statement
30. Charts for the Economic and Fiscal Impact Statement
31. Workload Costs
32. Probation Monitoring Workload Costs
33. Employment Development Department (EDD) Occupational Profile for Veterinarians
34. U.S. Bureau of Labor Statistics (BLS) Occupational Profile for Veterinarians
35. EDD Occupational Profile for Veterinary Technologists and Technicians
36. BLS Occupational Profile for Veterinary Technologists and Technicians

## **BUSINESS IMPACT**

The Board has made the initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting businesses. This initial determination is based on the following facts or evidence/documents/testimony:

**Cost Impact on Representative Private Person or Business:** The Board has made the initial determination that the proposed regulations will not have a significant statewide adverse economic impact directly affecting businesses, including the inability of California businesses to compete with businesses in other states.

The regulations will only impact a small number of licensed veterinarians and registered veterinary technicians who violate the Practice Act.

## ECONOMIC IMPACT ASSESSMENT

The Board has determined that this regulatory proposal will have the following effects:

- It will not create or eliminate jobs within the State of California because it does not impose requirements for businesses to hire or eliminate licensees.
- It will not create new business or eliminate existing businesses within the State of California because this regulation will only impact licensees who have been placed on probation and are only ordered to cease practice due to testing positive for a prohibited substance.
- It will not affect the expansion of businesses currently doing business within the State of California because it does not impose additional hiring requirements for owners or a managing licensee (veterinarian) over a veterinary premises.

This regulatory proposal has the following benefits:

- It affects the health and welfare of California residents because it requires the licensee to be completely compliant with the conditions in their recovery program and/or probation or the Board can issue a cease practice order.
- It does not affect worker safety because it does not involve worker safety.
- It does not affect the state's environment because it does not involve the environment.

**Impact on Jobs / Businesses:** The Board has made the initial determination that the proposed regulations will not have a significant statewide adverse economic impact directly affecting businesses including the inability of California businesses to compete with businesses in other states.

This initial determination is based on the following facts/evidence/documents/testimony or other evidence:

- The Board has determined that this regulatory proposal will have a minimum impact on businesses with an estimated twenty-six (26) probationers possibly made per year. The Board has determined that this regulatory proposal will not have any impact on the elimination of jobs or existing businesses, or the expansion of businesses in the State of California.

The Board has made the initial determination that there will be cost impacts that a representative private person would necessarily incur in reasonable compliance with the proposed action. These costs will apply to licensees subject to discipline by the Board as a substance abusing licensee, or who self-refer into the wellness program.

Based on current licensee probation data, the Board estimates twenty (20) veterinarian licensees and six (6) RVTs will be placed in the wellness program per year for the duration of their five-year probation period. As a result, wellness program participation is anticipated to remain unchanged.

### Income Loss Over One Month

Licensees referred to in-patient treatment will be required to cease practicing veterinary care for a 30-day period. The following estimates are for each license type:

- Registered Veterinary Technicians (RVTs) are estimated to lose \$3,933 of income (each individual) during this time with an average yearly estimated cost of \$23,597 with a total cost of \$235,971 over a ten-year period.
- Veterinarians are estimated to lose \$10,493 of income (each individual) during this time with an average yearly estimated cost of \$209,868 with a total cost of \$2.10 million over a ten-year period.

The following chart indicates the estimated 30-day income losses for each license type:

Estimated 30-Day Income Loss													
License Type	Participants	*Income Loss	Year 1	Year 2**	Year 3**	Year 4**	Year 5**	Year 6**	Year 7**	Year 8**	Year 9**	Year 10**	Total
RVT	6	\$3,933	\$23,597	\$23,597	\$23,597	\$23,597	\$23,597	\$23,597	\$23,597	\$23,597	\$23,597	\$23,597	\$235,971
Veterinarian	20	\$10,493	\$209,868	\$209,868	\$209,868	\$209,868	\$209,868	\$209,868	\$209,868	\$209,868	\$209,868	\$209,868	\$2,098,680

\*Median California licensee salary per month (30 days); the monthly salary was determined by taking the the median hourly salary (\$22.69 and \$60.54) and multiplying it by 173.33.

\*\*Salary determination for Registered Veterinary Technicians (RVTs) was determined by pulling data from the California Department of Employment Department's Detailed Occupational Guide <https://www.labormarketinfo.edd.ca.gov/OccGuides/ALLOESWage.aspx?Soc.code=292056>

\*\*Salary determination for Veterinarians was determined by pulling data from the California Department of Employment Department's Detailed Occupational Guide <https://www.labormarketinfo.edd.ca.gov/OccGuides/ALLOESWage.aspx?Soc.code=291131>

### Wellness Program Costs per Licensee

An individual licensee participating in the Wellness Program for the duration of their five-year probation period will incur costs of \$33,008 in year one and \$31,499 in years two through five and up to \$159,004 over a five-year period. Those individuals requiring in-patient treatment will incur an additional \$40,000 in costs, plus wage loss of \$3,933 (RVT) or \$10,493 (veterinarian), in year one. Total individual costs as follows:

Wellness Participation Cost per Licensee						
Veterinarian and RVT Licensee	Year 1	Year 2	Year 3	Year 4	Year 5	Total Costs
Wellness Program Activity Costs	\$33,008	\$31,499	\$31,499	\$31,499	\$31,499	\$159,004
Wellness Program w/In-Patient Treatment	\$73,008	\$31,499	\$31,499	\$31,499	\$31,499	\$199,004
RVT Lost Wages and Wellness Program w/In-Patient Treatment	\$76,941	\$31,499	\$31,499	\$31,499	\$31,499	\$202,937
Veterinarian Lost Wages and Wellness Program w/In-Patient Treatment	\$83,501	\$31,499	\$31,499	\$31,499	\$31,499	\$209,497

### Wellness Program Costs Over the Long-Term

Of these twenty-six (26) probationers each year, 5 participants will be required undergo a 30-day in-treatment program and be subject to lost wages during this time estimated at \$43,933 (RVT) or \$50,493 (veterinarian) per participant.

The Board has identified wellness program activities and costs as follows:

- **Wellness Program Costs and Monthly Monitoring:** Licensees participating in the program will have to pay a \$2,000 one-time fee and a \$100 monthly probation monitoring fee, which results in total costs of \$3,200 in year one and \$1,200 in each subsequent year per participant and up to \$146,000 over a ten-year period.
- **Clinical Diagnosis:** Licensees participating in the program will likely have to undergo an initial clinical diagnostic evaluation and pay approximately \$5,000 one-time, which results in total costs of \$130,000 per year and up to \$1.30 million over a ten-year period.
- **Biological Fluid Testing:** Participants will be required to be tested between 52 to 104 times and pay \$6,948 during the first year and be tested between 36 to 104 times per year thereafter and pay \$5,439 in years two through five, which results in costs ranging from \$180,648 to \$746,304 per year and up to approximately \$6.05 million over a ten-year period.
- **Group Support Meetings:** Participants may be required to attend monthly support group meetings and pay estimated fees of \$5,460 per year, which results in costs ranging from \$141,960 to \$709,800 per year and up to approximately \$5.68 million over a ten-year period.
- **Worksite Monitoring:** Licensees may be required to have a worksite monitor and pay estimated costs of \$15,600 per year, which results in costs ranging from \$405,600 to \$2.03 million per year and up to approximately \$16.22 million over a ten-year period.
- **In-Patient Treatment:** Licensees may be subject to a 30-day in-patient treatment program with estimated one-time costs of \$40,000, plus wage loss of \$3,933 (RVT) or \$10,493 (veterinarian), which results in costs of \$43,933 (one RVT) or \$201,974 (four veterinarians) per year and up to approximately \$2.46 million over a ten-year period.
- **Other Future Costs:** Participants will have to pay a fee to participate in the Wellness Program in the future, but the Board does not have an estimate for the fee at this time. The fee will be set through the rulemaking process once the vendor is selected.

The following chart displays total Wellness Program activities and costs ranging from \$1.3 million to \$4.1 million per year and up to \$33.7 million over a ten-year period as follows:



California Veterinary Medical Board													
Veterinarian and Registered Veterinary Technician (RVT) Health and Wellness Program Costs													
Wellness Program Activity	Participants/Yr.	Costs/Yr.	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Total
Wellness Program Fee	6	\$2,000 *	\$12,000	\$12,000	\$12,000	\$12,000	\$12,000	\$12,000	\$12,000	\$12,000	\$12,000	\$12,000	\$120,000
Monthly Prob. Monitoring	26	\$100	\$2,600	\$2,600	\$2,600	\$2,600	\$2,600	\$2,600	\$2,600	\$2,600	\$2,600	\$2,600	\$26,000
Clinical Diagnostic	26	\$5,000 *	\$130,000	\$130,000	\$130,000	\$130,000	\$130,000	\$130,000	\$130,000	\$130,000	\$130,000	\$130,000	\$1,300,000
Biological Fluid Testing	Various*	\$6,948 / \$5,439 ***	\$180,648	\$322,062	\$463,476	\$604,890	\$746,304	\$746,304	\$746,304	\$746,304	\$746,304	\$746,304	\$6,048,900
Group Support Meetings	Various*	\$5,460	\$141,960	\$283,920	\$425,880	\$567,840	\$709,800	\$709,800	\$709,800	\$709,800	\$709,800	\$709,800	\$5,678,400
Work Monitor	Various*	\$15,600	\$405,600	\$811,200	\$1,216,800	\$1,622,400	\$2,028,000	\$2,028,000	\$2,028,000	\$2,028,000	\$2,028,000	\$2,028,000	\$16,224,000
		Total Costs:	\$858,208	\$1,547,182	\$2,236,156	\$2,925,130	\$3,614,104	\$3,614,104	\$3,614,104	\$3,614,104	\$3,614,104	\$3,614,104	\$29,251,300
In-Patient Treatment	5	\$40,000 *	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000	\$2,000,000
RVT In-Patient Treatment	1	\$40,000 * \$3,933 Sal	\$43,933	\$43,933	\$43,933	\$43,933	\$43,933	\$43,933	\$43,933	\$43,933	\$43,933	\$43,933	\$439,329
Vet In-Patient Treatment	4	\$40,000 * \$10,493 Sal	\$201,974	\$201,974	\$201,974	\$201,974	\$201,974	\$201,974	\$201,974	\$201,974	\$201,974	\$201,974	\$2,019,736
		Total Costs:	\$1,304,114	\$1,993,088	\$2,682,062	\$3,371,036	\$4,060,010	\$4,060,010	\$4,060,010	\$4,060,010	\$4,060,010	\$4,060,010	\$33,710,365

\*One-time

\*\*Assumes 5-year probation period and 2 additional probationers per year

\*\*\*Year 1 costs - \$6,948 per year & Year 2-5 costs - \$5,439 per year

**Business Reporting Requirements:** The regulatory action does not require businesses to file a report with the Board.

**Effect on Small Business:** The Board has determined that the proposed regulations may affect small businesses. The proposed regulations are expected to require a small number of veterinarians and RVTs to take off time from work in order to meet the requirements of testing and probation monitoring.

**Significant Effect on Housing Costs:** None

## FISCAL/COST IMPACT ANALYSIS/ESTIMATES

**Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:** Based on current licensee probation data, the Board estimates twenty (20) veterinarian licensees and six (6) RVTs will be in the wellness program per year for the duration of their five-year probation period. As a result, wellness program participation is anticipated to remain unchanged. The Board currently does not anticipate an increase in citations or fines being assessed, but it does anticipate minor additional workload costs associated with probation monitoring.

Board staff spend approximately a third of its probation monitoring time on cases involving prohibited substances, which includes roughly 1,175 hours of staff time per year.

The Board has identified processes and costs as follows:

- **Initial Documentation Received:** The Board receives a complaint or conviction information about its licensees and initiates the investigation phase, which results in a total cost of \$19,996 per year and up to \$229,236 over a ten-year period.
- **Review Subsequent Documentation:** The Board will review the documentation to determine if an enforcement action is required, which results in a total cost of \$5,318 per year and up to \$60,965 over a ten-year period.
- **Case Review by the Attorney General's (AG's) Office:** After the Board's review of the documentation, the item is reviewed by the AG's Office, which results in a total cost of \$8,387 per year and up to \$96,142 over a ten-year period.



- **Probation Monitoring:** Licensees subject to probation monitoring, which includes reviewing reports, informing the licensees of the terms of probation, overseeing the monitoring process, and investigating technical probation violations, results in a total cost of \$62,141 per year and up to \$712,380 over a ten-year period.
- **Review Disciplinary Action Items while on Probation:** Licensees who violate the terms of probation and have an incident while on probation result in a total cost of \$4,606 per year and up to \$52,803 over a ten-year period.
- **Close Probation Case:** Licensees who have completed the terms of their probation result in a total cost of \$972 per year and up to \$11,143 over a ten-year period.

The following chart displays the breakdown of costs per classification, per task, for year one year for probation monitoring:

Veterinary Medical Board Probation Monitoring Workload Costs Per Year California Code of Regulations (CCR) Sections 2006, 2006.5, 2006.51, 2006.52, 2006.53, 2006.54, 2006.55, & 2006.56					
Workload Tasks	OT	AGPA	SSM I	EO	Total Year 1:
Initial Documentation Received	\$1,323	\$17,922	\$751	\$0	\$19,996
Review Subsequent Documentation	\$0	\$5,220	\$98	\$0	\$5,318
Case Reviewed by the Attorney General's (AG's) Office	\$0	\$7,917	\$294	\$176	\$8,387
Probation Monitoring	\$1,256	\$60,886	\$0	\$0	\$62,141
Review Disciplinary Action Items while on Probation	\$0	\$4,176	\$196	\$234	\$4,606
Close Probation Case	\$189	\$783	\$0	\$0	\$972
<b>Total Costs:</b>	<b>\$2,768</b>	<b>\$96,904</b>	<b>\$1,339</b>	<b>\$410</b>	<b>\$101,420</b>

Office Technician Typing (OT) - \$63 per hour  
 Associate Governmental Program Analyst (AGPA): - \$87 per hour  
 Staff Services Manager (SSM) I: \$98 per hour  
 Executive Officer (EO): \$117 per hour

The Board estimates total probation monitoring costs ranging from \$101,420 to \$132,330 and up to \$1.2 million over a ten-year period as follows:

Veterinary Medical Board Probation Monitoring Workload Costs Per Year California Code of Regulations (CCR) Sections 2006, 2006.5, 2006.51, 2006.52, 2006.53, 2006.54, 2006.55, & 2006.56											
Workload Tasks	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Total
Initial Documentation Received	\$19,996	\$20,596	\$21,214	\$21,851	\$22,506	\$23,181	\$23,877	\$24,593	\$25,331	\$26,091	\$229,236
Review Subsequent Documentation	\$5,318	\$5,478	\$5,642	\$5,811	\$5,985	\$6,165	\$6,350	\$6,540	\$6,737	\$6,939	\$60,965
Case Reviewed by the Attorney General's (AG's) Office	\$8,387	\$8,638	\$8,897	\$9,164	\$9,439	\$9,722	\$10,014	\$10,314	\$10,624	\$10,942	\$96,142
Probation Monitoring	\$62,141	\$64,006	\$65,926	\$67,903	\$69,941	\$72,039	\$74,200	\$76,426	\$78,719	\$81,080	\$712,380
Review Disciplinary Action Items while on Probation	\$4,606	\$4,744	\$4,887	\$5,033	\$5,184	\$5,340	\$5,500	\$5,665	\$5,835	\$6,010	\$52,803
Close Probation Case	\$972	\$1,001	\$1,031	\$1,062	\$1,094	\$1,127	\$1,161	\$1,195	\$1,231	\$1,268	\$11,143
<b>Total Costs:</b>	<b>\$101,420</b>	<b>\$104,463</b>	<b>\$107,597</b>	<b>\$110,825</b>	<b>\$114,149</b>	<b>\$117,574</b>	<b>\$121,101</b>	<b>\$124,734</b>	<b>\$128,476</b>	<b>\$132,330</b>	<b>\$1,162,668</b>

Additionally, the Board will charge probation monitoring fees during an individual's five-year probation period, which results in revenues of \$3,200 in year-one and \$1,200 per year thereafter as follows:

Veterinary Medical Board Probation Monitoring Workload Revenue Per Person California Code of Regulations (CCR) Sections 2006, 2006.5, 2006.51, 2006.52, 2006.53, 2006.54, 2006.55, & 2006.56						
Workload Tasks	Year 1	Year 2	Year 3	Year 4	Year 5	Total
Monthly Probation Monitoring Fee*	\$1,200	\$1,200	\$1,200	\$1,200	\$1,200	\$6,000
Wellness Program Fee	\$2,000	-	-	-	-	\$2,000
<b>Total Revenue:</b>	<b>\$3,200</b>	<b>\$1,200</b>	<b>\$1,200</b>	<b>\$1,200</b>	<b>\$1,200</b>	<b>\$8,000</b>

\*Monthly Probation Monitoring Fee of \$100 per month per person

The Board estimates total monitoring revenues for 26 probationers and 6 in the wellness program of \$43,200 per year and up to \$432,000 over a ten-year period as follows:

Veterinary Medical Board Probation Monitoring Workload Revenue California Code of Regulations (CCR) Sections 2006, 2006.5, 2006.51, 2006.52, 2006.53, 2006.54, 2006.55, & 2006.56												
Workload Tasks	Participants/Yr.	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Total
Monthly Probation Monitoring Fee*	26	\$31,200	\$31,200	\$31,200	\$31,200	\$31,200	\$31,200	\$31,200	\$31,200	\$31,200	\$31,200	\$312,000
Wellness Program Fee	6	\$12,000	\$12,000	\$12,000	\$12,000	\$12,000	\$12,000	\$12,000	\$12,000	\$12,000	\$12,000	\$120,000
<b>Total Revenue:</b>		<b>\$43,200</b>	<b>\$43,200</b>	<b>\$43,200</b>	<b>\$43,200</b>	<b>\$43,200</b>	<b>\$43,200</b>	<b>\$43,200</b>	<b>\$43,200</b>	<b>\$43,200</b>	<b>\$43,200</b>	<b>\$432,000</b>

\*Monthly Probation Monitoring Fee of \$100 per month per person

The regulations do not result in costs or savings in federal funding to the state.

**Nondiscretionary Costs/Savings to Local Agencies: None**

**Local Mandate: None**

**Cost to any Local Agency or School District for which Government Code Sections 17500–17630 Require Reimbursement: None**

### **SPECIFIC TECHNOLOGIES OR EQUIPMENT**

This regulatory proposal does not mandate the use of specific technologies or equipment.

### **CONSIDERATION OF ALTERNATIVES**

No reasonable alternative to the regulatory proposal would be either more effective in carrying out the purpose for which the action is proposed or would be as effective or less burdensome to affected private persons and equally effective in achieving the purposes of the regulation in a manner that ensures full compliance with the law being implemented or made specific.

No such alternatives have been proposed, however, the Board welcomes comments from the public.