

## MEMORANDUM

<b>DATE</b>	April 17, 2019
<b>TO</b>	Veterinary Medical Board
<b>FROM</b>	Amanda Drummond, Administrative Programs Coordinator
<b>SUBJECT</b>	<b>Agenda Item 10C. Comments Received Regarding Sections <a href="#">2003</a>, Article 1, Section 2017, Article 2, and Section 2042, Article 5, Division 20, Title 16 of the California Code of Regulations (CCR) Regarding Consumer Protection Enforcement Initiative (CPEI)</b>

### Background

The regulatory language for CPEI was approved by the Board in October 2014, and the regulatory package was submitted to the Department of Consumer Affairs (DCA) in February 2015. The package was returned to the Board with recommendations from DCA Legal Affairs, and amendments were made to the proposed language at the [February 2018 Board meeting](#). The package was resubmitted to DCA on May 2, 2018. The package was returned to the Board again with recommendations from the Business, Consumer Services, and Housing Agency (Agency), and the Board amended the proposed regulatory language at the [January 2019 Board meeting](#).

The regulatory proposal for CPEI was noticed by the Office of Administrative Law (OAL) on [March 8, 2019](#), which began the 45-day comment period. The 45-day comment period will close on April 22, 2019. The Board has received one comment to date. Following the 45-day comment period, Board staff will prepare the final rulemaking package that includes the Final Statement of Reasons, which will address all comments received during the comment period.

- Summary of comment one (1):  
*There is a lack of resources for doctors who need mental health support. The loss of licensure results in a loss of income and health insurance, which makes obtaining help difficult. Additionally, finding therapists and other medical providers who can understand and treat the specific issues that veterinarians face is a serious challenge. The Board should include provisions to provide assistance to doctors who are cited.*
- Board staff recommended response to comment one (1):  
*The proposed language would adopt CCR section 2017 to authorize the Board to require a license applicant to be examined by one or more physicians and surgeons or psychologists designated by the Board, if it reasonably appears that the applicant may be unable to practice veterinary medicine safely due to mental or physical illness affecting competency. This proposal is based on the Board's existing authority to require a licensee to submit for a mental or physical examination pursuant to Business*

*and Professions Code sections 820 and 4883. The proposed regulation provides that the Board “shall pay the full cost” of the examination. However, the Board does not have statutory authority or the funds to provide mental and physical health support for licensees or applicants at the Board’s expense. Accordingly, the Board is unable to resolve this concern as it is outside the scope of the Board’s authority.*

**Attachments**

- Comments received to date regarding the CPEI regulatory proposal.

**Drummond, Amanda@DCA**

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**From:** Kirstin K <kkamps@dvm.com>  
**Sent:** Wednesday, March 13, 2019 1:57 PM  
**To:** Drummond, Amanda@DCA  
**Subject:** Comment on

[EXTERNAL]: kkamps@dvm.com

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As a locum veterinarian for 6 years, these proposed changes are wonderful. I've come across several practitioners over the years that appeared to need intervention based on mental health. It has been hard to sort out if reporting is applicable or even acceptable.

My concern is there are no resources available for doctors who do need mental health support. Losing a license generally results in losing income and health insurance which makes it impossible to get needed help. Additionally finding therapists and other medical providers who can understand and treat the specific issues Veterinarians face is a serious challenge. The way the system is currently set up punishes doctors who need help rather than supporting them in making changes. The board should also include provisions to provide this assistance to doctors who are cited for the items in this proposed regulation change.

Thanks for all you do!

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Sent from my iPhone