

Georgia Occupational Regulation
Review Council

Senate Bill 75
Expanding Veterinary Medicine
Board and Professional Health
Program for Veterinarians

A Review of the Proposed Legislation

OCTOBER 2019

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Executive Summary

As provided in O.C.G.A. §43-1A, the Georgia Occupational Regulation Review Council (Council) reviews all bills proposing licensure of a profession or business referred to by the chairperson of the legislative committee of reference. Accordingly, the Council, at the request of the chairperson of the House Regulated Industries Committee, has reviewed Senate Bill 75, which proposes increasing the membership of the State Board of Veterinary Medicine (board) in order to add a veterinary technician and authorizing the board to conduct a professional health program for impaired veterinarians.

During the course of this review, Council staff obtained information from the applicant group, Georgia Veterinary Medical Association (GVMA), as well as the Georgia Veterinary Technician and Assistant Association and the GVMA Wellness Committee, while also conducting internal research.

O.C.G.A. §43-1A-6 requires the Council to consider certain criteria when determining the need for the regulation of a business or profession. For this review, the Council used these criteria to guide the development of findings related to the licensure of recreational therapists. The Council, with assistance from staff, developed the following findings during the course of this review:

- ❖ The profession of veterinary technicians requires special skill and training. The State Board of Veterinary Medicine has been licensing those practicing the occupation for many years, and the Council finds it appropriate that a veterinary technician sit on the board.
- ❖ Because the practice of veterinary medicine takes specialized skill, the implementation of a professional health program gives those skilled professionals the ability to receive the help they need without the cost being a burden to the state.

Based on these findings, the Council recommends that Senate Bill 75 pass as currently written.

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Introduction

Senate Bill (SB) 75 proposes an increase of membership for the State Board of Veterinary Medicine in order to add a veterinary technician and the authorization of the board to conduct a professional health program (PHP) for impaired veterinarians. This report focuses on providing information concerning the nature of the legislation and presents an assessment of the need for such in the state of Georgia.

In conducting this review, the Georgia Occupational Regulation Review Council, referred to as Council for the remainder of this report, solicited input from any interested party that wished to submit information or participate in the process. The applicant group, the Georgia Veterinary Medical Association (GVMA) submitted a questionnaire providing background information for veterinary technicians and PHPs.

In addition, the Council reached out to a number of other potentially interested groups, including:

- ❖ The Georgia Veterinary Technician and Assistant Association (GVTAA)
- ❖ The GVMA Wellness Committee

Council staff also performed additional analysis comparing veterinary board complaints and professional health programs for impaired veterinarians in other states to the proposals in SB 75.

The Council provided representatives from interested parties with the opportunity to present information during Council meetings, either by verbal presentation and/or through written material. The Council posted meeting dates, times, and locations to the Office of Planning and Budget website (<https://opb.georgia.gov/georgia-occupational-regulation-review-council>).

Description of Proposed Legislation

SB 75 amends Chapter 50 of Title 43 of the Official Code of Georgia Annotated in order to provide for an increase in board membership and the authorization of the board to conduct a professional health program for impaired veterinarians. The bill provides the following:

- ❖ Increases the membership of the State Board of Veterinary Medicine from six to seven members, who are restricted to terms of five years;
- ❖ Authorizes the board to conduct a professional health program and contract with an entity for the purposes of conducting such program;
- ❖ Allows the board to provide pertinent information about veterinarians to such entity, provided that the information is declared to be privileged and confidential; and
- ❖ Establishes that veterinarians are responsible for the cost of participating in the professional health program.

A summary of the bill can be found in Appendix A. A complete copy of the bill is located in Appendix B.

Current Practices

While the state of Georgia currently licenses all veterinarians and veterinary technicians under O.C.G.A. § 43-50-30 and § 43-50-52, there is no requirement for a veterinary technician to sit on the State Board of Veterinary Medicine and no professional health program for impaired veterinarians is in place.

The Issue and Potential for Harm

Professional Health Program for Impaired Veterinarians

As understood from research and testimony given, it is found that veterinarians have a high risk for stress-induced mental health disorders such as depression, anxiety, substance abuse and addiction, and suicide. According to the applicant group, GVMA, a 2019 study performed by the Center for Disease Control (CDC) found that female veterinarians were 3.5 times more likely to die from suicide than the average person, and male veterinarians were 2.1 times more likely. As a result, SB 75 proposes the authorization of the board to conduct a PHP and contract with an existing entity in order to do so.

During the 2010 Legislative Session, the General Assembly authorized the Georgia Composite Medical Board (GCMB) to conduct a PHP and contract with a third-party entity. Subsequently, Georgia PHP, Inc. was created, and the program has provided services to medical professionals struggling with mental health disorders across the state. However, only those currently licensed by the GCMB have access to the services provided by Georgia PHP, Inc., meaning that those working in the veterinary medicine field do not have such a program to rely on.

Because veterinary medicine professionals do not have access to a program such as Georgia PHP, Inc. it is, according to the applicant group, far less likely that they will seek help when struggling with mental health issues such as suicidal thoughts and substance abuse or addiction. Without a PHP, they are not guaranteed anonymity when trying to navigate recovery programs and do not have the assurance of job and license security.

Veterinary Technicians

According to the GVTAA, the position of a registered veterinary technician member on the State Board of Veterinary Medicine was approved years ago but never fulfilled. Veterinary technicians play an integral role in the field of veterinary medicine, as they are the ones who often implement treatments and medical protocols.

Financial Impact

The only cost associated with Senate Bill 75 is that of a per diem for the additional member of the board and the resources required to bid out the professional health program services to a private company.

Present Requirements and Voluntary Efforts

Veterinary Technicians

The legislation did not propose a change in requirements for veterinary technicians as passed. The addition of a veterinary technician to the board as a seventh member would only change the board composition. To date, there has not been a veterinary technician on the State Board of Veterinary Medicine.

Professional Health Program

The state of Georgia does not currently offer a professional health program, or similar program, to veterinarians.

The current practice under Georgia code 43-50-41 for handling impaired veterinarians is suspension or revocation of the license by the board with reinstatement possible at the board's discretion and the completion of all remediation or reprimanding procedures set by the board. This is the current codified procedure for handling veterinarians who have been discovered to be practicing while under or unable to practice at standard by reason of illness, use of alcohol, drugs, narcotics, chemicals, or as a result of any mental or physical condition. The code section also states that a license may be revoked as a result of displaying habitual intoxication, addiction, or recurrent personal misuse of alcohol, drugs, narcotics, chemicals, or any other type of similar substances.

Voluntary surrender of a license by the licensee is considered equal to the revocation of a license by the board and subject to the same discretionary reinstatement by the board.

Board

Senate Bill 75 suggests changing the six-member board to seven members by adding a veterinary technician. The length of time an appointee serves has been clarified to *no more than* five years.

The Georgia State Board of Veterinary Medicine is currently composed of six members. Five of the members are licensed veterinarians with at least five years of practice prior to appointment. One member is appointed from the public at large with no relation to the practice of veterinary medicine. These members are all appointed by the Governor with the approval of the Secretary of State and confirmation by the Senate. The board is required to meet at least once per year with additional meetings called by the president. A majority of the board constitutes a quorum, and each member of the board is reimbursed as provided for in subsection (f) of Code Section 43-1-2 (i.e. mileage allowance, travel reimbursements, daily expense allowance of \$105.00).

Board Comprisal and Health Programs in Other States

Veterinary Technicians

The following states have been found to have a veterinary technician on their board:

- Alabama
- Arizona
- California
- Delaware
- Indiana
- Kentucky
- Michigan
- Nebraska
- Nevada
- North Carolina
- North Dakota
- Ohio
- Oregon
- Pennsylvania
- South Carolina
- Tennessee
- Texas
- Virginia
- Washington
- West Virginia
- Wisconsin
- Washington D.C

Professional Health Program

Many states offered a professional health and wellness program to professionals licensed by the state. Some provided programs to cover all licensed individuals, some contracted with outside entities, and others self-regulated the treatment of veterinarians with waivers of privacy to allow for the state veterinary board to contact approved programs for status updates on enrolled licensees.

The following states were found to offer Professional Health Programs to licensed professionals, specifically veterinarians, and expressed ability to contract/enter into agreements:

- Alabama
- Arizona
- California
- Colorado
- Florida
- Indiana
- Kansas
- Michigan
- Minnesota
- Nebraska
- North Carolina
- North Dakota
- Virginia
- Wyoming

Some states offered Professional Health Programs that covered all professionals in the state or in the public health/healthcare fields, while other states offered

The following states did not expressly state that their boards or department could contract with private entities, but did have programs that stated coverage of veterinarians or stated that boards could require licensees to submit to mental, physical, or competency examination with approved programs and physicians:

- Connecticut
- Delaware
- Illinois
- Iowa
- Kentucky
- Louisiana
- Maine
- Maryland
- Mississippi
- Nevada
- New Hampshire
- New Jersey
- New Mexico
- New York
- Ohio
- Oklahoma
- Pennsylvania
- South Carolina
- Tennessee
- Texas
- Utah
- Washington
- Washington D.C.

Note: Massachusetts seems to have repealed their code section, 256 CMR 6.04, on 5/19/2017. It did allow for veterinarians to self-submit to board approved programs.

Findings

Pursuant to O.C.G.A. § 43-1A-6, the Georgia Occupational Regulation Review Council must review bills under their consideration according to the following criteria:

- ❖ Whether the unregulated practice of the occupation may harm or endanger the health, safety, and welfare of citizens of this state and whether the potential for harm is recognizable and not remote;
- ❖ Whether the practice of the occupation requires specialized skill or training and whether the public needs and will benefit by assurances of initial and continuing occupational ability;
- ❖ Whether the citizens of this state are or may be effectively protected by other means;
- ❖ Whether the overall cost effectiveness and economic impact would be positive for citizens of this state; and
- ❖ Whether there are means other than state regulation to protect the interests of the state.

Based on this set of criteria, the Council has reviewed SB 75, as passed, which recommends the addition of a veterinary technician to the State Board of Veterinary Medicine, as well as the allowance of

the board to contract with a professional health program for the monitoring and treatment of veterinarians using substances in manners not allowed by the code section. In doing so, the Council developed the following findings:

The profession of veterinary technicians requires specialized skill and training.

The State Board of Veterinary Medicine has been licensing veterinary technicians for many years. The Council finds that it is appropriate that they have representation on the board.

The practice of Veterinary Medicine takes specialized skill.

Because the practice of veterinary medicine takes specialized skill, the implementation of a professional health program gives those skilled professionals the ability to receive the help they need without the cost burden being on the state.

Recommendation

After consideration of the findings listed above, the Council recommends that Senate Bill 75 pass as currently written.

Appendix A: Summary of Proposed Legislation

Summary of SB 75

- The purpose of this bill is to increase the membership of the State Board of Veterinary Medicine and authorize the implementation of a professional health program for impaired veterinarians
- The board's membership shall increase from six to seven members
- The seventh member of the board shall be a registered veterinary technician who has been registered and actively engaged in the practice of veterinary technology for at least five years prior to appointment
 - The initial appointment of the veterinary technician shall expire on June 30 in the fifth calendar year after this subsection becomes effective, and thereafter, successors shall be appointed to terms of five years
- All members of the board shall be restricted to terms of five years or until their successor is appointed
- The board shall be authorized to conduct a professional health program and contract with an entity for the purposes of conducting such program, including the monitoring and rehabilitation of impaired veterinarians and performing duties related to paragraph (10) of subsection (a) of Code Section 43-50-41
- The board may provide pertinent information about veterinarians to the entity, such as interviews, reports, statements, and memoranda as well as any findings, conclusions, and recommendations, provided that all information is declared to be privileged and confidential
- Veterinarians are responsible for the cost of participating in the professional health program
- All statutes in conflict with this act are repealed.

Appendix B: Complete Text of Senate Bill 75 (SB 75/AP)

A BILL TO BE ENTITLED

AN ACT

1 To amend Article 2 of Chapter 50 of Title 43 of the Official Code of Georgia Annotated,
2 relating to the State Board of Veterinary Medicine, so as to increase the membership of the
3 State Board of Veterinary Medicine and authorize a registered veterinary technician member;
4 to provide for a professional health program for impaired veterinarians; to provide for
5 definitions; to provide for confidentiality of certain records; to provide for costs; to provide
6 for related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 SECTION 1.

9 Article 2 of Chapter 50 of Title 43 of the Official Code of Georgia Annotated, relating to the
10 State Board of Veterinary Medicine, is amended in Code Section 43-50-20, relating to
11 creation of board, members, qualifications, vacancies, expenses, meetings, and officers, by
12 revising subsection (a) as follows:

13 "(a) There shall be a State Board of Veterinary Medicine, the members of which shall be
14 appointed by the Governor with the approval of the Secretary of State and confirmation by
15 the Senate. The board shall consist of six seven members, each appointed for a term of no
16 more than five years or until his or her successor is appointed. Five members of the board
17 shall be duly licensed veterinarians actually engaged in active practice for at least five
18 years prior to appointment. The sixth member shall be appointed from the public at large
19 and shall in no way be connected with the practice of veterinary medicine. The seventh
20 member shall be a registered veterinary technician who has been registered and actively
21 engaged in the practice of veterinary technology for at least five years prior to appointment.
22 The initial appointment of the registered veterinary technician shall expire on June 30 in

23 the fifth calendar year after this subsection becomes effective; thereafter, successors shall
24 be appointed for a term of five years. Those members of the State Board of Veterinary
25 Medicine serving on July 1, 2003, shall continue to serve as members of the board until the
26 expiration of the term for which they were appointed. Thereafter, successors to such board
27 members shall be appointed in accordance with this Code section. A majority of the board
28 shall constitute a quorum."

29

SECTION 2.

30 Said article is further amended by adding a new Code section to read as follows:

31 "43-50-21.1.

32 (a) As used in this Code section, the term:

33 (1) 'Entity' means an organization or medical professional association which conducts
34 professional health programs.

35 (2) 'Impaired' means the inability of a veterinarian to practice with reasonable skill and
36 safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or
37 any other type of material, or as a result of any mental or physical condition.

38 (3) 'Professional health program' means a program established for the purposes of
39 monitoring and rehabilitation of impaired veterinarians.

40 (b) The board shall be authorized to conduct a professional health program to provide
41 monitoring and rehabilitation of impaired veterinarians in this state. To this end, the office
42 of the Secretary of State on behalf of the board shall be authorized to enter into a contract
43 with an entity for the purpose of establishing and conducting such professional health
44 program, including but not limited to:

45 (1) Monitoring and rehabilitation of impaired veterinarians;

46 (2) Performing duties related to paragraph (10) of subsection (a) of Code Section
47 43-50-41; and

48 (3) Performing such other related activities as determined by the board.

49 (c) Notwithstanding the provisions of subsection (h) of Code Section 43-50-41, the board
50 shall be authorized to provide pertinent information regarding veterinarians, as determined
51 by the board and in its sole discretion, to the entity for its purposes in conducting a
52 professional health program pursuant to this Code section.

53 (d) All information, interviews, reports, statements, memoranda, or other documents
54 furnished to the entity by the board or other source or produced by the entity and any
55 findings, conclusions, recommendations, or reports resulting from the monitoring or
56 rehabilitation of veterinarians pursuant to this Code section are declared to be privileged
57 and confidential and shall not be subject to Article 4 of Chapter 18 of Title 50, relating to
58 open records. All such records of the entity shall be confidential and shall be used by such
59 entity and its employees and agents only in the exercise of the proper function of the entity
60 pursuant to its contract authorized by subsection (b) of this Code section. Such
61 information, interviews, reports, statements, memoranda, or other documents furnished to
62 or produced by the entity and any findings, conclusions, recommendations, or reports
63 resulting from the monitoring or rehabilitation of veterinarians shall not be available for
64 court subpoenas or for discovery proceedings.

65 (e) An impaired veterinarian who participates in a professional health program conducted
66 pursuant to this Code section shall bear all costs associated with such participation."

67

SECTION 3.

68 All laws and parts of laws in conflict with this Act are repealed.