

CHAPTER 161

PROFESSIONS AND OCCUPATIONS

HOUSE BILL 15-1187

BY REPRESENTATIVE(S) Lebock, Primavera, Becker K., Arndt, Court, Duran, Esgar, Ginal, McCann, Pettersen, Rosenthal, Salazar, Williams, Hullinghorst;
also SENATOR(S) Garcia and Sonnenberg, Donovan, Newell.

AN ACT

CONCERNING MENTAL HEALTH EVALUATIONS OF LICENSED VETERINARIANS CONDUCTED BY A VETERINARIAN PEER HEALTH ASSISTANCE PROGRAM AS ORDERED BY THE STATE BOARD OF VETERINARY MEDICINE.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 12-64-111, **add** (1) (ii) as follows:

12-64-111. Discipline of licensees. (1) Upon receipt of a signed complaint by a complainant or upon its own motion, the board may proceed to a hearing in conformity with section 12-64-112. After a hearing, and by a concurrence of a majority of members, the board may deny a license to an applicant or revoke or suspend the license of, place on probation, or otherwise discipline or fine, a licensed veterinarian for any of the following reasons:

(ii) FAILURE TO COMPLY WITH TERMS AGREED TO UNDER A CONFIDENTIAL AGREEMENT ENTERED INTO UNDER SECTION 12-64-126.

SECTION 2. In Colorado Revised Statutes, 12-64-124, **amend** (2) (a) as follows:

12-64-124. Veterinarian peer health assistance program - fees - administration - rules. (2) (a) UPON RECEIPT OF A SIGNED COMPLAINT BY A COMPLAINANT, THE BOARD MAY REQUIRE any veterinarian ~~who is referred by the board~~ to PARTICIPATE IN a peer health assistance program ~~shall~~ AND TO enter into a stipulation with the board pursuant to section 12-64-111 (8) ~~prior to~~ BEFORE participating in the program. The agreement must contain specific requirements and goals to be met by the participant, including the conditions under which the program

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

will be successfully completed or terminated, and a provision that a failure to comply with the requirements and goals are to be promptly reported to the board and that such failure will result in disciplinary action by the board.

SECTION 3. In Colorado Revised Statutes, **add** 12-64-125 as follows:

12-64-125. Mental health and substance abuse evaluations of licensees.

(1) (a) (I) If, UPON RECEIPT OF A SIGNED COMPLAINT BY A COMPLAINANT, THE BOARD HAS REASONABLE CAUSE TO BELIEVE THAT A LICENSED VETERINARIAN IS UNABLE TO PRACTICE VETERINARY MEDICINE WITH REASONABLE SKILL AND SAFETY TO PATIENTS OR CLIENTS DUE TO A MENTAL ILLNESS OR CONDITION OR EXCESSIVE USE OF ALCOHOL, A HABIT-FORMING DRUG, OR A CONTROLLED SUBSTANCE, THE BOARD MAY REQUIRE IN WRITING THAT THE LICENSED VETERINARIAN SUBMIT TO AN EXAMINATION TO EVALUATE:

(A) THE EXISTENCE AND EXTENT OF THE MENTAL ILLNESS OR CONDITION OR THE EXTENT OF ANY USE OF ALCOHOL, HABIT-FORMING DRUGS, OR CONTROLLED SUBSTANCES; AND

(B) ANY IMPACT THE MENTAL ILLNESS OR CONDITION OR USE OF ALCOHOL, HABIT-FORMING DRUGS, OR CONTROLLED SUBSTANCES HAS ON THE LICENSED VETERINARIAN'S ABILITY TO PRACTICE VETERINARY MEDICINE WITH REASONABLE SKILL AND SAFETY TO PATIENTS AND CLIENTS.

(II) A QUALIFIED PROFESSIONAL EMPLOYED BY OR CONTRACTING WITH A VETERINARIAN PEER HEALTH ASSISTANCE PROGRAM THAT THE BOARD HAS SELECTED AS A DESIGNATED PROVIDER UNDER SECTION 12-64-124 SHALL CONDUCT AN EXAMINATION REQUIRED BY SUBPARAGRAPH (I) OF THIS PARAGRAPH (a).

(b) IF A LICENSED VETERINARIAN FAILS TO SUBMIT TO AN EXAMINATION REQUIRED UNDER PARAGRAPH (a) OF THIS SUBSECTION (1), THE BOARD MAY SUSPEND THE LICENSED VETERINARIAN'S LICENSE TO PRACTICE VETERINARY MEDICINE UNTIL THE LICENSED VETERINARIAN SUBMITS TO THE EXAMINATION; HOWEVER, IF THE LICENSED VETERINARIAN DEMONSTRATES TO THE SATISFACTION OF THE BOARD THAT HIS OR HER FAILURE TO SUBMIT TO THE EXAMINATION IS DUE TO CIRCUMSTANCES BEYOND HIS OR HER CONTROL, THE BOARD SHALL NOT SUSPEND THE LICENSED VETERINARIAN'S LICENSE.

(2) EVERY PERSON LICENSED TO PRACTICE VETERINARY MEDICINE IN THIS STATE IS DEEMED, BY PRACTICING OR APPLYING FOR A RENEWAL OF THE PERSON'S LICENSE, TO HAVE:

(a) GIVEN HIS OR HER CONSENT TO SUBMIT TO AN EXAMINATION THAT THE BOARD MAY REQUIRE UNDER SUBSECTION (1) OF THIS SECTION; AND

(b) WAIVED AN OBJECTION TO THE ADMISSIBILITY OF THE EXAMINING PROFESSIONAL'S TESTIMONY OR EXAMINATION REPORTS AT A BOARD HEARING ON GROUNDS THAT THE TESTIMONY OR REPORTS ARE PRIVILEGED COMMUNICATIONS.

(3) (a) A PERSON SHALL NOT USE THE RESULTS OF AN EXAMINATION ORDERED UNDER SUBSECTION (1) OF THIS SECTION AS EVIDENCE IN ANY PROCEEDING OTHER

THAN A PROCEEDING BEFORE THE BOARD.

(b) EXCEPT AS PROVIDED IN PARAGRAPH (a) OF THIS SUBSECTION (3), ANY EXAMINATION RESULTS, THE FACT THAT THE EXAMINATION WAS ADMINISTERED, AND THE COMPLAINT THAT PROMPTED THE EXAMINATION SHALL BE KEPT CONFIDENTIAL. THEY ARE NOT PUBLIC RECORDS AND ARE NOT AVAILABLE TO THE PUBLIC

SECTION 4. In Colorado Revised Statutes, **add** 12-64-126 as follows:

12-64-126. Confidential agreements to limit practice - violation grounds for discipline. (1)(a) IF THE BOARD DETERMINES THAT A LICENSED VETERINARIAN WHO SUBMITTED TO AN EXAMINATION UNDER SECTION 12-64-125 IS ABLE TO RENDER LIMITED SERVICES WITH REASONABLE SKILL AND SAFETY TO PATIENTS AND CLIENTS, THE BOARD MAY ENTER INTO A CONFIDENTIAL AGREEMENT WITH THE LICENSED VETERINARIAN IN WHICH THE LICENSED VETERINARIAN AGREES TO LIMIT HIS OR HER PRACTICE BASED ON THE RESTRICTIONS IMPOSED BY THE ILLNESS, CONDITION, OR DISORDER, AS DETERMINED BY THE BOARD.

(b) AS PART OF THE AGREEMENT, THE LICENSED VETERINARIAN IS SUBJECT TO PERIODIC REEVALUATIONS OR MONITORING, AS DETERMINED APPROPRIATE BY THE BOARD.

(c) THE PARTIES MAY MODIFY OR DISSOLVE THE AGREEMENT AS NECESSARY BASED ON THE RESULTS OF A REEVALUATION OR MONITORING.

(2) BY ENTERING INTO AN AGREEMENT WITH THE BOARD UNDER THIS SECTION TO LIMIT HIS OR HER PRACTICE, A LICENSED VETERINARIAN IS NOT ENGAGING IN CONDUCT THAT IS GROUNDS FOR DISCIPLINE UNDER SECTION 12-64-111. THE AGREEMENT DOES NOT CONSTITUTE A RESTRICTION OR DISCIPLINE BY THE BOARD; HOWEVER, IF THE LICENSED VETERINARIAN FAILS TO COMPLY WITH THE TERMS OF AN AGREEMENT ENTERED INTO UNDER THIS SECTION, THE FAILURE CONSTITUTES GROUNDS FOR DISCIPLINARY ACTION UNDER SECTION 12-64-111 (1) (ii), AND THE LICENSED VETERINARIAN IS SUBJECT TO DISCIPLINE UNDER SECTION 12-64-111.

(3) THIS SECTION DOES NOT APPLY TO A LICENSED VETERINARIAN SUBJECT TO DISCIPLINE FOR HABITUAL OR EXCESSIVE USE OR ABUSE OF ALCOHOL BEVERAGES, A HABIT-FORMING DRUG, OR A CONTROLLED SUBSTANCE AS DEFINED IN SECTION 18-18-102 (5), C.R.S.

SECTION 5. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 8, 2015