

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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HOUSE BILL 978
Committee Substitute Favorable 4/23/03
Senate Agriculture/ Environment/ Natural Resources Committee Substitute
Adopted 5/21/03

Short Title: Veterinary Bd. Agreements/Impaired Vets.

(Public)

Sponsors:

Referred to:

April 9, 2003

A BILL TO BE ENTITLED

AN ACT ALLOWING THE NORTH CAROLINA VETERINARY MEDICAL BOARD TO ENTER INTO AGREEMENTS WITH ORGANIZATIONS THAT HAVE DEVELOPED PROGRAMS FOR IMPAIRED VETERINARY PERSONNEL.

The General Assembly of North Carolina enacts:

SECTION 1. Article 11 of Chapter 90 of the General Statutes is amended by adding a new section to read:

"§ 90-187.15. Board agreement for programs for impaired veterinary personnel.

(a) The Board may enter into agreements with organizations that have developed programs for impaired veterinary personnel. Activities to be covered by these agreements may include investigation, review, and evaluation of records, reports, complaints, litigation, and other information about the practices or the practice patterns of veterinary personnel licensed or registered by the Board as these matters may relate to impaired veterinary personnel. Organizations having programs for impaired veterinary personnel may include a statewide supervisory committee or various regional or local components or subgroups.

(b) Agreements authorized under this section shall include provisions for the impaired veterinary personnel organizations to: (i) receive relevant information from the Board and other sources; (ii) conduct any investigation, review, or evaluation in an expeditious manner; (iii) provide assurance of confidentiality of nonpublic information and of the process; (iv) make reports of investigations and evaluations to the Board; and (v) implement any other related activities for operating and promoting a coordinated and effective process. The agreement shall include provisions assuring basic due process for veterinary personnel who become involved.

(c) Organizations entering into agreements with the Board shall establish and maintain a program for impaired veterinary personnel licensed or registered by the

1 Board for the purpose of identifying, reviewing, and evaluating the ability of those
2 veterinarians or veterinary technicians to function as veterinarians or veterinary
3 technicians and provide programs for treatment and rehabilitation. The Board may
4 provide funds for the administration of these impaired veterinary personnel peer review
5 programs. The Board may adopt rules pursuant to Chapter 150B of the General Statutes
6 to apply to the operation of impaired veterinary personnel programs, with provisions
7 for: (i) definitions of impairment; (ii) guidelines for program elements; (iii) procedures
8 for receipt and use of information of suspected impairment; (iv) procedures for
9 intervention and referral; (v) arrangements for monitoring treatment, rehabilitation,
10 posttreatment support, and performance; (vi) reports of individual cases to the Board;
11 (vii) periodic reporting of statistical information; (viii) assurance of confidentiality of
12 nonpublic information and of the process; and (ix) other necessary measures.

13 (d) Upon investigation and review of a veterinarian licensed by the Board or a
14 veterinary technician registered with the Board, or upon receipt of a complaint or other
15 information, an impaired veterinary personnel organization that enters into an
16 agreement with the Board shall report to the Board detailed information about any
17 veterinarian licensed or veterinary technician registered by the Board if:

- 18 (1) The veterinarian or veterinary technician constitutes an imminent
19 danger to the public, to patients, or to himself or herself.
- 20 (2) The veterinarian or veterinary technician refuses to cooperate with the
21 program, refuses to submit to treatment, or is still impaired after
22 treatment and exhibits professional incompetence.
- 23 (3) It reasonably appears that there are other grounds for disciplinary
24 action.

25 (e) Any confidential information or other nonpublic information acquired,
26 created, or used in good faith by an impaired veterinary personnel organization or the
27 Board regarding a participant pursuant to this section shall remain confidential and shall
28 not be subject to discovery or subpoena in a civil case, nor subject to disclosure as a
29 public document by the Board pursuant to Chapter 132 of the General Statutes. No
30 person participating in good faith in an impaired veterinary personnel program
31 developed under this section shall be required in a civil case to disclose any
32 information, including opinions, recommendations, or evaluations, acquired or
33 developed solely in the course of participating in the program.

34 (f) Impaired veterinary personnel activities conducted in good faith pursuant to
35 any program developed under this section shall not be grounds for civil action under the
36 laws of this State, and the activities are deemed to be State-directed and sanctioned and
37 shall constitute "State action" for the purposes of application of antitrust laws."

38 **SECTION 2.** This act is effective when it becomes law.