

APA-1
07/04

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control No. _____ Department or Agency: Alabama State Board of Veterinary Medical Examiners
Rule No. 930-X-1-.34

Rule Title: Alabama Veterinary Professional Wellness Committee.

 New X Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly
Harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's
Police power and the protection of the public health,
Safety, or welfare? Yes

Is there another, less restrictive method of regulation
Available that could adequately protect the public? No

Does the proposed rule have the effect of directly or
Indirectly increasing the costs of any goods or services
Involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public
Than the harm that might result from the absence of
The proposed rule? No

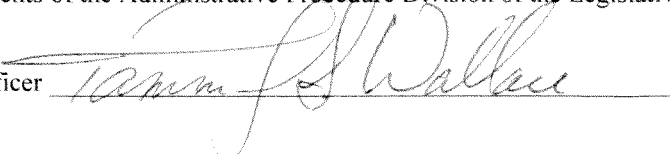
Are all facets of the rulemaking process designed solely
For the purpose of, and so they have, as their primary
Effect, the protection of the public? Yes

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by
a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama,
1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the
requirements of Chapter 22, Title 41, Code of Alabama, 1975, and that it conforms to all
applicable filing requirements of the Administrative Procedure Division of the Legislative
Reference Service.

Signature of certifying officer 

Date: August 7, 2012

(DATE FILED)
(STAMP)

APA-2
07/04

Alabama State Board of Veterinary Medical Examiners

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama State Board of Veterinary Medical Examiners

RULE NO. & TITLE: 930-X-1-.34 Alabama Veterinary Professionals Wellness Committee.

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION: The Board proposes to correctly site statutory authority and clarify language.

TIME, PLACE, MANNER OF PRESENTING VIEW: Written comments, views, or arguments will be received by the Alabama State Board of Veterinary Medical Examiners at 9:00 a.m. on October 10, 2012. Comments should be directed to Tammy Wallace, Executive Director, at 8 Commerce Street, Suite 910, Montgomery, AL 36130-5330, or via fax at 334-262-8716. A public hearing will be held at 9:00 a.m. on October 10, 2012 at 8 Commerce Street, Suite 910, Montgomery, AL 36104.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

October 10, 2012

CONTACT PERSON AT AGENCY:

Tammy Wallace, Executive Director
8 Commerce Street – Suite 910
Montgomery, AL 36130-5330
(334) 262-8068



Tammy Wallace, Executive Director
Alabama State Board of Veterinary Medical
Examiners

Alabama State Board of Veterinary Medical Examiners

NOTICE OF INTENDED ACTION

RULE NUMBER: 930-X-1-.34

TITLE OF RULE: ALABAMA VETERINARY PROFESSIONALS WELLNESS COMMITTEE.

(1) Under the provision of Act 2000-453 of the 2000 Regular Session of the Alabama Legislature, the Alabama Board of Veterinary Medical Examiners shall have the duty and obligation to promote early identification, intervention, treatment and rehabilitation of veterinarians and licensed veterinary technicians impaired by reason of illness, inebriation, excessive use of drugs, narcotics, alcohol, chemicals, or other substances, or as a result of any physical or mental condition.

(2) In order to carry out this obligation, the Board hereby establishes the Alabama Veterinary Professionals Wellness Committee. The purpose of the committee is to develop, maintain and make available to all licensed veterinarians and licensed veterinary technicians, a program to render assistance to impaired veterinarians and licensed veterinary technicians who voluntarily or involuntarily seek medical intervention, treatment and rehabilitation for their impairment. The committee shall consist of not less than nine (9), or more than fifteen (15) veterinarians or licensed veterinary technicians licensed to practice in Alabama. The members of the committee will be appointed by the Board, from a list of candidates submitted by the Alabama Veterinary Medical Association. The members of the committee will be eligible for reappointment. The committee initially will consist of 1/3 of the members to serve a one (1) year term, 1/3 of the members to serve a two (2) year term, and 1/3 of the members to serve a three (3) year term. Subsequent to the initial appointment procedure, appointments will be made for three (3) years. Appointments made for vacant positions will be appointed for the remainder of that term. Members cannot serve more than nine (9) consecutive years.

(3) The Board is authorized under the provisions of Act 2000-453 to contract with any non-profit corporation or medical professional association for the creation, support, and maintenance of the Alabama Veterinary Professionals Wellness Committee.

(4) The Board of Veterinary Medical Examiners may enter into an agreement with a nonprofit corporation or medical professional association for the Alabama Veterinary Professionals Wellness Committee to undertake those functions and responsibilities specified in the agreement which may include any or all of the following:

- (a) Contracting with providers of treatment programs.
- (b) Receiving and evaluating reports of suspected impairment from any source.
- (c) Intervening in cases of verified impairment.
- (d) Referring impaired veterinarians and licensed veterinary technicians to treatment programs.
- (e) Monitoring the treatment and rehabilitation of impaired veterinarians and licensed veterinary technicians.
- (f) Providing post-treatment monitoring and support of rehabilitated impaired veterinarians and licensed veterinary technicians.

(g) Performing other activities as agreed by the Board of Veterinary Medical Examiners and the Alabama Veterinary Professional Wellness Committee.

(5) The Alabama Veterinary Professionals Wellness Committee shall develop procedures in consultation with the Board of Veterinary Medical Examiners for the following:

(a) Periodic reporting of statistical information regarding impaired veterinarians and licensed veterinary technicians' program activity.

(b) Periodic disclosure and joint review of the information as the Board deems appropriate regarding reports received, contracts or investigations made, and the disposition of each report, provided however, that the committee shall not disclose any personally identifiable information except as provided in this act.

The Alabama Veterinary Professionals Wellness Committee shall render an annual report to the State Board of Veterinary Medical Examiners concerning the operations and proceedings of the committee for the preceding year.

(6) It is the purpose and intent of the Board that the Alabama Veterinary Professionals Wellness Committee be a non-punitive alternative to disciplinary sanction for impaired veterinarians and licensed veterinary technicians who seek medical intervention, treatment, counseling or rehabilitation for their impairment. To that end, the Board hereby adopts the following policy guidelines to be used by the Alabama Veterinary Professionals Wellness Committee in implementing their duties:

(a) A veterinarian or licensed veterinary technician voluntarily seeking the assistance of the committee for treatment of an impairment who successfully completes the recommended course of treatment and therapy and who continues to abide by the terms and conditions of the committee's after-care agreements for the period of time specified and thereafter continues to practice veterinary medicine or veterinary technology with reasonable skill and safety and free from impairment will not be reported by the committee to the Board unless otherwise provided by the law.

However, a veterinarian or licensed veterinary technician participating in programs of treatment and/or rehabilitation and after-care must always truthfully answer all inquiries concerning such treatment made by employers, state or federal licensing and/or regulatory agencies, hospital medical staff credentialing bodies, medical malpractice insurance carriers and medical specialty Boards. The Alabama Veterinary Professionals Wellness Committee will serve as an advocate on behalf of and lend support to veterinarians and licensed veterinary technicians participating in programs sponsored or recommended by the committee before such agencies and organizations.

(b) Should the Board as a result of an investigation determine that there is cause to believe that a veterinarian or licensed veterinary technician is impaired, the Board may report that fact to the committee with a request that the individual be evaluated to determine whether an impairment exists. The Board will make available to the committee such information as is necessary to accomplish an intervention and evaluation. The committee will report its findings and recommendations to the Board and provide follow-up reports upon request.

(c) The committee shall report to the Board the name of any veterinarian or licensed veterinary technician the committee has reason to believe may be impaired and/or; who has failed or refused to participate in programs of treatment or rehabilitation recommended by the committee, or who is in breach of contract with the committee or has discontinued such treatment or rehabilitation against medical advice, or who has failed to abide by the terms and conditions of an after-care agreement with the committee, or whose continuation in practice, in the opinion of the committee, constitutes a threat to the safety of his or her patients or to the public, or who has failed to honestly disclose information in accordance with subsection (a) paragraph two of this section.

(d) A report to the Alabama Veterinary Professionals Wellness Committee shall be deemed to be a report to the Board of Veterinary Medical Examiners for the purposes of any mandated reporting of veterinarian or licensed veterinary technician impairment otherwise provided by the law.

(7) All information, interviews, reports, statements, memoranda, or other documents furnished to or produced by the Alabama Veterinary Professionals Wellness Committee and any findings, conclusions, recommendations or reports resulting from the investigations, interventions, treatment, or rehabilitation, or other proceedings of such committee are declared to be privileged and confidential. All records and proceedings of the committee pertaining to the impaired veterinarians and licensed veterinary technicians shall be confidential and shall be used by the committee and the members thereof only in the exercise of the proper function of the committee and shall not be public records nor available for court subpoena or for discovery proceedings.

In the event of a breach of contract between the committee and the impaired veterinarian or licensed veterinary technician, any and all records pertaining to the conduct determined to cause the breach of contract will be disclosed to the regulatory board upon its request for disciplinary purposes only. Nothing contained herein shall apply to records made in the regular course of business of a veterinarians and licensed veterinary technicians and information, documents, or records otherwise available from original sources are not to be construed as immune from discovery or use in any civil proceedings merely because they were presented or considered during the proceedings of the Alabama Veterinary Professionals Wellness Committee.

(8) In support of the Alabama Veterinary Professionals Wellness Committee, the Board may expend available funds as necessary to adequately provide for the operational expenses of the Alabama Veterinary Professionals Wellness Committee, including but not limited to the actual cost of travel, office overhead, and personnel expense. The funds provided by the Board for the purpose of operating expenses shall not be subject to any provision of law requiring competitive bidding.

(9) Any veterinarian or licensed veterinary technician licensed in Alabama who shall be duly appointed to serve as a member of the Alabama Veterinary Professionals Wellness Committee and any auxiliary personnel, consultants, attorneys, or other volunteers or employees of the committee taking any action authorized by this act, engaging in the performance of any duties on behalf of the committee, or participating in any administrative or judicial proceeding resulting there from, shall, in the performance and operation thereof, be immune from any liability, civil or criminal, that might otherwise be incurred or imposed.

Any nonprofit corporation or medical professional association or state or county veterinary medical association that contracts with or receives funds from the State Board of Veterinary Medical Examiners for the creation, support and operation of the Alabama Veterinary Professionals Wellness Committee shall, in so doing, be immune from any liability, civil or criminal, that might otherwise be incurred or imposed.

*Author: Alabama State Board of Veterinary Medical Examiners
Statutory Authority: Code of Ala. 1975, §34-29-69.*