

Senate Bill 346

By: Senators Black of the 8th, Burke of the 11th, Anderson of the 24th, Harrell of the 40th and Payne of the 54th

AS PASSED

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.