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BUSINESS AND PROFESSIONS CODE - BPC

DIVISION 2. HEALING ARTS [500 - 4999.129] (*Division 2 enacted by Stats. 1937, Ch. 399.)*

CHAPTER 11. Veterinary Medicine [4800 - 4920.8] (*Chapter 11 repealed and added by Stats. 1937, Ch. 933.)*

ARTICLE 3.5. Wellness Evaluation Committees [4860 - 4873] (*Heading of Article 3.5 amended by Stats. 2021, Ch. 631, Sec. 24.)*

4860. It is the intent of the Legislature that the board seek ways and means to identify and rehabilitate veterinarians and registered veterinary technicians with impairment due to abuse of dangerous drugs or alcohol, affecting competency so that veterinarians and registered veterinary technicians so afflicted may be treated and returned to the practice of veterinary medicine in a manner that will not endanger the public health and safety.

(Amended by Stats. 2024, Ch. 497, Sec. 65. (SB 1526) Effective January 1, 2025.)

4861. (a) One or more wellness evaluation committees is hereby authorized to be established by the board. Each wellness evaluation committee shall be composed of five persons appointed by the board. The board, in making its appointments, shall give consideration to recommendations of state and local associations and shall consider, among others, where appropriate, the appointment of individuals who have recovered from impairment or who have knowledge and expertise in the management of impairment.

(b) Each wellness evaluation committee shall have the following composition:

(1) At least one veterinarian licensed under this chapter.

(2) At least two public members.

(3) At least one registered veterinary technician registered under this chapter.

(c) Each person appointed to a wellness evaluation committee shall have experience or knowledge in the evaluation or management of persons who are impaired due to alcohol or drug abuse.

(d) It shall require the majority vote of the board to appoint a person to a wellness evaluation committee. Each appointment shall be at the pleasure of the board for a term not to exceed four years. In its discretion the board may stagger the terms of the initial members appointed.

(e) The board president may suspend any wellness evaluation committee member pending an investigation into allegations of existing alcohol or drug addiction. If, after investigation, there is evidence of an alcohol or drug addiction relapse, the board president shall have authorized discretion to remove the member without input from the board.

(f) The board may appoint a program director and other personnel as necessary to carry out this article.

(Amended by Stats. 2023, Ch. 510, Sec. 57. (SB 887) Effective January 1, 2024.)

4862. Each member of a wellness evaluation committee shall receive per diem and expenses as provided in Section 103.

(Amended by Stats. 2021, Ch. 631, Sec. 26. (AB 1535) Effective January 1, 2022.)

4863. Three members of a wellness evaluation committee shall constitute a quorum for the transaction of business at any meeting. Any action requires the majority vote of the wellness evaluation committee.

(Amended by Stats. 2021, Ch. 631, Sec. 27. (AB 1535) Effective January 1, 2022.)

4864. Each wellness evaluation committee shall elect from its membership a chairperson and a vice chairperson.

(Amended by Stats. 2021, Ch. 631, Sec. 28. (AB 1535) Effective January 1, 2022.)

4865. The board shall administer the provisions of this article.

(Added by Stats. 1982, Ch. 870, Sec. 1.)

4866. (a) The board shall establish criteria for the acceptance, denial, or termination of veterinarians and registered veterinary technicians in a wellness program. Only those veterinarians and registered veterinary technicians who have voluntarily requested wellness treatment and supervision by a wellness evaluation committee shall participate in a program.

(b) The board shall establish criteria for the selection of administrative physicians who shall examine veterinarians and registered veterinary technicians requesting wellness under a program. Any reports made under this article by the administrative physician shall constitute an exception to Sections 994 and 995 of the Evidence Code.

(c) The wellness program may accept no more than 100 participants who are licensees of the board.

(Amended by Stats. 2021, Ch. 631, Sec. 29. (AB 1535) Effective January 1, 2022.)

4867. The wellness evaluation committee shall inform each veterinarian and registered veterinary technician who requests participation in a program of the procedures followed in the program, of the rights and responsibilities of the veterinarian and registered veterinary technician in the program, and of the possible results of noncompliance with the program.

(Amended by Stats. 2021, Ch. 631, Sec. 30. (AB 1535) Effective January 1, 2022.)

4868. Each wellness evaluation committee shall have the following duties and responsibilities:

(a) To evaluate those veterinarians and registered veterinary technicians who request participation in the program according to the guidelines prescribed by the board and to consider the recommendation of the administrative physician on the admission of the veterinarian or registered veterinary technician to the wellness program.

(b) To review and designate those treatment facilities to which veterinarians and registered veterinary technicians in a wellness program may be referred.

(c) To receive and review information concerning veterinarians and registered veterinary technicians participating in the program.

(d) To call meetings as necessary to consider the requests of veterinarians and registered veterinary technicians to participate in a wellness program, and to consider reports regarding veterinarians and registered veterinary technicians participating in a program from an administrative physician, or from others.

(e) To consider in the case of each veterinarian and registered veterinary technician participating in a program whether they may with safety continue or resume the practice of veterinary medicine or the assisting in the practice of veterinary medicine.

(f) To set forth in writing for each veterinarian and registered veterinary technician participating in a program a treatment program established for each such veterinarian and registered veterinary technician with the requirements for supervision and surveillance.

(g) To hold a general meeting at least twice a year, which shall be open and public, to evaluate the program's progress, to review data as required in reports to the board, to prepare reports to be submitted to the board, and to suggest proposals for changes in the wellness program.

(Amended by Stats. 2021, Ch. 631, Sec. 31. (AB 1535) Effective January 1, 2022.)

4869. Notwithstanding Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code, relating to public meetings, a wellness evaluation committee may convene in closed session to consider reports pertaining to any veterinarian or registered veterinary technician requesting or participating in a wellness program. A wellness evaluation committee shall only convene in closed session to the extent that it is necessary to protect the privacy of a veterinarian or registered veterinary technician.

(Amended by Stats. 2021, Ch. 631, Sec. 32. (AB 1535) Effective January 1, 2022.)

4870. Each veterinarian and registered veterinary technician who requests participation in a wellness program shall agree to cooperate with the treatment program designed by a wellness evaluation committee. Any failure to comply with the provisions of a treatment program may result in termination of the veterinarian's or registered veterinary technician's participation in a program.

(Amended by Stats. 2021, Ch. 631, Sec. 33. (AB 1535) Effective January 1, 2022.)

4871. (a) After a wellness evaluation committee in its discretion has determined that a veterinarian or registered veterinary technician has been rehabilitated and the wellness program is completed, the wellness evaluation committee shall purge and destroy all records pertaining to the veterinarian's or registered veterinary technician's participation in a wellness program.

(b) All board and wellness evaluation committee records and records of proceedings pertaining to the treatment of a veterinarian or registered veterinary technician in a program shall be kept confidential and are not subject to discovery or subpoena.

(Amended by Stats. 2021, Ch. 631, Sec. 34. (AB 1535) Effective January 1, 2022.)

4872. The board shall provide for the representation of any persons making reports to a wellness evaluation committee or the board under this article in any action for defamation.

(Amended by Stats. 2021, Ch. 631, Sec. 35. (AB 1535) Effective January 1, 2022.)

4873. The board shall charge each veterinarian and registered veterinary technician who is accepted to participate in the wellness program a wellness program registration fee and reasonable administrative fees.

(Amended by Stats. 2021, Ch. 631, Sec. 36. (AB 1535) Effective January 1, 2022.)