

Document: Proposed Rule, **Register Page Number:** 29 IR 688

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**TITLE 888 INDIANA BOARD OF VETERINARY
MEDICAL EXAMINERS**

Proposed Rule
LSA Document #05-185

DIGEST

Adds 888 IAC 1.1-5-3 to define practitioner and to establish the requirements to report substance abuse or psychiatric impairment of a veterinarian or veterinary technician to the Board. Effective 30 days after filing with the Secretary of State.

IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses

Estimated Number of Small Businesses Subject to This Rule:

Industry Sector 541940 Veterinary Services

The Indiana Board of Veterinary Medical Examiners (Board) estimates that no small businesses will be directly affected by this rule. The Board has the authority to promulgate rules concerning the standards of professional conduct for the competent practice of veterinary medicine and a veterinary technician. This proposed rule will have no cost on the small businesses.

Estimated Average Annual Administrative Costs That Small Businesses Will Incur:

The Board estimates that there will be no annual reporting, record keeping, or administrative costs incurred by small businesses to comply with this rule.

Estimated Total Annual Economic Impact on Small Businesses:

The Board estimates that there will be no impact on small businesses as a result of compliance with this rule.

- Justification of Requirements or Costs on Small Businesses Where Rule Is Not Expressly Required by Law: There are no compliance costs that need to be justified for this proposed rule.
- Supporting Data, Studies, or Analyses: The Board has not relied on any supporting data, studies, or analyses in reaching these estimates.

Regulatory Flexibility Analysis of Alternative Methods:

The Board has not analyzed alternatives to this proposed rule.

- **Explanation of Preliminary Determination:** The General Assembly gave the Board the authority to enact and establish these rules, and thus the Board did not explore alternative measures.
- **Supporting Data, Studies, or Analyses:** The Board did not rely on any studies in its decision not to employ alternatives to rulemaking.

888 IAC 1.1-5-3

SECTION 1. 888 IAC 1.1-5-3 IS ADDED TO READ AS FOLLOWS:

888 IAC 1.1-5-3 Reporting of substance abuse or psychiatric impairment

Authority: IC 15-5-1.1-8

Affected: IC 15-5-1.1

Sec. 3. (a) For purposes of this section, “practitioner” means a:

- (1) veterinarian who is licensed to practice veterinary medicine; or**
- (2) veterinary technician who is registered to work under the direct supervision of a licensed veterinarian;**

in accordance with IC 15-5-1.1.

(b) Any practitioner who has personal knowledge based upon a reasonable belief that another practitioner has a:

- (1) severe dependency upon alcohol or other drugs or controlled substances; or**
- (2) psychiatric impairment;**

shall promptly report the conduct to the board unless the practitioner with the substance abuse problem or psychiatric impairment would be exempt from reporting himself or herself under subsection (c).

(c) A practitioner who voluntarily submits himself or herself to, or is otherwise undergoing, a course of treatment for:

(1) addiction;

(2) severe dependency upon alcohol or other drugs or controlled substances; or

(3) psychiatric impairment;

where the treatment is sponsored or supervised by professional healthcare or substance abuse treatment providers shall be exempt from reporting to the board for so long as the practitioner is complying with the course of recommended treatment and making satisfactory progress.

(d) This section shall not, in any manner whatsoever, directly or indirectly, be deemed or construed to:

(1) prohibit;

(2) restrict;

(3) limit; or

(4) otherwise preclude;

the board from taking any action it deems appropriate or as may otherwise be provided by law. (Indiana Board of Veterinary Medical Examiners; 888 IAC 1.1-5-3)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on November 30, 2005 at 9:15 a.m., at the Indiana Government Center-South, 402 West Washington Street, Room W064, Indianapolis, Indiana the Indiana Board of Veterinary Medical Examiners will hold a public hearing on a proposed new rule to define practitioner and to establish the requirements to report substance abuse or psychiatric impairment of a veterinarian or veterinary technician to the Board.

The Indiana Board of Veterinary Medical Examiners has the authority to promulgate rules concerning the standards of professional conduct for the competent practice of veterinary medicine and the competent practice of a veterinary technician. The proposed rule requires a licensed veterinarian or registered veterinary technician to report to the Board substance abuse or psychiatric impairment of another licensed veterinarian or registered veterinary technician. This proposed rule will have no cost on the regulated entities but will protect the public.

Currently, the Board does not have a rehabilitation and monitoring program for veterinarians or veterinary technicians who have been affected by the use or abuse of alcohol or other drugs and/or psychiatric impairment. Without a rehabilitation and monitoring program, a veterinarian or veterinary technician would be able to enter himself or herself for treatment without reporting the information to the Board. While this allows the practitioners to receive treatment, the Board does not have the ability to regulate its licensees and impose sanctions, if any, against the practitioner's license for possible licensing violations based on the impairment.

The Indiana Veterinary Medical Association intends to enter into a contract with the Indiana State Medical Association's Physicians Assistant Program ("ISMA PAP") to provide rehabilitative and monitoring services for veterinarians and veterinary technicians who have been affected by the use or abuse of alcohol or other drugs and/or psychiatric impairment. The Board would also be able to refer practitioners to ISMA PAP for assistance if disciplinary action is taken against the practitioner's license.

There is a great need to have a rehabilitation and monitoring program for practitioners. This program also gives practitioners another entity to seek assistance. Currently, a practitioner who has been affected by the use or abuse of alcohol or other drugs and/or psychiatric impairment must find their own program. Unfortunately, the guidelines differ from program to program. With the ISMA PAP, all the practitioners sign rehabilitative and monitoring contracts. Moreover, if the practitioner is noncompliant with the terms of the rehabilitative and monitoring contract, ISMA PAP will immediately report that to the Office of Attorney General or the Board, whichever is appropriate, to pursue disciplinary action on the practitioner's license.

The ISMA PAP offers:

(A) intervention;

(B) assessment;

(C) treatment;

(D) referral;

(E) monitoring; and

(F) advocacy;

to the practitioner that will address their substance abuse and/or psychiatric impairment. Without this proposed rule, the ISMA PAP would not be able to report to the Board a practitioner that does not comply with the program, which limits the ability of the Board to act accordingly.

Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W072 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Frances L. Kelly
Executive Director
Indiana Professional Licensing Agency