

UNIFORM STANDARDS REQUIRED BY SB 1441

Substance Abuse Coordination Committee:

Comprised of the executive officers of the department's healing arts boards established pursuant to Division 2 (commencing with Section 500), the State Board of Chiropractic Examiners, the Osteopathic Medical Board of California, and a designee of the State Department of Alcohol and Drug Programs. The Director of Consumer Affairs shall chair the committee and may invite individuals or stakeholders who have particular expertise in the area of substance abuse to advise the committee. The committee shall be subject to the Bagley-Keene Open Meeting Act.

The Committee shall:

(c) By January 1, 2010, the committee shall formulate uniform and specific standards in each of the following areas that each healing arts board shall use in dealing with substance-abusing licensees, ***whether or not a board chooses to have a formal diversion program:***

- (1) Specific requirements for a clinical diagnostic evaluation of the licensee, including, but not limited to, required qualifications for the providers evaluating the licensee.
- (2) Specific requirements for the temporary removal of the licensee from practice to enable the licensee to undergo the clinical diagnostic evaluation any treatment recommended by the evaluator and approved by the board and specific criteria that the licensee must meet before being permitted to return to practice on a full-time or part-time basis.
- (3) Specific requirements that govern the ability of the licensing board to communicate with the licensee's employer about the licensee's status and condition.
- (4) Standards governing all aspects of required testing, including, but not limited to:
 - frequency of testing
 - randomicity
 - method of notice to the licensee
 - number of hours between the provision of notice and the test, standards for specimen collectors
 - procedures used by specimen collectors
 - the permissible locations of testing
 - whether the collection process must be observed by the collector
 - backup testing requirements when the licensee is on vacation or otherwise unavailable for local testing
 - requirements for the laboratory that analyzes the specimens
 - required maximum timeframe from the test to the receipt of the result of the test.
- (5) Standards governing all aspects of group meeting attendance requirements, including, but not limited to:
 - required qualifications for group meeting facilitators
 - frequency of required meeting attendance

- methods of documenting and reporting attendance or nonattendance by licensees.
- (6) Standards used in determining whether inpatient, outpatient, or other type of treatment is necessary.
- (7) Worksite monitoring requirements and standards, including, but not limited to:
- required qualifications of worksite monitors
 - required methods of monitoring by worksite monitors
 - required reporting by worksite monitors.
- (8) Procedures to be followed when a licensee tests positive for a banned substance.
- (9) Procedures to be followed when a licensee is confirmed to have ingested a banned substance.
- (10) Specific consequences for major violations and minor violations. *In particular, the committee shall consider the use of a “deferred prosecution” stipulation similar to the stipulation described in Section 1000 of the Penal Code, in which the licensee admits to self-abuse of drugs or alcohol and surrenders his or her license. That agreement is deferred by the agency unless or until the licensee commits a major violation, in which case it is revived and the license is surrendered.*
- (11) Criteria that a licensee must meet in order to petition for return to practice on a full-time basis.
- (12) Criteria that a licensee must meet in order to petition for reinstatement of a full and unrestricted license.
- (13) If a board uses a private-sector vendor that provides diversion services:
- standards for immediate reporting by the vendor to the board of any and all noncompliance with any term of the diversion contract or probation
 - standards for the vendor’s approval process for providers or contractors that provide diversion services, including, but not limited to, specimen collectors, group meeting facilitators, and worksite monitors
 - standards requiring the vendor to disapprove and discontinue the use of providers or contractors that fail to provide effective or timely diversion services
 - standards for a licensee’s termination from the program and referral to enforcement.
- (14) If a board uses a private-sector vendor that provides diversion services, the extent to which licensee participation in that program shall be kept confidential from the public.
- (15) If a board uses a private-sector vendor that provides diversion services, a schedule for external independent audits of the vendor’s performance in adhering to the standards adopted by the committee.
- (16) Measurable criteria and standards to determine whether each board’s method of dealing with substance-abusing licensees protects patients from harm and is effective in assisting its licensees in recovering from substance abuse in the long term.