



## ISSUE MEMORANDUM

<b>DATE</b>	September 15, 2009
<b>TO</b>	SB 1441 Substance Abuse Coordination Committee
<b>FROM</b>	SB 1441 Uniform Standards Staff Working Group Felisa Johns Scott, Osteopathic Medical Board of CA
<b>SUBJECT</b>	<b>SB 1441 Uniform Standard #14</b>

### **SB 1441 REQUIREMENT**

(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.

### **DRAFT UNIFORM STANDARD #14**

The board may only provide, to the public, the following information for licensees who are participating in a board monitoring program regardless of whether the licensee is a self-referral or a board referral:

- Licensee's name;
- Whether the licensee's practice is restricted;
- A detailed description of any restriction imposed.

### **Discussion**

The working group discussed a licensee's participation in any board run diversion program and whether participation should be kept confidential if the licensee entered this program voluntarily; should this information be disclosed to the public. The group agreed that the public should know that a licensee is in a board run diversion program and what restrictions, if any, are on the licensee's practice. It was noted that disclosure of a licensee's participation in a treatment program could be a possible violation of the Americans with Disability Act (ADA). Legal Counsel did not agree with this assessment. Counsel stated that the disclosure would not violate the ADA but disclosure indicating that a licensee was in a "treatment program" and other specifics in regards to their participation "would" be a violation.