

Draft Uniform Standard #10

July 2009

SB 1441 REQUIREMENT

(10) Specific consequences for major and minor violations. In particular, the committee shall consider the use of a “deferred prosecution” 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 until or unless licensee commits a major violation, in which case it is revived and license is surrendered.

UNIFORM STANDARD #10

The Board shall review each violation of a contract, disciplinary order or probationary order on a case-by-case basis and determine the consequences based upon the following guidelines:

Major Violations may include, but may not be limited to:

- Failure to complete a board-ordered program;
- Failure to undergo a required clinical diagnostic evaluation;
- Multiple minor violations;
- Treating patients while under the influence of drugs/alcohol;
- Any drug/alcohol related act which would constitute a violation of the practice act or state/federal laws;
- Refusing to obtain biological testing for substance abuse.

Consequences for major violations may include, but may not be limited to:

- Termination of a contract/agreement
- Referral for disciplinary action such as:
 - Suspension
 - Revocation
 - Other action as determined by the Board

Minor Violations may include, but may not be limited to:

- Untimely receipt of required documentation;
- Missed biological testing for substance abuse;
- Non-attendance at group meetings;
- Failure to contact a monitor when required;
- Any other violations that do not present an immediate threat to the violator or to the public.

Consequences for minor violations may include, but may not be limited to:

- Removal from practice;
- Practice limitations;
- Required supervision;
- Increased documentation
- Issuance of citation and fine or a warning notice;
- Required reevaluation/testing.