



ISSUE MEMORANDUM

DATE	August 6, 2009
TO	SB 1441 Substance Abuse Coordination Committee
FROM	SB 1441 Uniform Standards Staff Working Group April Alameda, Chiropractic Board
SUBJECT	SB 1441 Uniform Standard # 9

SB 1441 REQUIREMENT

(9) Procedures to be followed when a licensee is confirmed to have ingested a banned substance.

DRAFT UNIFORM STANDARD #9

The procedures below shall be followed when a licensee is confirmed to have ingested a banned substance:

1. Communication with the board probation coordinator or recovery program if applicable;
2. Confrontation of the licensee;
3. Communication with the employer and worksite monitor, if applicable;
4. Communication with any treatment provider including support group facilitator.

Based on information gathered, at least one of the procedures below shall be followed in response to confirmation of an ingested banned substance:

1. Pursue administrative options including revocation and/or suspension;
2. Required participation in inpatient and/or outpatient treatment;
3. Increased frequency of testing;
4. Practice restriction e.g. increased level of supervised practice; limit the scope of duties;
5. Removal from practice for the purpose of assessment.

DISCUSSION

There was minimal discussion regarding uniform standard #9 and it was agreed upon that the procedures followed in uniform standard #8 also be followed in #9.

Upon conclusion of the July 15, 2009, public meeting, it was determined the first section was unnecessary and appeared to be procedures that would be followed prior to a confirmation of having ingested a banned substance. As a result, it was deleted from the standard.

PROS/CONS

No strong arguments, either for or against the standard as drafted, were identified in the group's discussion.

PUBLIC COMMENT

Written comment was received from Kaiser Permanente Northern California Division Physician David Pating and Kaiser Permanente Southern California Division Physician Stephanie Shaner. Both Dr. Pating and Dr. Shaner requested that the option of removing the licensee from practice for the purpose of assessment be added to the standard. Further, both expressed support for the process currently undertaken by DCA noting that health professionals with drug or alcohol addiction can be safely rehabilitated when they are provided supervised monitoring with clear standards.

Public comments received during the public hearing indicated support for inclusion of this option. The workgroup determined that adding the option of removing a licensee from practice for assessment was appropriate.

Elinore McCance-Katz M.D., PhD provided written comments regarding the use of a Medical Review Officer (MRO) to interpret the results of the test, if necessary. Dr. McCance-Katz stated that it was extremely important that the boards understand what a MRO does. Dr. McCance-Katz explained that if a urine test is positive for a prohibited substance (e.g. Oxycodone in a licensee who is opioid-addicted); a MRO would look into this and if the MRO found that the licensee had a valid prescription; it would be called a negative screen.

Further, Dr. McCance-Katz stated that a health care professional with addiction is not to use prohibited substances, prescribed or not, if they are working in their profession. Dr. McCance-Katz suggested a better approach would be to have a medical director for these monitoring programs who have MRO experience, but understands the nature of addiction in healthcare professionals and can attend to public safety.

Dr. McCance-Katz also suggested adding the option of immediate cessation from practice if a licensee was practicing their healthcare profession. The cessation of practice would remain in place until an assessment is completed and recommendations were reviewed and considered by the Board.

The workgroup considered the comments of Dr. McCance-Katz relating to the use of a MRO. Following the discussion, the workgroup decided to remove this procedure from the standard. The workgroup determined that this procedure neither improved nor weakened the standard so long as the other procedures were in effect.