

Senate Bill 75

By: Senators Black of the 8th, Wilkinson of the 50th, Harper of the 7th, Anderson of the 24th, Burke of the 11th and others

AS PASSED SENATE

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 50 of Title 43 of the Official Code of Georgia Annotated,
2 relating to the State Board of Veterinary Medicine, so as to provide for a professional health
3 program for impaired veterinarians; to provide for definitions; to provide for confidentiality
4 of certain records; to provide for costs; to provide for related matters; to repeal conflicting
5 laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 2 of Chapter 50 of Title 43 of the Official Code of Georgia Annotated, relating to the
9 State Board of Veterinary Medicine, is amended by adding a new Code section to read as
10 follows:

11 "43-50-21.1.

12 (a) As used in this Code section, the term:

13 (1) 'Entity' means an organization or medical professional association which conducts
14 professional health programs.

15 (2) 'Impaired' means the inability of a veterinarian to practice with reasonable skill and
16 safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or
17 any other type of material, or as a result of any mental or physical condition.

18 (3) 'Professional health program' means a program established for the purposes of
19 monitoring and rehabilitation of impaired veterinarians.

20 (b) The board shall be authorized to conduct a professional health program to provide
21 monitoring and rehabilitation of impaired veterinarians in this state. To this end, the office
22 of the Secretary of State on behalf of the board shall be authorized to enter into a contract
23 with an entity for the purpose of establishing and conducting such professional health
24 program, including but not limited to:

25 (1) Monitoring and rehabilitation of impaired veterinarians;

- 26 (2) Performing duties related to paragraph (10) of subsection (a) of Code Section
27 43-50-41; and
- 28 (3) Performing such other related activities as determined by the board.
- 29 (c) Notwithstanding the provisions of subsection (h) of Code Section 43-50-41, the board
30 shall be authorized to provide pertinent information regarding veterinarians, as determined
31 by the board and in its sole discretion, to the entity for its purposes in conducting a
32 professional health program pursuant to this Code section.
- 33 (d) All information, interviews, reports, statements, memoranda, or other documents
34 furnished to the entity by the board or other source or produced by the entity and any
35 findings, conclusions, recommendations, or reports resulting from the monitoring or
36 rehabilitation of veterinarians pursuant to this Code section are declared to be privileged
37 and confidential and shall not be subject to Article 4 of Chapter 18 of Title 50, relating to
38 open records. All such records of the entity shall be confidential and shall be used by such
39 entity and its employees and agents only in the exercise of the proper function of the entity
40 pursuant to its contract authorized by subsection (b) of this Code section. Such
41 information, interviews, reports, statements, memoranda, or other documents furnished to
42 or produced by the entity and any findings, conclusions, recommendations, or reports
43 resulting from the monitoring or rehabilitation of veterinarians shall not be available for
44 court subpoenas or for discovery proceedings.
- 45 (e) An impaired veterinarian who participates in a professional health program conducted
46 pursuant to this Code section shall bear all costs associated with such participation."

47 **SECTION 2.**

48 All laws and parts of laws in conflict with this Act are repealed.