

**First Regular Session  
Seventieth General Assembly  
STATE OF COLORADO**

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 15-0726.01 Jennifer Berman x3286

**HOUSE BILL 15-1187**

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**HOUSE SPONSORSHIP**

**Lebsock**, Primavera, Becker K.

**SENATE SPONSORSHIP**

**Garcia and Sonnenberg**,

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**House Committees**

Agriculture, Livestock, & Natural Resources

**Senate Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING MENTAL HEALTH EVALUATIONS OF LICENSED**  
102           **VETERINARIANS CONDUCTED BY A VETERINARIAN PEER HEALTH**  
103           **ASSISTANCE PROGRAM AS ORDERED BY THE STATE BOARD OF**  
104           **VETERINARY MEDICINE.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

**Section 2** of the bill authorizes the state board of veterinary medicine (board), if it has reasonable cause to believe that a licensed veterinarian is unable to practice veterinary medicine with reasonable

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

skill and safety to patients and clients due to a mental illness or condition or excessive use of alcohol, a habit-forming drug, or a controlled substance, to require the licensed veterinarian to submit to a mental health examination to determine the licensed veterinarian's ability to practice.

**Section 3** authorizes the board, if it determines that a licensed veterinarian who submitted to a mental health examination can provide limited services with reasonable skill and safety to patients and clients, to enter into a confidential agreement with the licensed veterinarian to limit his or her practice based on the restrictions imposed by his or her illness, condition, or disorder, as determined by the board.

**Section 1** establishes that a licensed veterinarian's failure to comply with a confidential agreement constitutes grounds for discipline.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 12-64-111, **add** (1)

3 (ii) as follows:

4 **12-64-111. Discipline of licensees.** (1) Upon receipt of a signed  
5 complaint by a complainant or upon its own motion, the board may  
6 proceed to a hearing in conformity with section 12-64-112. After a  
7 hearing, and by a concurrence of a majority of members, the board may  
8 deny a license to an applicant or revoke or suspend the license of, place  
9 on probation, or otherwise discipline or fine, a licensed veterinarian for  
10 any of the following reasons:

11 (ii) FAILURE TO COMPLY WITH TERMS AGREED TO UNDER A  
12 CONFIDENTIAL AGREEMENT ENTERED INTO UNDER SECTION 12-64-126.

13 **SECTION 2.** In Colorado Revised Statutes, 12-64-124, **amend**

14 (2) (a) as follows:

15 **12-64-124. Veterinarian peer health assistance program - fees**  
16 **- administration - rules.** (2) (a) THE BOARD MAY REQUIRE any  
17 veterinarian who is referred by WHOM the board REFERS to a peer health  
18 assistance program shall TO enter into a stipulation with the board  
19 pursuant to section 12-64-111 (8) prior to BEFORE participating in the

1 program. The agreement must contain specific requirements and goals to  
2 be met by the participant, including the conditions under which the  
3 program will be successfully completed or terminated, and a provision  
4 that a failure to comply with the requirements and goals are to be  
5 promptly reported to the board and that such failure will result in  
6 disciplinary action by the board.

7 **SECTION 3.** In Colorado Revised Statutes, **add** 12-64-125 as  
8 follows:

9 **12-64-125. Mental health and substance abuse evaluations of**  
10 **licensees.** (1) (a) (I) IF THE BOARD HAS REASONABLE CAUSE TO BELIEVE  
11 THAT A LICENSED VETERINARIAN IS UNABLE TO PRACTICE VETERINARY  
12 MEDICINE WITH REASONABLE SKILL AND SAFETY TO PATIENTS OR CLIENTS  
13 DUE TO A MENTAL ILLNESS OR CONDITION OR EXCESSIVE USE OF ALCOHOL,  
14 A HABIT-FORMING DRUG, OR A CONTROLLED SUBSTANCE, THE BOARD MAY  
15 REQUIRE IN WRITING THAT THE LICENSED VETERINARIAN SUBMIT TO AN  
16 EXAMINATION TO EVALUATE:

17 (A) THE EXISTENCE AND EXTENT OF THE MENTAL ILLNESS OR  
18 CONDITION OR THE EXTENT OF ANY USE OF ALCOHOL, HABIT-FORMING  
19 DRUGS, OR CONTROLLED SUBSTANCES; AND

20 (B) ANY IMPACT THE MENTAL ILLNESS OR CONDITION OR USE OF  
21 ALCOHOL, HABIT-FORMING DRUGS, OR CONTROLLED SUBSTANCES HAS ON  
22 THE LICENSED VETERINARIAN'S ABILITY TO PRACTICE VETERINARY  
23 MEDICINE WITH REASONABLE SKILL AND SAFETY TO PATIENTS AND  
24 CLIENTS.

25 (II) A QUALIFIED PROFESSIONAL EMPLOYED BY OR CONTRACTING  
26 WITH A VETERINARIAN PEER HEALTH ASSISTANCE PROGRAM THAT THE  
27 BOARD HAS SELECTED AS A DESIGNATED PROVIDER UNDER SECTION

1 12-64-124 SHALL CONDUCT AN EXAMINATION REQUIRED BY  
2 SUBPARAGRAPH (I) OF THIS PARAGRAPH (a).

3 (b) IF A LICENSED VETERINARIAN FAILS TO SUBMIT TO AN  
4 EXAMINATION REQUIRED UNDER PARAGRAPH (a) OF THIS SUBSECTION (1),  
5 THE BOARD MAY SUSPEND THE LICENSED VETERINARIAN'S LICENSE TO  
6 PRACTICE VETERINARY MEDICINE UNTIL THE LICENSED VETERINARIAN  
7 SUBMITS TO THE EXAMINATION; HOWEVER, IF THE LICENSED  
8 VETERINARIAN DEMONSTRATES TO THE SATISFACTION OF THE BOARD THAT  
9 HIS OR HER FAILURE TO SUBMIT TO THE EXAMINATION IS DUE TO  
10 CIRCUMSTANCES BEYOND HIS OR HER CONTROL, THE BOARD SHALL NOT  
11 SUSPEND THE LICENSED VETERINARIAN'S LICENSE.

12 (2) EVERY PERSON LICENSED TO PRACTICE VETERINARY MEDICINE  
13 IN THIS STATE IS DEEMED, BY PRACTICING OR APPLYING FOR A RENEWAL  
14 OF THE PERSON'S LICENSE, TO HAVE:

15 (a) GIVEN HIS OR HER CONSENT TO SUBMIT TO AN EXAMINATION  
16 THAT THE BOARD MAY REQUIRE UNDER SUBSECTION (1) OF THIS SECTION;  
17 AND

18 (b) WAIVED AN OBJECTION TO THE ADMISSIBILITY OF THE  
19 EXAMINING PROFESSIONAL'S TESTIMONY OR EXAMINATION REPORTS AT A  
20 BOARD HEARING ON GROUNDS THAT THE TESTIMONY OR REPORTS ARE  
21 PRIVILEGED COMMUNICATIONS.

22 (3) A PERSON SHALL NOT USE THE RESULTS OF AN EXAMINATION  
23 ORDERED UNDER SUBSECTION (1) OF THIS SECTION AS EVIDENCE IN ANY  
24 PROCEEDING OTHER THAN A PROCEEDING BEFORE THE BOARD. THE  
25 EXAMINATION RESULTS ARE NOT PUBLIC RECORDS AND ARE NOT  
26 AVAILABLE TO THE PUBLIC.

27 **SECTION 4.** In Colorado Revised Statutes, **add** 12-64-126 as

1 follows:

2 **12-64-126. Confidential agreements to limit practice -**  
3 **violation grounds for discipline.** (1) (a) IF THE BOARD DETERMINES  
4 THAT A LICENSED VETERINARIAN WHO SUBMITTED TO AN EXAMINATION  
5 UNDER SECTION 12-64-125 IS ABLE TO RENDER LIMITED SERVICES WITH  
6 REASONABLE SKILL AND SAFETY TO PATIENTS AND CLIENTS, THE BOARD  
7 MAY ENTER INTO A CONFIDENTIAL AGREEMENT WITH THE LICENSED  
8 VETERINARIAN IN WHICH THE LICENSED VETERINARIAN AGREES TO LIMIT  
9 HIS OR HER PRACTICE BASED ON THE RESTRICTIONS IMPOSED BY THE  
10 ILLNESS, CONDITION, OR DISORDER, AS DETERMINED BY THE BOARD.

11 (b) AS PART OF THE AGREEMENT, THE LICENSED VETERINARIAN IS  
12 SUBJECT TO PERIODIC REEVALUATIONS OR MONITORING, AS DETERMINED  
13 APPROPRIATE BY THE BOARD.

14 (c) THE PARTIES MAY MODIFY OR DISSOLVE THE AGREEMENT AS  
15 NECESSARY BASED ON THE RESULTS OF A REEVALUATION OR MONITORING.

16 (2) BY ENTERING INTO AN AGREEMENT WITH THE BOARD UNDER  
17 THIS SECTION TO LIMIT HIS OR HER PRACTICE, A LICENSED VETERINARIAN  
18 IS NOT ENGAGING IN CONDUCT THAT IS GROUNDS FOR DISCIPLINE UNDER  
19 SECTION 12-64-111. THE AGREEMENT DOES NOT CONSTITUTE A  
20 RESTRICTION OR DISCIPLINE BY THE BOARD; HOWEVER, IF THE LICENSED  
21 VETERINARIAN FAILS TO COMPLY WITH THE TERMS OF AN AGREEMENT  
22 ENTERED INTO UNDER THIS SECTION, THE FAILURE CONSTITUTES GROUNDS  
23 FOR DISCIPLINARY ACTION UNDER SECTION 12-64-111 (1) (ii), AND THE  
24 LICENSED VETERINARIAN IS SUBJECT TO DISCIPLINE UNDER SECTION  
25 12-64-111.

26 **SECTION 5. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.