

MEDICAL BOARD STAFF REPORT

DATE REPORT ISSUED: April 20, 2015
ATTENTION: Members, Medical Board of California
SUBJECT: Uniform Standards for Substance-Abusing Licensees
Regulations – Update and Implementation
STAFF CONTACT: Kimberly Kirchmeyer, Executive Director

REQUESTED ACTION:

This report is intended to provide the Members with an update on the regulations for the Uniform Standards for Substance-Abusing Licensees. No action is needed at this time.

BACKGROUND:

On March 25, 2015, the Medical Board of California (Board) was notified that the regulations for the Uniform Standards for Substance-Abusing Licensees was approved by the Office of Administrative Law (OAL) (see Attachment A). The regulations will become effective on July 1, 2015.

Prior to the regulations becoming effective, Board staff will ensure all interested parties are aware of these changes. The implementation plan includes notification to the Attorney General's Office, the Office of Administrative Hearings, physician defense attorneys, Health Quality Investigation Unit, and physician organizations/associations. Board staff will be meeting with staff from the Office of Administrative Hearings to review the document and explain the necessity for these regulations to be included, without deviation, in any proposed decision where a physician has been identified as a substance-abusing licensee. In addition, Board staff will meet with staff from the Attorney General's Office to discuss the necessity to use these standards in any stipulations that are drafted after July 1, 2015. Board staff and legal counsel will be paying particular attention to the decisions that are received after this date to ensure they comply with the regulations. Board Probation Monitors will also be trained on monitoring the new standards and ensuring compliance.

Beginning July 1, 2015, the Board will need to use these standards in its decisions, including decisions that are issued after non-adoption. Any decision not containing this language will need to be reviewed by the Board for further action.

**State of California
Office of Administrative Law**

In re:
Medical Board of California

**NOTICE OF APPROVAL OF REGULATORY
ACTION**

Regulatory Action:

Government Code Section 11349.3

Title 16, California Code of Regulations

OAL File No. 2015-0210-01 SR

**Adopt sections: 1361.5, 1361.51, 1361.52,
1361.53, 1361.54, 1361.55**

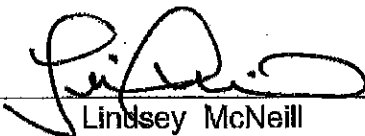
Amend sections: 1361

Repeal sections:

This resubmitted rulemaking action by the Medical Board of California (MBOC) amends section 1361 and adopts six new sections in title 16 of the California Code of Regulations (CCR) to implement the Uniform Standards Regarding Substance-Abusing Healing Arts Licensees, April 2011 in accordance with Business and Professions Code section 315. The Uniform Standards were developed by the Substance Abuse Coordination Committee that was established by the Department of Consumer Affairs pursuant to Senate Bill 1441 (Stats. 2008, ch. 548).

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 7/1/2015.

Date: 3/25/2015



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Attorney

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Director

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