

By Senator Wise

6-1438-02

See HB 1405

1                                   A bill to be entitled

2           An act relating to health care practitioner

3           student loans and service scholarship

4           obligations; amending s. 456.074, F.S.;

5           providing for an emergency order suspending the

6           license of any health care practitioner who has

7           defaulted on a student loan issued or

8           guaranteed by the state or the Federal

9           Government; amending s. 456.072, F.S., and

10          reenacting subsection (2), relating to

11          disciplinary actions; clarifying the ground for

12          disciplinary action for failing to perform a

13          statutory or legal obligation to include

14          failing to repay a student loan issued or

15          guaranteed by the state or the Federal

16          Government in accordance with the terms of the

17          loan and for failing to comply with service

18          scholarship obligations; providing penalties;

19          directing the Department of Health to obtain

20          certain information from the United States

21          Department of Health and Human Services on a

22          monthly basis and to include certain

23          information in its annual report to the

24          Legislature; reenacting ss. 456.026, 456.073,

25          F.S., relating to the annual report and

26          disciplinary proceedings, respectively, to

27          conform; providing applicability; providing an

28          effective date.

29

30           WHEREAS, the United States Department of Health and

31   Human Services reports that 9,454 health care practitioners in

1 the nation and 556 health care practitioners in Florida have  
2 defaulted on educational loan or service scholarship  
3 obligations, and

4 WHEREAS, the United States Department of Health and  
5 Human Services reports that these defaulters are costing  
6 taxpayers over \$694 million, of which \$45.6 million is  
7 attributable to Florida health care practitioners, and

8 WHEREAS, needy communities lose the services of  
9 essential clinicians when practitioners fail to meet their  
10 service obligations, and

11 WHEREAS, because these defaulters have received the  
12 substantial economic benefits of a health practitioner career  
13 education at taxpayer expense, it is imperative that they be  
14 required to honor their service obligations and repay their  
15 student loans, and

16 WHEREAS, because health care practitioners are licensed  
17 by the states and not the Federal Government, it is  
18 anticipated that having state discipline of these defaulters  
19 will motivate the defaulters to honor their commitments and  
20 deter others from defaulting on their student loans and  
21 service obligations, and

22 WHEREAS, taxpayers should not have to foot the bill for  
23 individuals who have reneged on the repayment obligation of a  
24 federal or state loan or scholarship which gave them access to  
25 a career as a health care practitioner, and

26 WHEREAS, these defaulters have been or will be excluded  
27 from participating in Medicare and Medicaid programs and,  
28 therefore, are unable to practice in many of the neediest and  
29 most underserved areas, and

30 WHEREAS, these defaulters would not be practicing as  
31 health care practitioners had the programs not been available

1 to help finance their education; and, while it is not possible  
2 to "repossess" the education these programs allowed them to  
3 obtain, it is possible to "repossess" the results of that  
4 education by suspending their ability to practice through  
5 suspension of their licenses, and

6 WHEREAS, current Florida law provides recourse only for  
7 certain state loans through s. 381.0302, Florida Statutes, and  
8 does not address federal educational loan and service  
9 scholarship defaulters, NOW, THEREFORE,

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11 Be It Enacted by the Legislature of the State of Florida:

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13 Section 1. Subsection (4) is added to section 456.074,  
14 Florida Statutes, to read:

15 456.074 Certain health care practitioners; immediate  
16 suspension of license.--

17 (4) Upon receipt of information that a  
18 Florida-licensed health care practitioner has defaulted on a  
19 student loan issued or guaranteed by the state or the Federal  
20 Government, the department shall notify the licensee by  
21 certified mail that he or she shall be subject to immediate  
22 suspension of license unless, within 45 days after the date of  
23 mailing, the licensee provides proof that new payment terms  
24 have been agreed upon by all parties to the loan. The  
25 department shall issue an emergency order suspending the  
26 license of any licensee who, after 45 days following the date  
27 of mailing from the department, has failed to provide such  
28 proof. Production of such proof shall not prohibit the  
29 department from proceeding with disciplinary action against  
30 the licensee pursuant to s. 456.073.

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1           Section 2. Paragraph (k) of subsection (1) of section  
2 456.072, Florida Statutes, is amended, and subsection (2) of  
3 that section is reenacted, to read:

4           456.072 Grounds for discipline; penalties;  
5 enforcement.--

6           (1) The following acts shall constitute grounds for  
7 which the disciplinary actions specified in subsection (2) may  
8 be taken:

9           (k) Failing to perform any statutory or legal  
10 obligation placed upon a licensee. For purposes of this  
11 section, failing to repay a student loan issued or guaranteed  
12 by the state or the Federal Government in accordance with the  
13 terms of the loan or failing to comply with service  
14 scholarship obligations shall be considered a failure to  
15 perform a statutory or legal obligation, and the minimum  
16 disciplinary action imposed shall be a suspension of the  
17 license until new payment terms are agreed upon or the  
18 scholarship obligation is resumed, followed by probation for  
19 the duration of the student loan or remaining scholarship  
20 obligation period, and a fine equal to 10 percent of the  
21 defaulted loan amount. Fines collected shall be deposited  
22 into the Medical Quality Assurance Trust Fund.

23           (2) When the board, or the department when there is no  
24 board, finds any person guilty of the grounds set forth in  
25 subsection (1) or of any grounds set forth in the applicable  
26 practice act, including conduct constituting a substantial  
27 violation of subsection (1) or a violation of the applicable  
28 practice act which occurred prior to obtaining a license, it  
29 may enter an order imposing one or more of the following  
30 penalties:

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- 1           (a) Refusal to certify, or to certify with  
2 restrictions, an application for a license.
- 3           (b) Suspension or permanent revocation of a license.
- 4           (c) Restriction of practice or license, including, but  
5 not limited to, restricting the licensee from practicing in  
6 certain settings, restricting the licensee to work only under  
7 designated conditions or in certain settings, restricting the  
8 licensee from performing or providing designated clinical and  
9 administrative services, restricting the licensee from  
10 practicing more than a designated number of hours, or any  
11 other restriction found to be necessary for the protection of  
12 the public health, safety, and welfare.
- 13           (d) Imposition of an administrative fine not to exceed  
14 \$10,000 for each count or separate offense. If the violation  
15 is for fraud or making a false or fraudulent representation,  
16 the board, or the department if there is no board, must impose  
17 a fine of \$10,000 per count or offense.
- 18           (e) Issuance of a reprimand or letter of concern.
- 19           (f) Placement of the licensee on probation for a  
20 period of time and subject to such conditions as the board, or  
21 the department when there is no board, may specify. Those  
22 conditions may include, but are not limited to, requiring the  
23 licensee to undergo treatment, attend continuing education  
24 courses, submit to be reexamined, work under the supervision  
25 of another licensee, or satisfy any terms which are reasonably  
26 tailored to the violations found.
- 27           (g) Corrective action.
- 28           (h) Imposition of an administrative fine in accordance  
29 with s. 381.0261 for violations regarding patient rights.
- 30           (i) Refund of fees billed and collected from the  
31 patient or a third party on behalf of the patient.

1           (j) Requirement that the practitioner undergo remedial  
2 education.

3  
4 In determining what action is appropriate, the board, or  
5 department when there is no board, must first consider what  
6 sanctions are necessary to protect the public or to compensate  
7 the patient. Only after those sanctions have been imposed may  
8 the disciplining authority consider and include in the order  
9 requirements designed to rehabilitate the practitioner. All  
10 costs associated with compliance with orders issued under this  
11 subsection are the obligation of the practitioner.

12           Section 3. The Department of Health shall obtain from  
13 the United States Department of Health and Human Services  
14 information necessary to investigate and prosecute health care  
15 practitioners for failing to repay a student loan or comply  
16 with scholarship service obligations pursuant to s.  
17 456.072(1)(k), Florida Statutes. The department shall obtain  
18 from the United States Department of Health and Human Services  
19 a list of default health care practitioners each month, along  
20 with the information necessary to investigate a complaint in  
21 accordance with s. 456.073, Florida Statutes. The department  
22 may obtain evidence to support the investigation and  
23 prosecution from any financial institution or educational  
24 institution involved in providing the loan or education to the  
25 practitioner. The department shall report to the Legislature  
26 as part of the annual report required by s. 456.026, Florida  
27 Statutes, the number of practitioners in default, along with  
28 the results of the department's investigations and  
29 prosecutions, and the amount of fines collected from  
30 practitioners prosecuted for violating s. 456.072(1)(k),  
31 Florida Statutes.

1           Section 4. Section 456.026, Florida Statutes, is  
2 reenacted to read:  
3           456.026 Annual report concerning finances,  
4 administrative complaints, disciplinary actions, and  
5 recommendations.--The department is directed to prepare and  
6 submit a report to the President of the Senate and the Speaker  
7 of the House of Representatives by November 1 of each year. In  
8 addition to finances and any other information the Legislature  
9 may require, the report shall include statistics and relevant  
10 information, profession by profession, detailing:  
11           (1) The revenues, expenditures, and cash balances for  
12 the prior year, and a review of the adequacy of existing fees.  
13           (2) The number of complaints received and  
14 investigated.  
15           (3) The number of findings of probable cause made.  
16           (4) The number of findings of no probable cause made.  
17           (5) The number of administrative complaints filed.  
18           (6) The disposition of all administrative complaints.  
19           (7) A description of disciplinary actions taken.  
20           (8) A description of any effort by the department to  
21 reduce or otherwise close any investigation or disciplinary  
22 proceeding not before the Division of Administrative Hearings  
23 under chapter 120 or otherwise not completed within 1 year  
24 after the initial filing of a complaint under this chapter.  
25           (9) The status of the development and implementation  
26 of rules providing for disciplinary guidelines pursuant to s.  
27 456.079.  
28           (10) Such recommendations for administrative and  
29 statutory changes necessary to facilitate efficient and  
30 cost-effective operation of the department and the various  
31 boards.

1           Section 5. Section 456.073, Florida Statutes, is  
2 reenacted to read:

3           456.073 Disciplinary proceedings.--Disciplinary  
4 proceedings for each board shall be within the jurisdiction of  
5 the department.

6           (1) The department, for the boards under its  
7 jurisdiction, shall cause to be investigated any complaint  
8 that is filed before it if the complaint is in writing, signed  
9 by the complainant, and legally sufficient. A complaint is  
10 legally sufficient if it contains ultimate facts that show  
11 that a violation of this chapter, of any of the practice acts  
12 relating to the professions regulated by the department, or of  
13 any rule adopted by the department or a regulatory board in  
14 the department has occurred. In order to determine legal  
15 sufficiency, the department may require supporting information  
16 or documentation. The department may investigate, and the  
17 department or the appropriate board may take appropriate final  
18 action on, a complaint even though the original complainant  
19 withdraws it or otherwise indicates a desire not to cause the  
20 complaint to be investigated or prosecuted to completion. The  
21 department may investigate an anonymous complaint if the  
22 complaint is in writing and is legally sufficient, if the  
23 alleged violation of law or rules is substantial, and if the  
24 department has reason to believe, after preliminary inquiry,  
25 that the violations alleged in the complaint are true. The  
26 department may investigate a complaint made by a confidential  
27 informant if the complaint is legally sufficient, if the  
28 alleged violation of law or rule is substantial, and if the  
29 department has reason to believe, after preliminary inquiry,  
30 that the allegations of the complainant are true. The  
31 department may initiate an investigation if it has reasonable



1 cause to believe that a licensee or a group of licensees has  
2 violated a Florida statute, a rule of the department, or a  
3 rule of a board. Except as provided in ss. 458.331(9),  
4 459.015(9), 460.413(5), and 461.013(6), when an investigation  
5 of any subject is undertaken, the department shall promptly  
6 furnish to the subject or the subject's attorney a copy of the  
7 complaint or document that resulted in the initiation of the  
8 investigation. The subject may submit a written response to  
9 the information contained in such complaint or document within  
10 20 days after service to the subject of the complaint or  
11 document. The subject's written response shall be considered  
12 by the probable cause panel. The right to respond does not  
13 prohibit the issuance of a summary emergency order if  
14 necessary to protect the public. However, if the secretary, or  
15 the secretary's designee, and the chair of the respective  
16 board or the chair of its probable cause panel agree in  
17 writing that such notification would be detrimental to the  
18 investigation, the department may withhold notification. The  
19 department may conduct an investigation without notification  
20 to any subject if the act under investigation is a criminal  
21 offense.

22 (2) The department shall allocate sufficient and  
23 adequately trained staff to expeditiously and thoroughly  
24 determine legal sufficiency and investigate all legally  
25 sufficient complaints. For purposes of this section, it is the  
26 intent of the Legislature that the term "expeditiously" means  
27 that the department complete the report of its initial  
28 investigative findings and recommendations concerning the  
29 existence of probable cause within 6 months after its receipt  
30 of the complaint. The failure of the department, for  
31 disciplinary cases under its jurisdiction, to comply with the

1 time limits of this section while investigating a complaint  
2 against a licensee constitutes harmless error in any  
3 subsequent disciplinary action unless a court finds that  
4 either the fairness of the proceeding or the correctness of  
5 the action may have been impaired by a material error in  
6 procedure or a failure to follow prescribed procedure. When  
7 its investigation is complete and legally sufficient, the  
8 department shall prepare and submit to the probable cause  
9 panel of the appropriate regulatory board the investigative  
10 report of the department. The report shall contain the  
11 investigative findings and the recommendations of the  
12 department concerning the existence of probable cause. The  
13 department shall not recommend a letter of guidance in lieu of  
14 finding probable cause if the subject has already been issued  
15 a letter of guidance for a related offense. At any time after  
16 legal sufficiency is found, the department may dismiss any  
17 case, or any part thereof, if the department determines that  
18 there is insufficient evidence to support the prosecution of  
19 allegations contained therein. The department shall provide a  
20 detailed report to the appropriate probable cause panel prior  
21 to dismissal of any case or part thereof, and to the subject  
22 of the complaint after dismissal of any case or part thereof,  
23 under this section. For cases dismissed prior to a finding of  
24 probable cause, such report is confidential and exempt from s.  
25 119.07(1). The probable cause panel shall have access, upon  
26 request, to the investigative files pertaining to a case prior  
27 to dismissal of such case. If the department dismisses a case,  
28 the probable cause panel may retain independent legal counsel,  
29 employ investigators, and continue the investigation and  
30 prosecution of the case as it deems necessary.  
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1           (3) As an alternative to the provisions of subsections  
2 (1) and (2), when a complaint is received, the department may  
3 provide a licensee with a notice of noncompliance for an  
4 initial offense of a minor violation. Each board, or the  
5 department if there is no board, shall establish by rule those  
6 minor violations under this provision which do not endanger  
7 the public health, safety, and welfare and which do not  
8 demonstrate a serious inability to practice the profession.  
9 Failure of a licensee to take action in correcting the  
10 violation within 15 days after notice may result in the  
11 institution of regular disciplinary proceedings.

12           (4) The determination as to whether probable cause  
13 exists shall be made by majority vote of a probable cause  
14 panel of the board, or by the department, as appropriate. Each  
15 regulatory board shall provide by rule that the determination  
16 of probable cause shall be made by a panel of its members or  
17 by the department. Each board may provide by rule for multiple  
18 probable cause panels composed of at least two members. Each  
19 board may provide by rule that one or more members of the  
20 panel or panels may be a former board member. The length of  
21 term or repetition of service of any such former board member  
22 on a probable cause panel may vary according to the direction  
23 of the board when authorized by board rule. Any probable cause  
24 panel must include one of the board's former or present  
25 consumer members, if one is available, is willing to serve,  
26 and is authorized to do so by the board chair. Any probable  
27 cause panel must include a present board member. Any probable  
28 cause panel must include a former or present professional  
29 board member. However, any former professional board member  
30 serving on the probable cause panel must hold an active valid  
31 license for that profession. All proceedings of the panel are

1 exempt from s. 286.011 until 10 days after probable cause has  
2 been found to exist by the panel or until the subject of the  
3 investigation waives his or her privilege of confidentiality.  
4 The probable cause panel may make a reasonable request, and  
5 upon such request the department shall provide such additional  
6 investigative information as is necessary to the determination  
7 of probable cause. A request for additional investigative  
8 information shall be made within 15 days from the date of  
9 receipt by the probable cause panel of the investigative  
10 report of the department or the agency. The probable cause  
11 panel or the department, as may be appropriate, shall make its  
12 determination of probable cause within 30 days after receipt  
13 by it of the final investigative report of the department. The  
14 secretary may grant extensions of the 15-day and the 30-day  
15 time limits. In lieu of a finding of probable cause, the  
16 probable cause panel, or the department if there is no board,  
17 may issue a letter of guidance to the subject. If, within the  
18 30-day time limit, as may be extended, the probable cause  
19 panel does not make a determination regarding the existence of  
20 probable cause or does not issue a letter of guidance in lieu  
21 of a finding of probable cause, the department must make a  
22 determination regarding the existence of probable cause within  
23 10 days after the expiration of the time limit. If the  
24 probable cause panel finds that probable cause exists, it  
25 shall direct the department to file a formal complaint against  
26 the licensee. The department shall follow the directions of  
27 the probable cause panel regarding the filing of a formal  
28 complaint. If directed to do so, the department shall file a  
29 formal complaint against the subject of the investigation and  
30 prosecute that complaint pursuant to chapter 120. However, the  
31 department may decide not to prosecute the complaint if it

1 finds that probable cause has been improvidently found by the  
2 panel. In such cases, the department shall refer the matter to  
3 the board. The board may then file a formal complaint and  
4 prosecute the complaint pursuant to chapter 120. The  
5 department shall also refer to the board any investigation or  
6 disciplinary proceeding not before the Division of  
7 Administrative Hearings pursuant to chapter 120 or otherwise  
8 completed by the department within 1 year after the filing of  
9 a complaint. The department, for disciplinary cases under its  
10 jurisdiction, must establish a uniform reporting system to  
11 quarterly refer to each board the status of any investigation  
12 or disciplinary proceeding that is not before the Division of  
13 Administrative Hearings or otherwise completed by the  
14 department within 1 year after the filing of the complaint.  
15 Annually, the department, in consultation with the applicable  
16 probable cause panel, must establish a plan to expedite or  
17 otherwise close any investigation or disciplinary proceeding  
18 that is not before the Division of Administrative Hearings or  
19 otherwise completed by the department within 1 year after the  
20 filing of the complaint. A probable cause panel or a board  
21 may retain independent legal counsel, employ investigators,  
22 and continue the investigation as it deems necessary; all  
23 costs thereof shall be paid from a trust fund used by the  
24 department to implement this chapter. All proceedings of the  
25 probable cause panel are exempt from s. 120.525.

26 (5) A formal hearing before an administrative law  
27 judge from the Division of Administrative Hearings shall be  
28 held pursuant to chapter 120 if there are any disputed issues  
29 of material fact. The administrative law judge shall issue a  
30 recommended order pursuant to chapter 120. If any party raises  
31 an issue of disputed fact during an informal hearing, the

1 hearing shall be terminated and a formal hearing pursuant to  
2 chapter 120 shall be held.

3 (6) The appropriate board, with those members of the  
4 panel, if any, who reviewed the investigation pursuant to  
5 subsection (4) being excused, or the department when there is  
6 no board, shall determine and issue the final order in each  
7 disciplinary case. Such order shall constitute final agency  
8 action. Any consent order or agreed-upon settlement shall be  
9 subject to the approval of the department.

10 (7) The department shall have standing to seek  
11 judicial review of any final order of the board, pursuant to  
12 s. 120.68.

13 (8) Any proceeding for the purpose of summary  
14 suspension of a license, or for the restriction of the  
15 license, of a licensee pursuant to s. 120.60(6) shall be  
16 conducted by the secretary of the Department of Health or his  
17 or her designee, as appropriate, who shall issue the final  
18 summary order.

19 (9)(a) The department shall periodically notify the  
20 person who filed the complaint, as well as the patient or the  
21 patient's legal representative, of the status of the  
22 investigation, indicating whether probable cause has been  
23 found and the status of any civil action or administrative  
24 proceeding or appeal.

25 (b) In any disciplinary case for which probable cause  
26 has been found, the department shall provide to the person who  
27 filed the complaint a copy of the administrative complaint  
28 and:

29 1. A written explanation of how an administrative  
30 complaint is resolved by the disciplinary process.

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1           2. A written explanation of how and when the person  
2 may participate in the disciplinary process.

3           3. A written notice of any hearing before the Division  
4 of Administrative Hearings or the regulatory board at which  
5 final agency action may be taken.

6           (c) In any disciplinary case for which probable cause  
7 is not found, the department shall so inform the person who  
8 filed the complaint and notify that person that he or she may,  
9 within 60 days, provide any additional information to the  
10 department which may be relevant to the decision. To  
11 facilitate the provision of additional information, the person  
12 who filed the complaint may receive, upon request, a copy of  
13 the department's expert report that supported the  
14 recommendation for closure, if such a report was relied upon  
15 by the department. In no way does this require the department  
16 to procure an expert opinion or report if none was used.  
17 Additionally, the identity of the expert shall remain  
18 confidential. In any administrative proceeding under s.  
19 120.57, the person who filed the disciplinary complaint shall  
20 have the right to present oral or written communication  
21 relating to the alleged disciplinary violations or to the  
22 appropriate penalty.

23           (10) The complaint and all information obtained  
24 pursuant to the investigation by the department are  
25 confidential and exempt from s. 119.07(1) until 10 days after  
26 probable cause has been found to exist by the probable cause  
27 panel or by the department, or until the regulated  
28 professional or subject of the investigation waives his or her  
29 privilege of confidentiality, whichever occurs first. Upon  
30 completion of the investigation and a recommendation by the  
31 department to find probable cause, and pursuant to a written

1 request by the subject or the subject's attorney, the  
2 department shall provide the subject an opportunity to inspect  
3 the investigative file or, at the subject's expense, forward  
4 to the subject a copy of the investigative file.  
5 Notwithstanding s. 456.057, the subject may inspect or receive  
6 a copy of any expert witness report or patient record  
7 connected with the investigation if the subject agrees in  
8 writing to maintain the confidentiality of any information  
9 received under this subsection until 10 days after probable  
10 cause is found and to maintain the confidentiality of patient  
11 records pursuant to s. 456.057. The subject may file a written  
12 response to the information contained in the investigative  
13 file. Such response must be filed within 20 days of mailing by  
14 the department, unless an extension of time has been granted  
15 by the department. This subsection does not prohibit the  
16 department from providing such information to any law  
17 enforcement agency or to any other regulatory agency.

18 (11) A privilege against civil liability is hereby  
19 granted to any complainant or any witness with regard to  
20 information furnished with respect to any investigation or  
21 proceeding pursuant to this section, unless the complainant or  
22 witness acted in bad faith or with malice in providing such  
23 information.

24 (12)(a) No person who reports in any capacity, whether  
25 or not required by law, information to the department with  
26 regard to the incompetence, impairment, or unprofessional  
27 conduct of any health care provider licensed under chapter  
28 458, chapter 459, chapter 460, chapter 461, chapter 462,  
29 chapter 463, chapter 464, chapter 465, or chapter 466 shall be  
30 held liable in any civil action for reporting against such  
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1 health care provider if such person acts without intentional  
2 fraud or malice.

3 (b) No facility licensed under chapter 395, health  
4 maintenance organization certificated under part I of chapter  
5 641, physician licensed under chapter 458, or osteopathic  
6 physician licensed under chapter 459 shall discharge, threaten  
7 to discharge, intimidate, or coerce any employee or staff  
8 member by reason of such employee's or staff member's report  
9 to the department about a physician licensed under chapter  
10 458, chapter 459, chapter 460, chapter 461, or chapter 466 who  
11 may be guilty of incompetence, impairment, or unprofessional  
12 conduct so long as such report is given without intentional  
13 fraud or malice.

14 (c) In any civil suit brought outside the protections  
15 of paragraphs (a) and (b) in which intentional fraud or malice  
16 is alleged, the person alleging intentional fraud or malice  
17 shall be liable for all court costs and for the other party's  
18 reasonable attorney's fees if intentional fraud or malice is  
19 not proved.

20 (13) Notwithstanding any provision of law to the  
21 contrary, an administrative complaint against a licensee shall  
22 be filed within 6 years after the time of the incident or  
23 occurrence giving rise to the complaint against the licensee.  
24 If such incident or occurrence involved criminal actions,  
25 diversion of controlled substances, sexual misconduct, or  
26 impairment by the licensee, this subsection does not apply to  
27 bar initiation of an investigation or filing of an  
28 administrative complaint beyond the 6-year timeframe. In those  
29 cases covered by this subsection in which it can be shown that  
30 fraud, concealment, or intentional misrepresentation of fact  
31 prevented the discovery of the violation of law, the period of

1 limitations is extended forward, but in no event to exceed 12  
2 years after the time of the incident or occurrence.

3 Section 6. This act shall take effect upon becoming a  
4 law and shall apply to any loan or scholarship that is in  
5 default on or after the effective date.

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8 LEGISLATIVE SUMMARY

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10 Provides for an emergency order suspending the license of  
11 any health care practitioner who has defaulted on a  
12 student loan issued or guaranteed by the state or the  
13 Federal Government. Clarifies the ground for  
14 disciplinary action for failing to perform a statutory or  
15 legal obligation to include failing to repay a student  
16 loan issued or guaranteed by the state or the Federal  
17 Government in accordance with the terms of the loan and  
18 for failing to comply with service scholarship  
19 obligations. Directs the Department of Health to obtain  
20 from the United States Department of Health and Human  
21 Services and financial and educational institutions  
22 information necessary to investigate and prosecute health  
23 care practitioners who fail to repay student loans or  
24 comply with scholarship service obligations. Directs the  
25 department to include related information in its annual  
26 report to the Legislature. (See bill for details.)  
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