



CHAMBER ACTION

The Committee on Health Care recommends the following:

Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to health care practitioners; amending s. 456.076, F.S., relating to treatment programs for impaired practitioners; requiring impaired practitioner consultants to notify practitioners subject to investigations initiated by the department of the investigation process under certain circumstances; providing that failure to comply constitutes harmless error in any subsequent disciplinary action; providing for voluntary examinations; prohibiting an examiner from soliciting a practitioner to enroll in a treatment program from which the examiner receives a financial benefit; providing an effective date.

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

Section 1. Subsection (2) of section 456.076, Florida Statutes, is amended to read:

456.076 Treatment programs for impaired practitioners.--



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28 (2)(a) The department shall retain one or more impaired
29 practitioner consultants. A consultant shall be a licensee under
30 the jurisdiction of the Division of Medical Quality Assurance
31 within the department, and at least one consultant must be a
32 practitioner or recovered practitioner licensed under chapter
33 458, chapter 459, or part I of chapter 464.

34 (b) The consultant shall assist the probable cause panel
35 and department in carrying out the responsibilities of this
36 section. This shall include working with department
37 investigators to determine whether a practitioner is, in fact,
38 impaired. If a consultant receives information that leads the
39 consultant to believe a practitioner may be impaired and the
40 consultant contacts the practitioner to obtain more information,
41 the consultant or the consultant's designee shall provide the
42 practitioner, in writing or via electronic mail or facsimile
43 transmission, information regarding the investigation process
44 within 24 hours after the consultant's initial contact with the
45 practitioner. The information that is to be given to the
46 practitioner shall be set forth in a rule developed by the
47 department. The failure of the consultant or the consultant's
48 designee, for disciplinary cases under the jurisdiction of the
49 department, to comply with this requirement constitutes harmless
50 error in any subsequent disciplinary action.

51 (c) If the consultant requests that a practitioner
52 participate in a voluntary examination to help the consultant
53 determine whether the practitioner is, in fact, impaired, the
54 practitioner shall be permitted to locate, within a reasonable
55 timeframe established by the consultant, an examiner who meets



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56 the qualifications established by the consultant and who agrees
57 to record the examination. The examiner conducting the voluntary
58 examination shall be precluded from soliciting the practitioner
59 to enroll in a treatment program from which the examiner
60 receives a financial benefit.

61 Section 2. This act shall take effect July 1, 2003.