

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

.
.
.

Representative Ambler offered the following:

Amendment (with title amendment)

Between line(s) 92 and 93, insert:

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

456.076 Treatment programs for impaired practitioners.--

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

(b) The consultant shall assist the probable cause panel and department in carrying out the responsibilities of this section. This shall include working with department investigators to determine whether a practitioner is, in fact,

Amendment No. (for drafter's use only)

28 impaired. If a consultant receives information that leads the
 29 consultant to believe a practitioner may be impaired and the
 30 consultant contacts the practitioner to obtain more information,
 31 the consultant or the consultant's designee shall provide the
 32 practitioner, in writing or via electronic mail or facsimile
 33 transmission, information regarding the investigation process
 34 within 24 hours after the consultant's initial contact with the
 35 practitioner. The information that is to be given to the
 36 practitioner shall be set forth in a rule developed by the
 37 department. The failure of the consultant or the consultant's
 38 designee, for disciplinary cases under the jurisdiction of the
 39 department, to comply with this requirement constitutes harmless
 40 error in any subsequent disciplinary action.

41 (c) If the consultant requests that a practitioner
 42 participate in a voluntary examination to help the consultant
 43 determine whether the practitioner is, in fact, impaired, the
 44 practitioner shall be permitted to locate, within a reasonable
 45 timeframe established by the consultant, an examiner who meets
 46 the qualifications established by the consultant and who agrees
 47 to record the examination. The examiner conducting the voluntary
 48 examination shall be precluded from soliciting the practitioner
 49 to enroll in a treatment program from which the examiner
 50 receives a financial benefit.

52 ===== T I T L E A M E N D M E N T =====

53 Remove line(s) 24, and insert:
 54 health care practitioner; amending s. 456.076, F.S., relating to
 55 treatment programs for impaired practitioners; requiring
 56 impaired practitioner consultants to notify practitioners

Amendment No. (for drafter's use only)

57 | subject to investigations initiated by the department of the
58 | investigation process under certain circumstances; providing
59 | that failure to comply constitutes harmless error in any
60 | subsequent disciplinary action; providing for voluntary
61 | examinations; prohibiting an examiner from soliciting a
62 | practitioner to enroll in a treatment program from which the
63 | examiner receives a financial benefit; providing an effective
64 | date.