

Bill No. CS for SB 1180

Barcode 180120

CHAMBER ACTION

Senate

House

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Senator Peaden moved the following amendment:

Senate Amendment (with title amendment)

On page 3, line 18, through
page 4, line 6, delete those lines

and insert:

Section 3. Subsection (2) of section 458.331, Florida Statutes, is amended, and subsection (11) is added to that section, to read:

458.331 Grounds for disciplinary action; action by the board and department.--

(2) The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s.

456.072(1). A probable cause panel considering disciplinary action against a physician assistant pursuant to s. 456.073 shall include a licensed physician assistant designated by the Council on Physician Assistants. In determining what action is

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1 appropriate, the board must first consider what sanctions are
 2 necessary to protect the public or to compensate the patient.
 3 Only after those sanctions have been imposed may the
 4 disciplining authority consider and include in the order
 5 requirements designed to rehabilitate the physician. All costs
 6 associated with compliance with orders issued under this
 7 subsection are the obligation of the physician.

8 (11) Notwithstanding any law to the contrary, a
 9 practitioner licensed under this chapter has as a defense to
 10 an alleged violation, by the preponderance of the evidence,
 11 that the practitioner relied in good faith on the
 12 representations made to the practitioner by a drug
 13 manufacturer or its representatives and that the practitioner
 14 had no intent to violate the law.

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

18 And the title is amended as follows:

19 On page 1, line 10, after the semicolon,

20

21 insert:

22 providing that a practitioner licensed in ch.
 23 458, F.S., may use as a defense that the
 24 practitioner relied in good faith on the
 25 representations made to the practitioner by a
 26 drug manufacturer and that the practitioner had
 27 no intent to violate the law;

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