CHAMBER ACTION

Senate	House
WD/2R 05/02/2005 05:56 PM	

Senator Peaden moved the following amendment:

Senate Amendment (with title amendment)

On page 4, between lines 6 and 7,

insert:

(11) Notwithstanding any law to the contrary, the department and the board may not use any violation or alleged violation of chapter 499, or any rules adopted under that chapter, as a basis for disciplinary action against a practitioner licensed under this chapter.

(12) Notwithstanding any law to the contrary, a practitioner licensed under this chapter has as a defense to any alleged violation of chapter 499 that the practitioner relied in good faith on the representations made to the practitioner by a drug manufacturer or its representatives and that the practitioner had no intent to violate the law.

(13) If the department learns that a drug, as defined under s. 499.003(17), which has not been approved by the United States Food and Drug Administration for human use, has been sold to identified health care providers in this state

and licensed under this chapter, the department shall immediately notify the providers by certified mail of the status of the drug as an unapproved product. The department shall also post the information on its website to advise other providers and consumers of the unapproved status of the drug.

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

And the title is amended as follows:

On page 1, line 10, after the semicolon,

insert:

providing that the board may not use certain specified violations as a basis for disciplinary action; providing that a practitioner licensed in chapter 458, F.S., may use as a defense to a violation of chapter 499, F.S., that the practitioner relied in good faith on the representations made to the practitioner by a drug manufacturer and that the practitioner had no intent to violate the law; requiring the Department of Health to notify health care providers if the department learns that a drug that has not been approved by the United States Food and Drug Administration for human use has been sold to identified health care providers in this state; t: