

1 A bill to be entitled
 2 An act relating to health care practitioners; amending s.
 3 456.072, F.S.; providing that failure of a health care
 4 practitioner to comply with the terms of a monitoring or
 5 treatment program for impaired practitioners is an
 6 additional ground under which the practitioner is subject
 7 to discipline by the Department of Health or the board
 8 having jurisdiction over the practitioner; reenacting ss.
 9 457.109(2), 458.331(2), 459.015(2), 460.413(2),
 10 461.013(2), 462.14(2), 463.016(2), 464.018(2), 465.016(2),
 11 466.028(2), 467.203(2), 468.1295(2), 468.1755(1)(a) and
 12 (2), 468.217(2), 468.365(2), 468.518(2), 468.719(2),
 13 468.811(2), 478.52(2), 480.046(2), 483.825(2),
 14 483.901(6)(h), 484.014(2), 484.056(1)(a) and (2)(a),
 15 486.125(2), 490.009(2), and 491.009(2), F.S., relating to
 16 health care practice acts and similar regulatory
 17 provisions, to incorporate the amendment to s. 456.072,
 18 F.S., in references thereto; providing an effective date.

19
 20 Be It Enacted by the Legislature of the State of Florida:

21
 22 Section 1. Paragraph (gg) is added to subsection (1) of
 23 section 456.072, Florida Statutes, to read:

24 456.072 Grounds for discipline; penalties; enforcement.--

25 (1) The following acts shall constitute grounds for which
 26 the disciplinary actions specified in subsection (2) may be
 27 taken:

28 (gg) Being terminated from a treatment program for

29 impaired practitioners, which is overseen by an impaired
 30 practitioner consultant as described in s. 456.076, for failure
 31 to comply, without good cause, with the terms of the monitoring
 32 or treatment contract entered into by the licensee.

33 Section 2. For the purpose of incorporating the amendment
 34 made by this act to section 456.072, Florida Statutes, in a
 35 reference thereto, subsection (2) of section 457.109, Florida
 36 Statutes, is reenacted to read:

37 457.109 Disciplinary actions; grounds; action by the
 38 board.--

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

44 Section 3. For the purpose of incorporating the amendment
 45 made by this act to section 456.072, Florida Statutes, in a
 46 reference thereto, subsection (2) of section 458.331, Florida
 47 Statutes, is reenacted to read:

48 458.331 Grounds for disciplinary action; action by the
 49 board and department.--

50 (2) The board may enter an order denying licensure or
 51 imposing any of the penalties in s. 456.072(2) against any
 52 applicant for licensure or licensee who is found guilty of
 53 violating any provision of subsection (1) of this section or who
 54 is found guilty of violating any provision of s. 456.072(1). In
 55 determining what action is appropriate, the board must first
 56 consider what sanctions are necessary to protect the public or

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57 | to compensate the patient. Only after those sanctions have been
58 | imposed may the disciplining authority consider and include in
59 | the order requirements designed to rehabilitate the physician.
60 | All costs associated with compliance with orders issued under
61 | this subsection are the obligation of the physician.

62 | Section 4. For the purpose of incorporating the amendment
63 | made by this act to section 456.072, Florida Statutes, in a
64 | reference thereto, subsection (2) of section 459.015, Florida
65 | Statutes, is reenacted to read:

66 | 459.015 Grounds for disciplinary action; action by the
67 | board and department.--

68 | (2) The board may enter an order denying licensure or
69 | imposing any of the penalties in s. 456.072(2) against any
70 | applicant for licensure or licensee who is found guilty of
71 | violating any provision of subsection (1) of this section or who
72 | is found guilty of violating any provision of s. 456.072(1). In
73 | determining what action is appropriate, the board must first
74 | consider what sanctions are necessary to protect the public or
75 | to compensate the patient. Only after those sanctions have been
76 | imposed may the disciplining authority consider and include in
77 | the order requirements designed to rehabilitate the physician.
78 | All costs associated with compliance with orders issued under
79 | this subsection are the obligation of the physician.

80 | Section 5. For the purpose of incorporating the amendment
81 | made by this act to section 456.072, Florida Statutes, in a
82 | reference thereto, subsection (2) of section 460.413, Florida
83 | Statutes, is reenacted to read:

84 | 460.413 Grounds for disciplinary action; action by board

85 or department.--

86 (2) The board may enter an order denying licensure or
 87 imposing any of the penalties in s. 456.072(2) against any
 88 applicant for licensure or licensee who is found guilty of
 89 violating any provision of subsection (1) of this section or who
 90 is found guilty of violating any provision of s. 456.072(1). In
 91 determining what action is appropriate, the board must first
 92 consider what sanctions are necessary to protect the public or
 93 to compensate the patient. Only after those sanctions have been
 94 imposed may the disciplining authority consider and include in
 95 the order requirements designed to rehabilitate the chiropractic
 96 physician. All costs associated with compliance with orders
 97 issued under this subsection are the obligation of the
 98 chiropractic physician.

99 Section 6. For the purpose of incorporating the amendment
 100 made by this act to section 456.072, Florida Statutes, in a
 101 reference thereto, subsection (2) of section 461.013, Florida
 102 Statutes, is reenacted to read:

103 461.013 Grounds for disciplinary action; action by the
 104 board; investigations by department.--

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

110 Section 7. For the purpose of incorporating the amendment
 111 made by this act to section 456.072, Florida Statutes, in a
 112 reference thereto, subsection (2) of section 462.14, Florida

113 Statutes, is reenacted to read:

114 462.14 Grounds for disciplinary action; action by the
115 department.--

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

121 Section 8. For the purpose of incorporating the amendment
122 made by this act to section 456.072, Florida Statutes, in a
123 reference thereto, subsection (2) of section 463.016, Florida
124 Statutes, is reenacted to read:

125 463.016 Grounds for disciplinary action; action by the
126 board.--

127 (2) The board may enter an order imposing any of the
128 penalties in s. 456.072(2) against any licensee who is found
129 guilty of violating any provision of subsection (1) of this
130 section or who is found guilty of violating any provision of s.
131 456.072(1).

132 Section 9. For the purpose of incorporating the amendment
133 made by this act to section 456.072, Florida Statutes, in a
134 reference thereto, subsection (2) of section 464.018, Florida
135 Statutes, is reenacted to read:

136 464.018 Disciplinary actions.--

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

141 is found guilty of violating any provision of s. 456.072(1).

142 Section 10. For the purpose of incorporating the amendment
 143 made by this act to section 456.072, Florida Statutes, in a
 144 reference thereto, subsection (2) of section 465.016, Florida
 145 Statutes, is reenacted to read:

146 465.016 Disciplinary actions.--

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

152 Section 11. For the purpose of incorporating the amendment
 153 made by this act to section 456.072, Florida Statutes, in a
 154 reference thereto, subsection (2) of section 466.028, Florida
 155 Statutes, is reenacted to read:

156 466.028 Grounds for disciplinary action; action by the
 157 board.--

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

163 Section 12. For the purpose of incorporating the amendment
 164 made by this act to section 456.072, Florida Statutes, in a
 165 reference thereto, subsection (2) of section 467.203, Florida
 166 Statutes, is reenacted to read:

167 467.203 Disciplinary actions; penalties.--

168 (2) The department may enter an order denying licensure or

169 imposing any of the penalties in s. 456.072(2) against any
 170 applicant for licensure or licensee who is found guilty of
 171 violating any provision of subsection (1) of this section or who
 172 is found guilty of violating any provision of s. 456.072(1).

173 Section 13. For the purpose of incorporating the amendment
 174 made by this act to section 456.072, Florida Statutes, in a
 175 reference thereto, subsection (2) of section 468.1295, Florida
 176 Statutes, is reenacted to read:

177 468.1295 Disciplinary proceedings.--

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

183 Section 14. For the purpose of incorporating the amendment
 184 made by this act to section 456.072, Florida Statutes, in
 185 references thereto, paragraph (a) of subsection (1) and
 186 subsection (2) of section 468.1755, Florida Statutes, are
 187 reenacted to read:

188 468.1755 Disciplinary proceedings.--

189 (1) The following acts constitute grounds for denial of a
 190 license or disciplinary action, as specified in s. 456.072(2):

191 (a) Violation of any provision of s. 456.072(1) or s.
 192 468.1745(1).

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

197 is found guilty of violating any provision of s. 456.072(1).

198 Section 15. For the purpose of incorporating the amendment
 199 made by this act to section 456.072, Florida Statutes, in a
 200 reference thereto, subsection (2) of section 468.217, Florida
 201 Statutes, is reenacted to read:

202 468.217 Denial of or refusal to renew license; suspension
 203 and revocation of license and other disciplinary measures.--

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

209 Section 16. For the purpose of incorporating the amendment
 210 made by this act to section 456.072, Florida Statutes, in a
 211 reference thereto, subsection (2) of section 468.365, Florida
 212 Statutes, is reenacted to read:

213 468.365 Disciplinary grounds and actions.--

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

219 Section 17. For the purpose of incorporating the amendment
 220 made by this act to section 456.072, Florida Statutes, in a
 221 reference thereto, subsection (2) of section 468.518, Florida
 222 Statutes, is reenacted to read:

223 468.518 Grounds for disciplinary action.--

224 (2) The board may enter an order denying licensure or

225 imposing any of the penalties in s. 456.072(2) against any
 226 applicant for licensure or licensee who is found guilty of
 227 violating any provision of subsection (1) of this section or who
 228 is found guilty of violating any provision of s. 456.072(1).

229 Section 18. For the purpose of incorporating the amendment
 230 made by this act to section 456.072, Florida Statutes, in a
 231 reference thereto, subsection (2) of section 468.719, Florida
 232 Statutes, is reenacted to read:

233 468.719 Disciplinary actions.--

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

239 Section 19. For the purpose of incorporating the amendment
 240 made by this act to section 456.072, Florida Statutes, in a
 241 reference thereto, subsection (2) of section 468.811, Florida
 242 Statutes, is reenacted to read:

243 468.811 Disciplinary proceedings.--

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

249 Section 20. For the purpose of incorporating the amendment
 250 made by this act to section 456.072, Florida Statutes, in a
 251 reference thereto, subsection (2) of section 478.52, Florida
 252 Statutes, is reenacted to read:

253 478.52 Disciplinary proceedings.--

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

259 Section 21. For the purpose of incorporating the amendment
 260 made by this act to section 456.072, Florida Statutes, in a
 261 reference thereto, subsection (2) of section 480.046, Florida
 262 Statutes, is reenacted to read:

263 480.046 Grounds for disciplinary action by the board.--

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

269 Section 22. For the purpose of incorporating the amendment
 270 made by this act to section 456.072, Florida Statutes, in a
 271 reference thereto, subsection (2) of section 483.825, Florida
 272 Statutes, is reenacted to read:

273 483.825 Grounds for disciplinary action.--

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

279 Section 23. For the purpose of incorporating the amendment
 280 made by this act to section 456.072, Florida Statutes, in a

281 reference thereto, paragraph (h) of subsection (6) of section
282 483.901, Florida Statutes, is reenacted to read:

283 483.901 Medical physicists; definitions; licensure.--

284 (6) LICENSE REQUIRED.--An individual may not engage in the
285 practice of medical physics, including the specialties of
286 diagnostic radiological physics, therapeutic radiological
287 physics, medical nuclear radiological physics, or medical health
288 physics, without a license issued by the department for the
289 appropriate specialty.

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

295 Section 24. For the purpose of incorporating the amendment
296 made by this act to section 456.072, Florida Statutes, in a
297 reference thereto, subsection (2) of section 484.014, Florida
298 Statutes, is reenacted to read:

299 484.014 Disciplinary actions.--

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

305 Section 25. For the purpose of incorporating the amendment
306 made by this act to section 456.072, Florida Statutes, in
307 references thereto, paragraph (a) of subsection (1) and
308 paragraph (a) of subsection (2) of section 484.056, Florida

309 Statutes, are reenacted to read:

310 484.056 Disciplinary proceedings.--

311 (1) The following acts constitute grounds for denial of a
312 license or disciplinary action, as specified in s. 456.072(2):

313 (a) Violation of any provision of s. 456.072(1), s.
314 484.0512, or s. 484.053.

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

320 Section 26. For the purpose of incorporating the amendment
321 made by this act to section 456.072, Florida Statutes, in a
322 reference thereto, subsection (2) of section 486.125, Florida
323 Statutes, is reenacted to read:

324 486.125 Refusal, revocation, or suspension of license;
325 administrative fines and other disciplinary measures.--

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

331 Section 27. For the purpose of incorporating the amendment
332 made by this act to section 456.072, Florida Statutes, in a
333 reference thereto, subsection (2) of section 490.009, Florida
334 Statutes, is reenacted to read:

335 490.009 Discipline.--

336 (2) The department, or in the case of psychologists, the

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

342 Section 28. For the purpose of incorporating the amendment
343 made by this act to section 456.072, Florida Statutes, in a
344 reference thereto, subsection (2) of section 491.009, Florida
345 Statutes, is reenacted to read:

346 491.009 Discipline.--

347 (2) The department, or, in the case of psychologists, the
348 board, may enter an order denying licensure or imposing any of
349 the penalties in s. 456.072(2) against any applicant for
350 licensure or licensee who is found guilty of violating any
351 provision of subsection (1) of this section or who is found
352 guilty of violating any provision of s. 456.072(1).

353 Section 29. This act shall take effect July 1, 2005.