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2 An act relating to health care practitioners;  
3 amending s. 456.072, F.S.; providing that a  
4 health care practitioner's failure to comply  
5 with the terms of a monitoring or treatment  
6 program for impaired practitioners or failure  
7 to complete any drug-treatment or  
8 alcohol-treatment program is an additional  
9 ground under which the practitioner is subject  
10 to discipline by the Department of Health or  
11 the board having jurisdiction over the  
12 practitioner; reenacting ss. 457.109(2),  
13 458.331(2), 459.015(2), 460.413(2), 461.013(2),  
14 462.14(2), 463.016(2), 464.018(2), 465.016(2),  
15 466.028(2), 467.203(2), 468.1295(2),  
16 468.1755(1)(a) and (2), 468.217(2), 468.365(2),  
17 468.518(2), 468.719(2), 468.811(2), 478.52(2),  
18 480.046(2), 483.825(2), 483.901(6)(h),  
19 484.014(2), 484.056(1)(a) and (2)(a),  
20 486.125(2), 490.009(2), and 491.009(2), F.S.,  
21 relating to health care practice acts and  
22 similar regulatory provisions, to incorporate  
23 the amendment to s. 456.072, F.S., in  
24 references thereto; providing an effective  
25 date.

26  
27 Be It Enacted by the Legislature of the State of Florida:

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29 Section 1. Paragraph (gg) is added to subsection (1)  
30 of section 456.072, Florida Statutes, to read:  
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1           456.072 Grounds for discipline; penalties;  
2 enforcement.--

3           (1) The following acts shall constitute grounds for  
4 which the disciplinary actions specified in subsection (2) may  
5 be taken:

6           ~~(gg)~~ Being terminated from a treatment program for  
7 impaired practitioners, which is overseen by an impaired  
8 practitioner consultant as described in s. 456.076, for  
9 failure to comply, without good cause, with the terms of the  
10 monitoring or treatment contract entered into by the licensee,  
11 or for not successfully completing any drug-treatment or  
12 alcohol-treatment program.

13           Section 2. For the purpose of incorporating the  
14 amendment made by this act to section 456.072, Florida  
15 Statutes, in a reference thereto, subsection (2) of section  
16 457.109, Florida Statutes, is reenacted to read:

17           457.109 Disciplinary actions; grounds; action by the  
18 board.--

19           (2) The board may enter an order denying licensure or  
20 imposing any of the penalties in s. 456.072(2) against any  
21 applicant for licensure or licensee who is found guilty of  
22 violating any provision of subsection (1) of this section or  
23 who is found guilty of violating any provision of s.  
24 456.072(1).

25           Section 3. For the purpose of incorporating the  
26 amendment made by this act to section 456.072, Florida  
27 Statutes, in a reference thereto, subsection (2) of section  
28 458.331, Florida Statutes, is reenacted to read:

29           458.331 Grounds for disciplinary action; action by the  
30 board and department.--

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1           (2) The board may enter an order denying licensure or  
2 imposing any of the penalties in s. 456.072(2) against any  
3 applicant for licensure or licensee who is found guilty of  
4 violating any provision of subsection (1) of this section or  
5 who is found guilty of violating any provision of s.  
6 456.072(1). In determining what action is appropriate, the  
7 board must first consider what sanctions are necessary to  
8 protect the public or to compensate the patient. Only after  
9 those sanctions have been imposed may the disciplining  
10 authority consider and include in the order requirements  
11 designed to rehabilitate the physician. All costs associated  
12 with compliance with orders issued under this subsection are  
13 the obligation of the physician.

14           Section 4. For the purpose of incorporating the  
15 amendment made by this act to section 456.072, Florida  
16 Statutes, in a reference thereto, subsection (2) of section  
17 459.015, Florida Statutes, is reenacted to read:

18           459.015 Grounds for disciplinary action; action by the  
19 board and department.--

20           (2) The board may enter an order denying licensure or  
21 imposing any of the penalties in s. 456.072(2) against any  
22 applicant for licensure or licensee who is found guilty of  
23 violating any provision of subsection (1) of this section or  
24 who is found guilty of violating any provision of s.  
25 456.072(1). In determining what action is appropriate, the  
26 board must first consider what sanctions are necessary to  
27 protect the public or to compensate the patient. Only after  
28 those sanctions have been imposed may the disciplining  
29 authority consider and include in the order requirements  
30 designed to rehabilitate the physician. All costs associated  
31

1 | with compliance with orders issued under this subsection are  
2 | the obligation of the physician.

3 |         Section 5. For the purpose of incorporating the  
4 | amendment made by this act to section 456.072, Florida  
5 | Statutes, in a reference thereto, subsection (2) of section  
6 | 460.413, Florida Statutes, is reenacted to read:

7 |             460.413 Grounds for disciplinary action; action by  
8 | board or department.--

9 |             (2) The board may enter an order denying licensure or  
10 | imposing any of the penalties in s. 456.072(2) against any  
11 | applicant for licensure or licensee who is found guilty of  
12 | violating any provision of subsection (1) of this section or  
13 | who is found guilty of violating any provision of s.  
14 | 456.072(1). In determining what action is appropriate, the  
15 | board must first consider what sanctions are necessary to  
16 | protect the public or to compensate the patient. Only after  
17 | those sanctions have been imposed may the disciplining  
18 | authority consider and include in the order requirements  
19 | designed to rehabilitate the chiropractic physician. All costs  
20 | associated with compliance with orders issued under this  
21 | subsection are the obligation of the chiropractic physician.

22 |         Section 6. For the purpose of incorporating the  
23 | amendment made by this act to section 456.072, Florida  
24 | Statutes, in a reference thereto, subsection (2) of section  
25 | 461.013, Florida Statutes, is reenacted to read:

26 |             461.013 Grounds for disciplinary action; action by the  
27 | board; investigations by department.--

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

1 | who is found guilty of violating any provision of s.  
2 | 456.072(1).

3 |       Section 7. For the purpose of incorporating the  
4 | amendment made by this act to section 456.072, Florida  
5 | Statutes, in a reference thereto, subsection (2) of section  
6 | 462.14, Florida Statutes, is reenacted to read:

7 |       462.14 Grounds for disciplinary action; action by the  
8 | department.--

9 |       (2) The department may enter an order denying  
10 | licensure or imposing any of the penalties in s. 456.072(2)  
11 | against any applicant for licensure or licensee who is found  
12 | guilty of violating any provision of subsection (1) of this  
13 | section or who is found guilty of violating any provision of  
14 | s. 456.072(1).

15 |       Section 8. For the purpose of incorporating the  
16 | amendment made by this act to section 456.072, Florida  
17 | Statutes, in a reference thereto, subsection (2) of section  
18 | 463.016, Florida Statutes, is reenacted to read:

19 |       463.016 Grounds for disciplinary action; action by the  
20 | board.--

21 |       (2) The board may enter an order imposing any of the  
22 | penalties in s. 456.072(2) against any licensee who is found  
23 | guilty of violating any provision of subsection (1) of this  
24 | section or who is found guilty of violating any provision of  
25 | s. 456.072(1).

26 |       Section 9. For the purpose of incorporating the  
27 | amendment made by this act to section 456.072, Florida  
28 | Statutes, in a reference thereto, subsection (2) of section  
29 | 464.018, Florida Statutes, is reenacted to read:

30 |       464.018 Disciplinary actions.--

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1           (2) The board may enter an order denying licensure or  
2 imposing any of the penalties in s. 456.072(2) against any  
3 applicant for licensure or licensee who is found guilty of  
4 violating any provision of subsection (1) of this section or  
5 who is found guilty of violating any provision of s.  
6 456.072(1).

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

11           465.016 Disciplinary actions.--

12           (2) The board may enter an order denying licensure or  
13 imposing any of the penalties in s. 456.072(2) against any  
14 applicant for licensure or licensee who is found guilty of  
15 violating any provision of subsection (1) of this section or  
16 who is found guilty of violating any provision of s.  
17 456.072(1).

18           Section 11. For the purpose of incorporating the  
19 amendment made by this act to section 456.072, Florida  
20 Statutes, in a reference thereto, subsection (2) of section  
21 466.028, Florida Statutes, is reenacted to read:

22           466.028 Grounds for disciplinary action; action by the  
23 board.--

24           (2) The board may enter an order denying licensure or  
25 imposing any of the penalties in s. 456.072(2) against any  
26 applicant for licensure or licensee who is found guilty of  
27 violating any provision of subsection (1) of this section or  
28 who is found guilty of violating any provision of s.  
29 456.072(1).

30           Section 12. For the purpose of incorporating the  
31 amendment made by this act to section 456.072, Florida

1 Statutes, in a reference thereto, subsection (2) of section  
2 467.203, Florida Statutes, is reenacted to read:

3 467.203 Disciplinary actions; penalties.--

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

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

14 468.1295 Disciplinary proceedings.--

15 (2) The board may enter an order denying licensure or  
16 imposing any of the penalties in s. 456.072(2) against any  
17 applicant for licensure or licensee who is found guilty of  
18 violating any provision of subsection (1) of this section or  
19 who is found guilty of violating any provision of s.  
20 456.072(1).

21 Section 14. For the purpose of incorporating the  
22 amendment made by this act to section 456.072, Florida  
23 Statutes, in references thereto, paragraph (a) of subsection  
24 (1) and subsection (2) of section 468.1755, Florida Statutes,  
25 are reenacted to read:

26 468.1755 Disciplinary proceedings.--

27 (1) The following acts constitute grounds for denial  
28 of a license or disciplinary action, as specified in s.  
29 456.072(2):

30 (a) Violation of any provision of s. 456.072(1) or s.  
31 468.1745(1).

1           (2) The board may enter an order denying licensure or  
2 imposing any of the penalties in s. 456.072(2) against any  
3 applicant for licensure or licensee who is found guilty of  
4 violating any provision of subsection (1) of this section or  
5 who is found guilty of violating any provision of s.  
6 456.072(1).

7           Section 15. For the purpose of incorporating the  
8 amendment made by this act to section 456.072, Florida  
9 Statutes, in a reference thereto, subsection (2) of section  
10 468.217, Florida Statutes, is reenacted to read:

11           468.217 Denial of or refusal to renew license;  
12 suspension and revocation of license and other disciplinary  
13 measures.--

14           (2) The board may enter an order denying licensure or  
15 imposing any of the penalties in s. 456.072(2) against any  
16 applicant for licensure or licensee who is found guilty of  
17 violating any provision of subsection (1) of this section or  
18 who is found guilty of violating any provision of s.  
19 456.072(1).

20           Section 16. For the purpose of incorporating the  
21 amendment made by this act to section 456.072, Florida  
22 Statutes, in a reference thereto, subsection (2) of section  
23 468.365, Florida Statutes, is reenacted to read:

24           468.365 Disciplinary grounds and actions.--

25           (2) The board may enter an order denying licensure or  
26 imposing any of the penalties in s. 456.072(2) against any  
27 applicant for licensure or licensee who is found guilty of  
28 violating any provision of subsection (1) of this section or  
29 who is found guilty of violating any provision of s.  
30 456.072(1).

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1           Section 17. For the purpose of incorporating the  
2 amendment made by this act to section 456.072, Florida  
3 Statutes, in a reference thereto, subsection (2) of section  
4 468.518, Florida Statutes, is reenacted to read:

5           468.518 Grounds for disciplinary action.--

6           (2) The board may enter an order denying licensure or  
7 imposing any of the penalties in s. 456.072(2) against any  
8 applicant for licensure or licensee who is found guilty of  
9 violating any provision of subsection (1) of this section or  
10 who is found guilty of violating any provision of s.  
11 456.072(1).

12           Section 18. For the purpose of incorporating the  
13 amendment made by this act to section 456.072, Florida  
14 Statutes, in a reference thereto, subsection (2) of section  
15 468.719, Florida Statutes, is reenacted to read:

16           468.719 Disciplinary actions.--

17           (2) The board may enter an order denying licensure or  
18 imposing any of the penalties in s. 456.072(2) against any  
19 applicant for licensure or licensee who is found guilty of  
20 violating any provision of subsection (1) of this section or  
21 who is found guilty of violating any provision of s.  
22 456.072(1).

23           Section 19. For the purpose of incorporating the  
24 amendment made by this act to section 456.072, Florida  
25 Statutes, in a reference thereto, subsection (2) of section  
26 468.811, Florida Statutes, is reenacted to read:

27           468.811 Disciplinary proceedings.--

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

1 | who is found guilty of violating any provision of s.  
2 | 456.072(1).

3 |       Section 20. For the purpose of incorporating the  
4 | amendment made by this act to section 456.072, Florida  
5 | Statutes, in a reference thereto, subsection (2) of section  
6 | 478.52, Florida Statutes, is reenacted to read:

7 |       478.52 Disciplinary proceedings.--

8 |       (2) The board may enter an order denying licensure or  
9 | imposing any of the penalties in s. 456.072(2) against any  
10 | applicant for licensure or licensee who is found guilty of  
11 | violating any provision of subsection (1) of this section or  
12 | who is found guilty of violating any provision of s.  
13 | 456.072(1).

14 |       Section 21. For the purpose of incorporating the  
15 | amendment made by this act to section 456.072, Florida  
16 | Statutes, in a reference thereto, subsection (2) of section  
17 | 480.046, Florida Statutes, is reenacted to read:

18 |       480.046 Grounds for disciplinary action by the  
19 | board.--

20 |       (2) The board may enter an order denying licensure or  
21 | imposing any of the penalties in s. 456.072(2) against any  
22 | applicant for licensure or licensee who is found guilty of  
23 | violating any provision of subsection (1) of this section or  
24 | who is found guilty of violating any provision of s.  
25 | 456.072(1).

26 |       Section 22. For the purpose of incorporating the  
27 | amendment made by this act to section 456.072, Florida  
28 | Statutes, in a reference thereto, subsection (2) of section  
29 | 483.825, Florida Statutes, is reenacted to read:

30 |       483.825 Grounds for disciplinary action.--

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1           (2) The board may enter an order denying licensure or  
2 imposing any of the penalties in s. 456.072(2) against any  
3 applicant for licensure or licensee who is found guilty of  
4 violating any provision of subsection (1) of this section or  
5 who is found guilty of violating any provision of s.  
6 456.072(1).

7           Section 23. For the purpose of incorporating the  
8 amendment made by this act to section 456.072, Florida  
9 Statutes, in a reference thereto, paragraph (h) of subsection  
10 (6) of section 483.901, Florida Statutes, is reenacted to  
11 read:

12           483.901 Medical physicists; definitions; licensure.--

13           (6) LICENSE REQUIRED.--An individual may not engage in  
14 the practice of medical physics, including the specialties of  
15 diagnostic radiological physics, therapeutic radiological  
16 physics, medical nuclear radiological physics, or medical  
17 health physics, without a license issued by the department for  
18 the appropriate specialty.

19           (h) The department may enter an order denying  
20 licensure or imposing any of the penalties in s. 456.072(2)  
21 against any applicant for licensure or licensee who is found  
22 guilty of violating any provision of subsection (1) of this  
23 section or who is found guilty of violating any provision of  
24 s. 456.072(1).

25           Section 24. For the purpose of incorporating the  
26 amendment made by this act to section 456.072, Florida  
27 Statutes, in a reference thereto, subsection (2) of section  
28 484.014, Florida Statutes, is reenacted to read:

29           484.014 Disciplinary actions.--

30           (2) The board may enter an order denying licensure or  
31 imposing any of the penalties in s. 456.072(2) against any

1 applicant for licensure or licensee who is found guilty of  
2 violating any provision of subsection (1) of this section or  
3 who is found guilty of violating any provision of s.  
4 456.072(1).

5 Section 25. For the purpose of incorporating the  
6 amendment made by this act to section 456.072, Florida  
7 Statutes, in references thereto, paragraph (a) of subsection  
8 (1) and paragraph (a) of subsection (2) of section 484.056,  
9 Florida Statutes, are reenacted to read:

10 484.056 Disciplinary proceedings.--

11 (1) The following acts constitute grounds for denial  
12 of a license or disciplinary action, as specified in s.  
13 456.072(2):

14 (a) Violation of any provision of s. 456.072(1), s.  
15 484.0512, or s. 484.053.

16 (2)(a) The board may enter an order denying licensure  
17 or imposing any of the penalties in s. 456.072(2) against any  
18 applicant for licensure or licensee who is found guilty of  
19 violating any provision of subsection (1) of this section or  
20 who is found guilty of violating any provision of s.  
21 456.072(1).

22 Section 26. For the purpose of incorporating the  
23 amendment made by this act to section 456.072, Florida  
24 Statutes, in a reference thereto, subsection (2) of section  
25 486.125, Florida Statutes, is reenacted to read:

26 486.125 Refusal, revocation, or suspension of license;  
27 administrative fines and other disciplinary measures.--

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

1 | who is found guilty of violating any provision of s.  
2 | 456.072(1).

3 |       Section 27. For the purpose of incorporating the  
4 | amendment made by this act to section 456.072, Florida  
5 | Statutes, in a reference thereto, subsection (2) of section  
6 | 490.009, Florida Statutes, is reenacted to read:

7 |       490.009 Discipline.--

8 |       (2) The department, or in the case of psychologists,  
9 | the board, may enter an order denying licensure or imposing  
10 | any of the penalties in s. 456.072(2) against any applicant  
11 | for licensure or licensee who is found guilty of violating any  
12 | provision of subsection (1) of this section or who is found  
13 | guilty of violating any provision of s. 456.072(1).

14 |       Section 28. For the purpose of incorporating the  
15 | amendment made by this act to section 456.072, Florida  
16 | Statutes, in a reference thereto, subsection (2) of section  
17 | 491.009, Florida Statutes, is reenacted to read:

18 |       491.009 Discipline.--

19 |       (2) The department, or, in the case of psychologists,  
20 | the board, may enter an order denying licensure or imposing  
21 | any of the penalties in s. 456.072(2) against any applicant  
22 | for licensure or licensee who is found guilty of violating any  
23 | provision of subsection (1) of this section or who is found  
24 | guilty of violating any provision of s. 456.072(1).

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

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