

By Senator Peadar

2-679-07

See HB 739

1 A bill to be entitled
2 An act relating to treatment programs for
3 impaired practitioners; amending s. 456.076,
4 F.S.; revising requirements for program
5 consultants; requiring consultants to provide
6 treatment services for all health professions
7 and occupations students alleged to be
8 impaired; providing limited sovereign immunity
9 for certain program consultants; requiring the
10 Department of Legal Affairs to defend actions
11 against program consultants; providing an
12 effective date.

14 Be It Enacted by the Legislature of the State of Florida:

16 Section 1. Subsections (1) and (2) of section 456.076,
17 Florida Statutes, are amended, and subsection (7) is added to
18 that section, to read:

19 456.076 Treatment programs for impaired
20 practitioners.--

21 (1) For professions that do not have impaired
22 practitioner programs provided for in their practice acts, the
23 department shall, by rule, designate approved impaired
24 practitioner programs under this section. The department may
25 adopt rules setting forth appropriate criteria for approval of
26 treatment providers. The rules may specify the manner in which
27 the consultant, retained as set forth in subsection (2), works
28 with the department in intervention, requirements for
29 evaluating and treating a professional, and requirements for
30 the continued care and monitoring of a professional by the
31 consultant ~~by an approved treatment provider.~~

1 (2) The department shall retain one or more impaired
2 practitioner consultants. A consultant shall be a licensee
3 under the jurisdiction of the Division of Medical Quality
4 Assurance within the department ~~who, and at least one~~
5 ~~consultant~~ must be a practitioner or recovered practitioner
6 licensed under chapter 458, chapter 459, or part I of chapter
7 464 or an entity that employs a medical director who must be a
8 practitioner or recovered practitioner licensed under chapter
9 458, chapter 459, or part I of chapter 464. The consultant
10 shall assist the probable cause panel and department in
11 carrying out the responsibilities of this section. This shall
12 include working with department investigators to determine
13 whether a practitioner is, in fact, impaired. The consultant
14 shall also provide, pursuant to contract with the department
15 for appropriate compensation, services for students enrolled
16 in schools for licensure under chapter 456 who are alleged to
17 be impaired as a result of the misuse or abuse of alcohol or
18 drugs, or both, or due to a mental or physical condition.

19 (7)(a) An impaired practitioner consultant, and its
20 officers, employees, and agents, retained pursuant to
21 subsection (2) shall be considered an agent of the department
22 for purposes of s. 768.28, while acting within the scope of
23 its duties under the contract with the department.

24 (b) The Department of Legal Affairs shall defend any
25 claim, suit, action, or proceeding against the consultant or
26 its officers, employees, or agents brought as a result of any
27 act or omission of action of any of its officers, employees,
28 or agents for an act or omission arising out of and in the
29 scope of the consultant's duties under its contract with the
30 department.

31 Section 2. This act shall take effect July 1, 2007.