

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Health & Human Services
 2 Quality Subcommittee
 3 Representative Renuart offered the following:

Amendment (with title amendment)

6 Remove everything after the enacting clause and insert:
 7 Section 1. Section 401.466, Florida Statutes, is created to
 8 read:

9 401.466 Treatment program for impaired emergency medical
 10 technicians and paramedics.—An emergency medical technician or
 11 paramedic who is certified or has applied to be certified under
 12 this part may be subject to s. 456.076 at the election of an
 13 impaired practitioner consultant; however, associated costs may
 14 not be charged to the department.

15 Section 2. Subsection (2), paragraph (d) of subsection
 16 (3), and paragraph (b) of subsection (7) of section 456.076,
 17 Florida Statutes, are amended, and subsection (8) is added to
 18 that section, to read:

19 456.076 Treatment programs for impaired practitioners.—

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20 (2) (a) The department shall retain one or more impaired
21 practitioner consultants who are each licensees. ~~The consultant~~
22 ~~shall be a licensee~~ under the jurisdiction of the Division of
23 Medical Quality Assurance within the department and who must be:

24 1. A practitioner or recovered practitioner licensed under
25 chapter 458, chapter 459, or part I of chapter 464;~~7~~ or

26 2. An entity employing a medical director who must be a
27 ~~practitioner~~ physician or recovered ~~practitioner~~ physician
28 licensed under chapter-458, or chapter 459. For an entity that
29 solely treats nurses, the entity may employ an executive
30 director who is a registered nurse or nurse practitioner
31 licensed under ~~or~~ part I of chapter 464 ~~in~~ lieu of a medical
32 director.

33 3. For the treatment of any other practitioner, an entity
34 employing a medical director who is a physician licensed under
35 chapter 458, or chapter 459.

36 (b) An entity that is retained as a consultant under this
37 section and employs a medical director or registered nurse as an
38 executive director is not required to be licensed as a substance
39 abuse provider or mental health treatment provider under chapter
40 394, chapter 395, or chapter 397 in order to operate as a
41 consultant under this section if the entity employs or contracts
42 with licensed professionals to perform or appropriately
43 supervise any specific treatment or evaluation that requires
44 individual licensing or supervision.

45 (c) The consultant shall assist the probable cause panel
46 and department in carrying out the responsibilities of this
47 section. This includes ~~shall include~~ working with department

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48 investigators to determine whether a practitioner is, in fact,
49 impaired. The consultant may contract for services to be
50 provided, for appropriate compensation, if requested by a the
51 school or program, for students enrolled in a school ~~schools~~ for
52 licensure as allopathic physicians or physician assistants under
53 chapter 458, osteopathic physicians or physician assistants
54 under chapter 459, nurses under chapter 464, or pharmacists
55 under chapter 465 who are alleged to be impaired as a result of
56 the misuse or abuse of alcohol or drugs, or both, or due to a
57 mental or physical condition.

58 (d) The department is not responsible under any
59 circumstances for paying the costs of care provided by approved
60 treatment providers, and the department is not responsible for
61 paying the costs of consultants' services provided for such
62 students.

63 (e) A medical school accredited by the Liaison Committee
64 on Medical Education of the Commission on Osteopathic College
65 Accreditation, or another ~~other~~ school providing for the
66 education of students enrolled in preparation for licensure as
67 allopathic physicians under chapter 458 or osteopathic
68 physicians under chapter 459, which school is governed by
69 accreditation standards requiring notice and the provision of
70 due process procedures to students, is not liable in any civil
71 action for referring a student to the consultant retained by the
72 department or for disciplinary actions that adversely affect the
73 status of a student when the disciplinary actions are instituted
74 in reasonable reliance on the recommendations, reports, or
75 conclusions provided by such consultant, if the school, in

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76 referring the student or taking disciplinary action, adheres to
77 the due process procedures adopted by the applicable
78 accreditation entities and if the school committed no
79 intentional fraud in carrying out the provisions of this
80 section.

81 (3)

82 (d) Whenever the department receives a legally sufficient
83 complaint alleging that a licensee or applicant is impaired as
84 described in paragraph (a) and no complaint against the licensee
85 or applicant other than impairment exists, the appropriate
86 board, the board's designee, or the department shall forward all
87 information in its possession regarding the impaired licensee or
88 applicant to the consultant. For the purposes of this section, a
89 suspension from hospital staff privileges due to the impairment
90 does not constitute a complaint.

91 (7)

92 (b) In accordance with s. 284.385, the Department of
93 Financial Services shall defend any claim, suit, action, or
94 proceeding against the consultant, the consultant's officers or
95 employees, or those acting at the direction of the consultant
96 for the limited purpose of an emergency intervention on behalf
97 of a licensee or student as described in subsection (2) when the
98 consultant is unable to perform such intervention that ~~which~~ is
99 brought as a result of any act or omission by any of the
100 consultant's officers and employees and those acting under the
101 direction of the consultant for the limited purpose of an
102 emergency intervention on behalf of a licensee or student as
103 described in subsection (2) when the consultant is unable to

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104 perform such intervention when such act or omission arises out
105 of and in the scope of the consultant's duties under its
106 contract with the department.

107 (8) An impaired practitioner consultant is the official
108 custodian of records concerning any impaired licensee monitored
109 by that consultant. The consultant may not, except to the extent
110 necessary for carrying out the consultant's duties under this
111 section, disclose to the impaired licensee or his or her
112 designee any information that is disclosed to or obtained by the
113 consultant and is confidential under paragraph (5) (a). The
114 department, and any other entity to which the consultant
115 contracts, shall have direct administrative control over the
116 consultant to the extent necessary to receive disclosures from
117 the consultant as allowed by federal law. If a disciplinary
118 proceeding is pending, an impaired licensee may obtain such
119 information from the department under s. 456.073(10).

120 Section 3. Section 468.315, Florida Statutes, is created
121 to read:

122 468.315 Treatment program for impaired radiological
123 personnel.—A radiologic technologist who is certified or who has
124 applied to be certified under this part may be subject to s.
125 456.076 at the election of an impaired practitioner consultant.

126 Section 4. This act shall take effect July 1, 2012.

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128 **T I T L E A M E N D M E N T**

129 Remove the entire title and insert:

130 A bill to be entitled

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1019 (2012)

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131 An act relating to treatment programs for impaired
132 professionals; creating s. 401.466, F.S.; providing
133 that an emergency medical technician or paramedic who
134 is certified or has applied to be certified may be
135 subject to a treatment program for impaired
136 practitioners at the election of the impaired
137 practitioner consultant; prohibiting charging the
138 associated costs to the Department of Health; amending
139 s. 456.076, F.S.; exempting an entity retained by the
140 Department of Health as an impaired practitioner
141 consultant from certain licensing requirements if the
142 entity employs or contracts with licensed
143 professionals; authorizing the Department of Health to
144 refer an applicant for licensure to the consultant;
145 clarifying requirements for an impaired practitioner
146 consultant to maintain as confidential certain
147 information concerning an impaired practitioner;
148 authorizing the department and certain other entities
149 to have administrative control over the impaired
150 practitioner consultant to the extent necessary to
151 receive disclosures; creating s. 468.315, F.S.;;
152 providing that a radiologic technologist who is
153 certified or who has applied to be certified may be
154 subject to a treatment program for impaired
155 practitioners at the election of an impaired
156 practitioner consultant; providing an effective date.