

By Senator Latvala

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1 A bill to be entitled
2 An act relating to the evaluation of students with
3 impairing conditions who are preparing for licensure
4 as health care practitioners or veterinarians;
5 creating s. 456.0765, F.S.; creating the hardship
6 evaluation program for students with financial
7 hardships who are preparing for licensure as health
8 care practitioners or veterinarians and who are
9 referred to an impaired practitioners program;
10 providing conditions for participation; providing for
11 the submission of invoices to the Department of Health
12 by consultants and for the payment of evaluators
13 directly by the department; requiring the submission
14 of monthly progress reports to the department;
15 requiring that the identity of participating students
16 be protected in billing for services and progress
17 reports; providing for funding from the Medical
18 Quality Assurance Trust Fund; providing an effective
19 date.

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

22
23 Section 1. Section 456.0765, Florida Statutes, is created
24 to read:

25 456.0765 Hardship evaluation program.—There is created the
26 hardship evaluation program to fund the mental or physical
27 evaluation of enrolled students who are preparing for licensure
28 as health care practitioners or veterinarians and who are
29 referred to an impaired practitioner program, but cannot afford
30 the required evaluation. The purpose of the hardship evaluation
31 program is to protect the public safety by assisting such
32 students who are or may be impaired as the result of the misuse

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33 or abuse of alcohol or drugs or due to a mental or physical
34 condition that could affect the student's ability to practice
35 with skill and safety when licensed. The hardship evaluation
36 program is a collaboration between the department and
37 consultants retained by the department pursuant to s. 456.076 to
38 operate the impaired practitioner program.

39 (1) A student must satisfy all of the following conditions
40 to be eligible for participation in the hardship evaluation
41 program:

42 (a) Be enrolled in an institution of higher learning in
43 this state for the purpose of preparing for licensure as a
44 health care practitioner as defined in this chapter or as a
45 veterinarian under chapter 474.

46 (b) Be referred to an impaired practitioner program
47 operated by a consultant retained by the department pursuant to
48 s. 456.076 or other law because of an actual or alleged
49 impairing condition that is the result of the misuse or abuse of
50 alcohol or drugs or caused by a mental or physical condition
51 that could affect the student's ability to practice with skill
52 and safety when licensed.

53 (c) Be eligible for participation in the impaired
54 practitioner program to which they have been referred.

55 (d) Be required by the consultant to undergo a mental or
56 physical evaluation, or both, by an evaluator approved by the
57 department or the consultant to determine whether the individual
58 has an impairing condition.

59 (e) Be unable to afford the cost of the evaluation due to
60 financial hardship, as determined under subsection (2), by the
61 consultant operating the applicable impaired practitioner

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62 program. For purposes of this paragraph, an individual has a
63 financial hardship if he or she is unemployed; is receiving
64 payments under a federal or state public assistance program; or
65 has a monthly income that is at or below 150 percent of the
66 federal income poverty level as published annually by the United
67 States Department of Health and Human Services.

68 (2) The consultant operating the applicable impaired
69 practitioner program is solely responsible for determining
70 whether a student meets the eligibility criteria specified in
71 subsection (1). The consultant must obtain reasonable
72 documentation of financial hardship but is not required to
73 verify the authenticity of the documentation and information
74 received. The consultant's eligibility determination is final
75 and not subject to review pursuant to chapter 120.

76 (3) After student eligibility for the hardship evaluation
77 program has been determined and the evaluation has been
78 completed, the consultant operating the impaired practitioner
79 program shall redact any individually identifiable student
80 information and forward the evaluator's invoice to the
81 department for payment. Upon receipt of the invoice, the
82 department shall pay the approved evaluator directly.

83 (4) The consultant must provide monthly progress reports to
84 the department which include the number of hardship evaluation
85 program participants and, for each participant, the cost of his
86 or her examination, a summary of his or her status in the
87 program, the name of his or her evaluator, the date of his or
88 her evaluation, and the date that he or she is expected to
89 complete his or her participation in the impaired practitioner
90 program. Progress reports may not contain any individually

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91 identifiable student information.

92 (5) Funding for the hardship evaluation program shall be
93 made available each fiscal year from the Medical Quality
94 Assurance Trust Fund as provided by legislative appropriation or
95 an approved amendment to the department's operating budget
96 pursuant to chapter 216. If available funding is exhausted in
97 any fiscal year, the program shall cease operation until funding
98 becomes available.

99 Section 2. This act shall take effect July 1, 2016.