

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 practitioner 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:

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 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  
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  
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

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