

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Byrd offered the following:

Amendment (with title amendment)

Remove lines 246-293 and insert:

(9) (a) (4) (a) Except as provided in paragraph (b), when
~~Whenever~~ the department receives a ~~written or oral~~ legally
sufficient complaint alleging that a practitioner has an
impairment licensee under the jurisdiction of the Division of
~~Medical Quality Assurance within the department is impaired as a~~
~~result of the misuse or abuse of alcohol or drugs, or both, or~~
~~due to a mental or physical condition which could affect the~~
~~licensee's ability to practice with skill and safety,~~ and no
complaint exists against the practitioner licensee other than

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14 impairment ~~exists~~, the department shall refer the practitioner
15 to the consultant, along with all information in the
16 department's possession relating to the impairment. The
17 impairment does ~~reporting of such information shall not~~
18 constitute grounds for discipline pursuant to s. 456.072 or ~~the~~
19 ~~corresponding grounds for discipline within~~ the applicable
20 practice act if ~~the probable cause panel of the appropriate~~
21 ~~board, or the department when there is no board, finds:~~

22 1. The practitioner licensee has acknowledged the
23 impairment; ~~problem.~~

24 2. The practitioner becomes a participant licensee ~~has~~
25 ~~voluntarily enrolled in an~~ impaired practitioner program and
26 successfully completes a participant contract under terms
27 established by the consultant; appropriate, approved treatment
28 ~~program.~~

29 3. The practitioner licensee has voluntarily withdrawn
30 from practice or has limited the scope of his or her practice if
31 ~~as~~ required by the consultant; ~~in each case, until such time as~~
32 ~~the panel, or the department when there is no board, is~~
33 ~~satisfied the licensee has successfully completed an approved~~
34 ~~treatment program.~~

35 4. The practitioner licensee has provided to the
36 consultant, or has authorized the consultant to obtain, all
37 records and information relating to the impairment from any
38 source and all other medical records of the practitioner

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39 requested by the consultant; and ~~executed releases for medical~~
40 ~~records, authorizing the release of all records of evaluations,~~
41 ~~diagnoses, and treatment of the licensee, including records of~~
42 ~~treatment for emotional or mental conditions, to the consultant.~~
43 ~~The consultant shall make no copies or reports of records that~~
44 ~~do not regard the issue of the licensee's impairment and his or~~
45 ~~her participation in a treatment program.~~

46 5. The practitioner has authorized the consultant, in the
47 event of the practitioner's termination from the impaired
48 practitioner program, to report the termination to the
49 department and provide the department with copies of all
50 information in the consultant's possession relating to the
51 practitioner.

52 (b) For a practitioner employed by a governmental entity
53 who is also certified by the department pursuant to part III of
54 chapter 401, the department may not refer the practitioner to
55 the consultant, as described in paragraph (a), when the
56 practitioner has already been referred by his or her employer to
57 an employee assistance program used by the governmental entity.
58 If the practitioner fails to satisfactorily complete the
59 employee assistance program or his or her employment is
60 terminated, the employer shall immediately notify the
61 department, which shall then refer the practitioner to the
62 consultant as provided in paragraph (a).

63 (10) To encourage practitioners who are or may be impaired

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

Remove line 23 and insert:
certain circumstances; prohibiting the department from
referring practitioners to consultants under certain
circumstances; authorizing consultants to