

1                   A bill to be entitled  
2           An act relating to health care practitioner licensure;  
3           amending s. 456.076, F.S.; revising provisions related  
4           to impaired practitioner programs; providing  
5           definitions; deleting a requirement that the  
6           Department of Health designate approved programs by  
7           rule; deleting a requirement authorizing the  
8           department to adopt by rule the manner in which  
9           consultants work with the department; authorizing,  
10          rather than requiring, the department to retain one or  
11          more consultants to operate its impaired practitioner  
12          program; requiring the department to establish the  
13          terms and conditions of the program by contract;  
14          providing contract terms; requiring consultants to  
15          establish the terms of monitoring impaired  
16          practitioners; authorizing consultants to consider the  
17          recommendations of certain persons in establishing the  
18          terms of monitoring; authorizing consultants to modify  
19          monitoring terms under certain circumstances;  
20          requiring consultants to assist the department and  
21          licensure boards on certain matters; requiring the  
22          department to refer practitioners to consultants under  
23          certain circumstances; authorizing consultants to  
24          withhold certain information about self-reporting  
25          participants from the department under certain

26 | circumstances; requiring consultants to disclose all  
27 | information relating to practitioners who are  
28 | terminated from the program for specified reasons;  
29 | providing that all information obtained by a  
30 | consultant retains its confidential or exempt status;  
31 | providing that consultants, and certain agents of  
32 | consultants, may not be held liable financially or  
33 | have a cause of action for damages brought against  
34 | them for disclosing certain information or for any  
35 | other act or omission relating to the program;  
36 | authorizing consultants to contract with a school or  
37 | program to provide services to certain students;  
38 | amending s. 456.0635, F.S.; revising grounds for  
39 | refusing to issue or renew a license, certificate, or  
40 | registration in a health care profession; providing  
41 | applicability; amending ss. 401.411, 456.072, 457.109,  
42 | 458.331, 459.015, 460.413, 461.013, 462.14, 463.016,  
43 | 464.018, 465.016, 466.028, 467.203, 468.217, 468.3101,  
44 | and 483.825, F.S.; providing that an impaired  
45 | practitioner may be reported to a consultant rather  
46 | than the department under certain circumstances;  
47 | amending ss. 455.227, 464.204, and 474.221, F.S.;

48 | conforming provisions to changes made by the act;  
49 | providing effective dates.  
50 |

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

52

53 Section 1. Section 456.076, Florida Statutes, is amended  
54 to read:

55 456.076 Impaired practitioner programs ~~Treatment programs~~  
56 ~~for impaired practitioners.~~

57 (1) As used in this section, the term:

58 (a) "Consultant" means the individual or entity who  
59 operates an approved impaired practitioner program pursuant to a  
60 contract with the department and who is retained by the  
61 department as provided in subsection (2).

62 (b) "Evaluator" means a state-licensed or nationally  
63 certified individual who has been approved by a consultant or  
64 the department, who has completed an evaluator training program  
65 established by the consultant, and who is therefore authorized  
66 to evaluate practitioners as part of an impaired practitioner  
67 program.

68 (c) "Impaired practitioner" means a practitioner with an  
69 impairment.

70 (d) "Impaired practitioner program" means a program  
71 established by the department by contract with one or more  
72 consultants to serve impaired and potentially impaired  
73 practitioners for the protection of the health, safety, and  
74 welfare of the public.

75 (e) "Impairment" means a potentially impairing health

76 condition that is the result of the misuse or abuse of alcohol,  
77 drugs, or both, or a mental or physical condition that could  
78 affect a practitioner's ability to practice with skill and  
79 safety.

80 (f) "Inability to progress" means a determination by a  
81 consultant based on a participant's response to treatment and  
82 prognosis that the participant is unable to safely practice  
83 despite compliance with treatment requirements and his or her  
84 participant contract.

85 (g) "Material noncompliance" means an act or omission by a  
86 participant in violation of his or her participant contract as  
87 determined by the department or consultant.

88 (h) "Participant" means a practitioner who is  
89 participating in the impaired practitioner program by having  
90 entered into a participant contract. A practitioner ceases to be  
91 a participant when the participant contract is successfully  
92 completed or is terminated for any reason.

93 (i) "Participant contract" means a formal written document  
94 outlining the requirements established by a consultant for a  
95 participant to successfully complete the impaired practitioner  
96 program, including the participant's monitoring plan.

97 (j) "Practitioner" means a person licensed, registered,  
98 certified, or regulated by the department under part III of  
99 chapter 401; chapter 457; chapter 458; chapter 459; chapter 460;  
100 chapter 461; chapter 462; chapter 463; chapter 464; chapter 465;

101 chapter 466; chapter 467; part I, part II, part III, part V,  
102 part X, part XIII, or part XIV of chapter 468; chapter 478;  
103 chapter 480; part III or part IV of chapter 483; chapter 484;  
104 chapter 486; chapter 490; or chapter 491; or an applicant for a  
105 license, registration, or certification under the same laws.

106 (k) "Referral" means a practitioner who has been referred,  
107 either as a self-referral or otherwise, or reported to a  
108 consultant for impaired practitioner program services, but who  
109 is not under a participant contract.

110 (l) "Treatment program" means a department-approved or  
111 consultant-approved residential, intensive outpatient, partial  
112 hospitalization, or other program through which an impaired  
113 practitioner is treated based on the impaired practitioner's  
114 diagnosis and the treatment plan approved by the consultant.

115 (m) "Treatment provider" means a department-approved or  
116 consultant-approved residential state-licensed or nationally  
117 certified individual who provides treatment to an impaired  
118 practitioner based on the practitioner's individual diagnosis  
119 and a treatment plan approved by the consultant ~~For professions~~  
120 ~~that do not have impaired practitioner programs provided for in~~  
121 ~~their practice acts, the department shall, by rule, designate~~  
122 ~~approved impaired practitioner programs under this section. The~~  
123 ~~department may adopt rules setting forth appropriate criteria~~  
124 ~~for approval of treatment providers. The rules may specify the~~  
125 ~~manner in which the consultant, retained as set forth in~~

126 ~~subsection (2), works with the department in intervention,~~  
127 ~~requirements for evaluating and treating a professional,~~  
128 ~~requirements for continued care of impaired professionals by~~  
129 ~~approved treatment providers, continued monitoring by the~~  
130 ~~consultant of the care provided by approved treatment providers~~  
131 ~~regarding the professionals under their care, and requirements~~  
132 ~~related to the consultant's expulsion of professionals from the~~  
133 ~~program.~~

134 (2) ~~(a)~~ The department may ~~shall~~ retain one or more  
135 ~~impaired practitioner consultants~~ to operate its impaired  
136 practitioner program. Each consultant ~~who are each licensees~~  
137 ~~under the jurisdiction of the Division of Medical Quality~~  
138 ~~Assurance within the department and who~~ must be:

139 (a)1. A practitioner ~~or recovered practitioner~~ licensed  
140 under chapter 458, chapter 459, or part I of chapter 464; or

141 (b)2. An entity that employs:

142 1.a. A medical director who is ~~must be a practitioner or~~  
143 ~~recovered practitioner~~ licensed under chapter 458 or chapter  
144 459; or

145 2.b. An executive director who is ~~must be a registered~~  
146 ~~nurse or a recovered registered nurse~~ licensed under part I of  
147 chapter 464.

148 (3) The terms and conditions of the impaired practitioner  
149 program must be established by the department by contract with a  
150 consultant for the protection of the health, safety, and welfare

151 of the public and must provide, at a minimum, that the  
152 consultant:

153 (a) Accepts referrals;

154 (b) Arranges for the evaluation and treatment of impaired  
155 practitioners by a treatment provider when the consultant deems  
156 such evaluation and treatment necessary;

157 (c) Monitors the recovery progress and status of impaired  
158 practitioners to ensure that such practitioners are able to  
159 practice their profession with skill and safety. Such monitoring  
160 must continue until the consultant or department concludes that  
161 monitoring by the consultant is no longer required for the  
162 protection of the public or until the practitioner's  
163 participation in the program is terminated for material  
164 noncompliance or inability to progress; and

165 (d) Does not directly evaluate, treat, or otherwise  
166 provide patient care to a practitioner in the operation of the  
167 impaired practitioner program.

168 (4) The department shall specify, in its contract with  
169 each consultant, the types of licenses, registrations, or  
170 certifications of the practitioners to be served by that  
171 consultant.

172 (5) A consultant shall enter into a participant contract  
173 with an impaired practitioner and shall establish the terms of  
174 monitoring and shall include the terms in a participant  
175 contract. In establishing the terms of monitoring, the

176 consultant may consider the recommendations of one or more  
 177 approved evaluators, treatment programs, or treatment providers.  
 178 A consultant may modify the terms of monitoring if the  
 179 consultant concludes, through the course of monitoring, that  
 180 extended, additional, or amended terms of monitoring are  
 181 required for the protection of the health, safety, and welfare  
 182 of the public.

183 ~~(6)(b) A~~ An entity retained as an impaired practitioner  
 184 ~~consultant under this section which employs a medical director~~  
 185 ~~or an executive director~~ is not required to be licensed as a  
 186 substance abuse provider or mental health treatment provider  
 187 under chapter 394, chapter 395, or chapter 397 for purposes of  
 188 providing services under this program.

189 ~~(7)(e)1.~~ Each ~~The~~ consultant shall assist the department  
 190 and licensure boards on matters of impaired practitioners,  
 191 including the determination of ~~probable cause panel and the~~  
 192 ~~department in carrying out the responsibilities of this section.~~  
 193 ~~This includes working with department investigators to determine~~  
 194 whether a practitioner is, in fact, impaired, as specified in  
 195 the consultant's contract with the department.

196 ~~2. The consultant may contract with a school or program to~~  
 197 ~~provide services to a student enrolled for the purpose of~~  
 198 ~~preparing for licensure as a health care practitioner as defined~~  
 199 ~~in this chapter or as a veterinarian under chapter 474 if the~~  
 200 ~~student is allegedly impaired as a result of the misuse or abuse~~



201 ~~of alcohol or drugs, or both, or due to a mental or physical~~  
202 ~~condition. The department is not responsible for paying for the~~  
203 ~~care provided by approved treatment providers or a consultant.~~

204 ~~(d) A medical school accredited by the Liaison Committee~~  
205 ~~on Medical Education or the Commission on Osteopathic College~~  
206 ~~Accreditation, or another school providing for the education of~~  
207 ~~students enrolled in preparation for licensure as a health care~~  
208 ~~practitioner as defined in this chapter or a veterinarian under~~  
209 ~~chapter 474 which is governed by accreditation standards~~  
210 ~~requiring notice and the provision of due process procedures to~~  
211 ~~students, is not liable in any civil action for referring a~~  
212 ~~student to the consultant retained by the department or for~~  
213 ~~disciplinary actions that adversely affect the status of a~~  
214 ~~student when the disciplinary actions are instituted in~~  
215 ~~reasonable reliance on the recommendations, reports, or~~  
216 ~~conclusions provided by such consultant, if the school, in~~  
217 ~~referring the student or taking disciplinary action, adheres to~~  
218 ~~the due process procedures adopted by the applicable~~  
219 ~~accreditation entities and if the school committed no~~  
220 ~~intentional fraud in carrying out the provisions of this~~  
221 ~~section.~~

222 (8)(3) Before issuing an approval of, or intent to deny,  
223 an application for licensure, each board and profession within  
224 the Division of Medical Quality Assurance may delegate to its  
225 chair or other designee its authority to determine, before

226 ~~certifying or declining to certify an application for licensure~~  
227 ~~to the department,~~ that an applicant for licensure under its  
228 jurisdiction may have an impairment ~~be impaired as a result of~~  
229 ~~the misuse or abuse of alcohol or drugs, or both, or due to a~~  
230 ~~mental or physical condition that could affect the applicant's~~  
231 ~~ability to practice with skill and safety.~~ Upon such  
232 determination, the chair or other designee may refer the  
233 applicant to the consultant to facilitate ~~for~~ an evaluation  
234 before the board issues an approval of, ~~certifies or intent to~~  
235 deny, ~~declines to certify~~ his or her application ~~to the~~  
236 ~~department.~~ If the applicant agrees to be evaluated ~~by the~~  
237 ~~consultant,~~ the department's deadline for approving or denying  
238 the application pursuant to s. 120.60(1) is tolled until the  
239 evaluation is completed and the result of the evaluation and  
240 recommendation ~~by the consultant~~ is communicated to the board by  
241 the consultant. If the applicant declines to be evaluated ~~by the~~  
242 ~~consultant,~~ the board shall issue an approval of, or intent to  
243 deny, ~~certify or decline to certify~~ the applicant's application  
244 ~~to the department~~ notwithstanding the lack of an evaluation and  
245 recommendation by the consultant.

246 (9) (a) (4) (a) When ~~Whenever~~ the department receives a  
247 ~~written or oral~~ legally sufficient complaint alleging that a  
248 practitioner has an impairment ~~licensee under the jurisdiction~~  
249 ~~of the Division of Medical Quality Assurance within the~~  
250 ~~department is impaired as a result of the misuse or abuse of~~

251 ~~alcohol or drugs, or both, or due to a mental or physical~~  
252 ~~condition which could affect the licensee's ability to practice~~  
253 ~~with skill and safety,~~ and no complaint exists against the  
254 practitioner licensee other than impairment ~~exists,~~ the  
255 department shall refer the practitioner to the consultant, along  
256 with all information in the department's possession relating to  
257 the impairment. The impairment does ~~reporting of such~~  
258 ~~information shall~~ not constitute grounds for discipline pursuant  
259 to s. 456.072 or ~~the corresponding grounds for discipline within~~  
260 the applicable practice act if ~~the probable cause panel of the~~  
261 ~~appropriate board, or the department when there is no board,~~  
262 ~~finds:~~

263 1. The practitioner licensee has acknowledged the  
264 impairment; ~~problem.~~

265 2. The practitioner becomes a participant licensee ~~has~~  
266 ~~voluntarily enrolled~~ in an impaired practitioner program and  
267 successfully completes a participant contract under terms  
268 established by the consultant; ~~appropriate, approved treatment~~  
269 ~~program.~~

270 3. The practitioner licensee has voluntarily withdrawn  
271 from practice or has limited the scope of his or her practice if  
272 ~~as~~ required by the consultant; ~~, in each case, until such time as~~  
273 ~~the panel, or the department when there is no board, is~~  
274 ~~satisfied the licensee has successfully completed an approved~~  
275 ~~treatment program.~~

276           4. The practitioner licensee has provided to the  
277 consultant, or has authorized the consultant to obtain, all  
278 records and information relating to the impairment from any  
279 source and all other medical records of the practitioner  
280 requested by the consultant; and ~~executed releases for medical~~  
281 ~~records, authorizing the release of all records of evaluations,~~  
282 ~~diagnoses, and treatment of the licensee, including records of~~  
283 ~~treatment for emotional or mental conditions, to the consultant.~~  
284 ~~The consultant shall make no copies or reports of records that~~  
285 ~~do not regard the issue of the licensee's impairment and his or~~  
286 ~~her participation in a treatment program.~~

287           5. The practitioner has authorized the consultant, in the  
288 event of the practitioner's termination from the impaired  
289 practitioner program, to report the termination to the  
290 department and provide the department with copies of all  
291 information in the consultant's possession relating to the  
292 practitioner.

293           (b) To encourage practitioners who are or may be impaired  
294 to voluntarily self-refer to a consultant, the consultant may  
295 not provide information to the department relating to a self-  
296 referring participant if the consultant has no knowledge of a  
297 pending department investigation, complaint, or disciplinary  
298 action against the participant and if the participant is in  
299 compliance and making progress with the terms of the impaired  
300 practitioner program and contract, unless authorized by the

301 participant ~~If, however, the department has not received a~~  
302 ~~legally sufficient complaint and the licensee agrees to withdraw~~  
303 ~~from practice until such time as the consultant determines the~~  
304 ~~licensee has satisfactorily completed an approved treatment~~  
305 ~~program or evaluation, the probable cause panel, or the~~  
306 ~~department when there is no board, shall not become involved in~~  
307 ~~the licensee's case.~~

308 ~~(c) Inquiries related to impairment treatment programs~~  
309 ~~designed to provide information to the licensee and others and~~  
310 ~~which do not indicate that the licensee presents a danger to the~~  
311 ~~public shall not constitute a complaint within the meaning of s.~~  
312 ~~456.073 and shall be exempt from the provisions of this~~  
313 ~~subsection.~~

314 ~~(d) Whenever the department receives a legally sufficient~~  
315 ~~complaint alleging that a licensee is impaired as described in~~  
316 ~~paragraph (a) and no complaint against the licensee other than~~  
317 ~~impairment exists, the department shall forward all information~~  
318 ~~in its possession regarding the impaired licensee to the~~  
319 ~~consultant. For the purposes of this section, a suspension from~~  
320 ~~hospital staff privileges due to the impairment does not~~  
321 ~~constitute a complaint.~~

322 ~~(e) The probable cause panel, or the department when there~~  
323 ~~is no board, shall work directly with the consultant, and all~~  
324 ~~information concerning a practitioner obtained from the~~  
325 ~~consultant by the panel, or the department when there is no~~

326 ~~board, shall remain confidential and exempt from the provisions~~  
327 ~~of s. 119.07(1), subject to the provisions of subsections (6)~~  
328 ~~and (7).~~

329 ~~(f) A finding of probable cause shall not be made as long~~  
330 ~~as the panel, or the department when there is no board, is~~  
331 ~~satisfied, based upon information it receives from the~~  
332 ~~consultant and the department, that the licensee is progressing~~  
333 ~~satisfactorily in an approved impaired practitioner program and~~  
334 ~~no other complaint against the licensee exists.~~

335 ~~(10)(5)~~ In any disciplinary action for a violation other  
336 than impairment in which a practitioner licensee establishes the  
337 violation for which the practitioner licensee is being  
338 prosecuted was due to or connected with impairment and further  
339 establishes the practitioner licensee is satisfactorily  
340 progressing through or has successfully completed an impaired  
341 practitioner program ~~approved treatment program~~ pursuant to this  
342 section, such information may be considered by the board, or the  
343 department when there is no board, as a mitigating factor in  
344 determining the appropriate penalty. This subsection does not  
345 limit mitigating factors the board may consider.

346 ~~(11)(a)(6)(a)~~ Upon request by the consultant, and with the  
347 authorization of the practitioner when required by law, an  
348 approved evaluator, treatment program, or treatment provider  
349 ~~shall, upon request,~~ disclose to the consultant all information  
350 in its possession regarding a referral or participant ~~the issue~~

351 ~~of a licensee's impairment and participation in the treatment~~  
352 ~~program. All information obtained by the consultant and~~  
353 ~~department pursuant to this section is confidential and exempt~~  
354 ~~from the provisions of s. 119.07(1), subject to the provisions~~  
355 ~~of this subsection and subsection (7). Failure to provide such~~  
356 information to the consultant is grounds for withdrawal of  
357 approval of such evaluator, treatment program, or treatment  
358 provider.

359 (b) When a referral or participant is terminated from the  
360 impaired practitioner program for material noncompliance with a  
361 participant contract, inability to progress, or any other reason  
362 than completion of the program, the consultant shall disclose ~~if~~  
363 ~~in the opinion of the consultant, after consultation with the~~  
364 ~~treatment provider, an impaired licensee has not progressed~~  
365 ~~satisfactorily in a treatment program, all information regarding~~  
366 ~~the issue of a licensee's impairment and participation in a~~  
367 ~~treatment program in the consultant's possession~~ relating to the  
368 practitioner shall be disclosed to the department. Such  
369 disclosure shall constitute a complaint pursuant to the general  
370 provisions of s. 456.073. In addition, whenever the consultant  
371 concludes that impairment affects a practitioner's licensee's  
372 practice and constitutes an immediate, serious danger to the  
373 public health, safety, or welfare, the consultant shall  
374 immediately communicate such ~~that~~ conclusion ~~shall be~~  
375 ~~communicated~~ to the department and disclose all information in

376 the consultant's possession relating to the practitioner to the  
377 department State Surgeon General.

378 (12) All information obtained by the consultant pursuant  
379 to this section is confidential and exempt from s. 119.07(1) and  
380 s. 24(a), Art. I of the State Constitution.

381 ~~(7) A consultant, licensee, or approved treatment provider~~  
382 ~~who makes a disclosure pursuant to this section is not subject~~  
383 ~~to civil liability for such disclosure or its consequences.~~

384 (13) The provisions of s. 766.101 apply to any consultant  
385 and the consultant's directors, officers, employees, or agents  
386 in regards to providing information relating to a participant to  
387 a medical review committee if the participant authorizes such  
388 disclosure officer, employee, or agent of the department or the  
389 board and to any officer, employee, or agent of any entity with  
390 which the department has contracted pursuant to this section.

391 (14) (a) ~~(8) (a)~~ A consultant retained pursuant to this  
392 section and subsection (2), a consultant's directors, officers,  
393 and employees, or agents and those acting at the direction of  
394 the consultant for the limited purpose of an emergency  
395 intervention on behalf of a licensee or student as described in  
396 subsection (2) when the consultant is unable to perform such  
397 intervention shall be considered agents of the department for  
398 purposes of s. 768.28 while acting within the scope of the  
399 consultant's duties under the contract with the department if  
400 the contract complies with the requirements of this section. The



401 ~~contract must require that:~~

402 ~~1. The consultant indemnify the state for any liabilities~~  
403 ~~incurred up to the limits set out in chapter 768.~~

404 ~~2. The consultant establish a quality assurance program to~~  
405 ~~monitor services delivered under the contract.~~

406 ~~3. The consultant's quality assurance program, treatment,~~  
407 ~~and monitoring records be evaluated quarterly.~~

408 ~~4. The consultant's quality assurance program be subject~~  
409 ~~to review and approval by the department.~~

410 ~~5. The consultant operate under policies and procedures~~  
411 ~~approved by the department.~~

412 ~~6. The consultant provide to the department for approval a~~  
413 ~~policy and procedure manual that comports with all statutes,~~  
414 ~~rules, and contract provisions approved by the department.~~

415 ~~7. The department be entitled to review the records~~  
416 ~~relating to the consultant's performance under the contract for~~  
417 ~~the purpose of management audits, financial audits, or program~~  
418 ~~evaluation.~~

419 ~~8. All performance measures and standards be subject to~~  
420 ~~verification and approval by the department.~~

421 ~~9. The department be entitled to terminate the contract~~  
422 ~~with the consultant for noncompliance with the contract.~~

423 (b) In accordance with s. 284.385, the Department of  
424 Financial Services shall defend any claim, suit, action, or  
425 proceeding, including a claim, suit, action, or proceeding for

426 injunctive, affirmative, or declaratory relief, against the  
427 consultant, or the consultant's directors, officers, or  
428 employees, and agents, brought as the result of any action or  
429 omission relating to the impaired practitioner program or those  
430 acting at the direction of the consultant for the limited  
431 purpose of an emergency intervention on behalf of a licensee or  
432 student as described in subsection (2) when the consultant is  
433 unable to perform such intervention, which claim, suit, action,  
434 or proceeding is brought as a result of an act or omission by  
435 any of the consultant's officers and employees and those acting  
436 under the direction of the consultant for the limited purpose of  
437 an emergency intervention on behalf of the licensee or student  
438 when the consultant is unable to perform such intervention, if  
439 the act or omission arises out of and is in the scope of the  
440 consultant's duties under its contract with the department.

441 (15)(e) If a the consultant retained by the department  
442 pursuant to this section subsection (2) is also retained by  
443 another any other state agency to operate an impaired  
444 practitioner program for that agency, this section also applies  
445 to the consultant's operation of an impaired practitioner  
446 program for that agency, and if the contract between such state  
447 agency and the consultant complies with the requirements of this  
448 section, the consultant, the consultant's officers and  
449 employees, and those acting under the direction of the  
450 consultant for the limited purpose of an emergency intervention

451 ~~on behalf of a licensee or student as described in subsection~~  
452 ~~(2) when the consultant is unable to perform such intervention~~  
453 ~~shall be considered agents of the state for the purposes of this~~  
454 ~~section while acting within the scope of and pursuant to~~  
455 ~~guidelines established in the contract between such state agency~~  
456 ~~and the consultant.~~

457 ~~(16)(9) A~~ An impaired practitioner consultant is the  
458 official custodian of records relating to the referral of an  
459 impaired licensee or applicant to that consultant and any other  
460 interaction between the licensee or applicant and the  
461 consultant. The consultant may disclose to a referral or  
462 participant, or to the legal representative of the referral or  
463 participant, the documents, records, or other information from  
464 the consultant's file, including information received by the  
465 consultant from other sources; information on the terms required  
466 for the referral's or participant's monitoring contract, the  
467 referral's or participant's progress or inability to progress,  
468 or the referral's or participant's discharge or termination;  
469 information supporting the conclusion of material noncompliance;  
470 or any other information required by law ~~the impaired licensee~~  
471 ~~or applicant or his or her designee any information that is~~  
472 ~~disclosed to or obtained by the consultant or that is~~  
473 ~~confidential under paragraph (6)(a), but only to the extent that~~  
474 ~~it is necessary to do so to carry out the consultant's duties~~  
475 ~~under this section. The department, and any other entity that~~

476 ~~enters into a contract with the consultant to receive the~~  
477 ~~services of the consultant, has direct administrative control~~  
478 ~~over the consultant to the extent necessary to receive~~  
479 ~~disclosures from the consultant as allowed by federal law. If a~~  
480 consultant discloses information to the department in accordance  
481 with this part, a referral or participant, or his or her legal  
482 representative, may obtain a complete copy of the consultant's  
483 file from the consultant or disciplinary proceeding is pending,  
484 ~~an impaired licensee may obtain such information from the~~  
485 department under s. 456.073.

486 (17) (a) The consultant may contract with a school or  
487 program to provide impaired practitioner program services to a  
488 student enrolled for the purpose of preparing for licensure as a  
489 health care practitioner as defined in this chapter or as a  
490 veterinarian under chapter 474 if the student has or is  
491 suspected of having an impairment. The department is not  
492 responsible for paying for the care provided by approved  
493 treatment providers or approved treatment programs or for the  
494 services provided by a consultant to a student.

495 (b) A medical school accredited by the Liaison Committee  
496 on Medical Education or the Commission on Osteopathic College  
497 Accreditation, or another school providing for the education of  
498 students enrolled in preparation for licensure as a health care  
499 practitioner as defined in this chapter, or a veterinarian under  
500 chapter 474, which is governed by accreditation standards

501 requiring notice and the provision of due process procedures to  
 502 students, is not liable in any civil action for referring a  
 503 student to the consultant retained by the department or for  
 504 disciplinary actions that adversely affect the status of a  
 505 student when the disciplinary actions are instituted in  
 506 reasonable reliance on the recommendations, reports, or  
 507 conclusions provided by such consultant, if the school, in  
 508 referring the student or taking disciplinary action, adheres to  
 509 the due process procedures adopted by the applicable  
 510 accreditation entities and if the school committed no  
 511 intentional fraud in carrying out the provisions of this  
 512 section.

513 Section 2. Effective December 31, 2018, or upon enactment  
 514 of the Nurse Licensure Compact into law by 26 states, whichever  
 515 occurs first, subsection (9) of section 456.076, Florida  
 516 Statutes, as amended by section 2 of chapter 2016-139, Laws of  
 517 Florida, is amended to read:

518 456.076 Impaired practitioner programs.—

519 ~~(16)(9) A An impaired practitioner consultant is the~~  
 520 ~~official custodian of records relating to the referral of an~~  
 521 ~~impaired licensee or applicant to that consultant and any other~~  
 522 ~~interaction between the licensee or applicant and the~~  
 523 ~~consultant. The consultant may disclose to a referral or~~  
 524 participant, or to the legal representative of the referral or  
 525 participant, the documents, records, or other information from

526 the consultant's file, including information received by the  
527 consultant from other sources; information on the terms required  
528 for the referral's or participant's monitoring contract, the  
529 referral's or participant's progress or inability to progress,  
530 or the referral's or participant's discharge or termination;  
531 information supporting the conclusion of material noncompliance;  
532 or any other information required by law ~~the impaired licensee~~  
533 ~~or applicant or his or her designee any information that is~~  
534 ~~disclosed to or obtained by the consultant or that is~~  
535 ~~confidential under paragraph (6) (a), but only to the extent that~~  
536 ~~it is necessary to do so to carry out the consultant's duties~~  
537 ~~under this section. The department, and any other entity that~~  
538 ~~enters into a contract with the consultant to receive the~~  
539 ~~services of the consultant, has direct administrative control~~  
540 ~~over the consultant to the extent necessary to receive~~  
541 ~~disclosures from the consultant as allowed by federal law. The~~  
542 consultant must disclose to the department, upon the  
543 department's request, whether an applicant for a multistate  
544 license under s. 464.0095 is participating in a treatment  
545 program and must report to the department when a nurse holding a  
546 multistate license under s. 464.0095 enters a treatment program.  
547 A nurse holding a multistate license pursuant to s. 464.0095  
548 must report to the department within 2 business days after  
549 entering a treatment program pursuant to this section. If a  
550 consultant discloses information to the department in accordance

551 with this part, a referral or participant, or his or her legal  
552 representative, may obtain a complete copy of the consultant's  
553 file from the consultant or ~~disciplinary proceeding is pending,~~  
554 ~~an impaired licensee may obtain such information from the~~  
555 department under s. 456.073.

556 Section 3. Subsections (2) and (3) of section 456.0635,  
557 Florida Statutes, are amended to read:

558 456.0635 Health care fraud; disqualification for license,  
559 certificate, or registration.—

560 (2) Each board within the jurisdiction of the department,  
561 or the department if there is no board, shall refuse to admit a  
562 candidate to any examination and refuse to issue a license,  
563 certificate, or registration to any applicant if the candidate  
564 or applicant or any principal, officer, agent, managing  
565 employee, or affiliated person of the candidate or applicant:

566 (a) Has been convicted of, or entered a plea of guilty or  
567 nolo contendere to, regardless of adjudication, a felony under  
568 chapter 409, chapter 817, or chapter 893, or a similar felony  
569 offense committed in another state or jurisdiction, unless the  
570 candidate or applicant has successfully completed a pretrial  
571 diversion or drug court program for that felony and provides  
572 proof that the plea has been withdrawn or the charges have been  
573 dismissed. Any such conviction or plea shall exclude the  
574 applicant or candidate from licensure, examination,  
575 certification, or registration unless the sentence and any

576 subsequent period of probation for such conviction or plea  
577 ended:

578 1. For felonies of the first or second degree, more than  
579 15 years before the date of application.

580 2. For felonies of the third degree, more than 10 years  
581 before the date of application, except for felonies of the third  
582 degree under s. 893.13(6)(a).

583 3. For felonies of the third degree under s. 893.13(6)(a),  
584 more than 5 years before the date of application;

585 (b) Has been convicted of, or entered a plea of guilty or  
586 nolo contendere to, regardless of adjudication, a felony under  
587 21 U.S.C. ss. 801-970, or 42 U.S.C. ss. 1395-1396, unless the  
588 sentence and any subsequent period of probation for such  
589 conviction or plea ended more than 15 years before the date of  
590 the application;

591 (c) Has been terminated for cause from the Florida  
592 Medicaid program pursuant to s. 409.913, unless the candidate or  
593 applicant has been in good standing with the Florida Medicaid  
594 program for the most recent 5 years;

595 (d) Has been terminated for cause, pursuant to the appeals  
596 procedures established by the state, from any other state  
597 Medicaid program, unless the candidate or applicant has been in  
598 good standing with a state Medicaid program for the most recent  
599 5 years and the termination occurred at least 20 years before  
600 the date of the application; or



601 (e) Is currently listed on the United States Department of  
602 Health and Human Services Office of Inspector General's List of  
603 Excluded Individuals and Entities.

604  
605 This subsection does not apply to an applicant for initial  
606 licensure, certification, or registration who was arrested or  
607 charged with a felony specified in paragraph (a) or paragraph  
608 (b) before July 1, 2009.

609 (3) The department shall refuse to renew a license,  
610 certificate, or registration of any applicant if the applicant  
611 or any principal, officer, agent, managing employee, or  
612 affiliated person of the applicant:

613 (a) Has been convicted of, or entered a plea of guilty or  
614 nolo contendere to, regardless of adjudication, a felony under  
615 chapter 409, chapter 817, or chapter 893, or a similar felony  
616 offense committed in another state or jurisdiction, unless the  
617 applicant is currently enrolled in a pretrial diversion or drug  
618 court program that allows the withdrawal of the plea for that  
619 felony upon successful completion of that program. Any such  
620 conviction or plea excludes the applicant from licensure renewal  
621 unless the sentence and any subsequent period of probation for  
622 such conviction or plea ended:

623 1. For felonies of the first or second degree, more than  
624 15 years before the date of application.

625 2. For felonies of the third degree, more than 10 years

626 before the date of application, except for felonies of the third  
627 degree under s. 893.13(6)(a).

628 3. For felonies of the third degree under s. 893.13(6)(a),  
629 more than 5 years before the date of application.

630 (b) Has been convicted of, or entered a plea of guilty or  
631 nolo contendere to, regardless of adjudication, a felony under  
632 21 U.S.C. ss. 801-970, or 42 U.S.C. ss. 1395-1396 since July 1,  
633 2009, unless the sentence and any subsequent period of probation  
634 for such conviction or plea ended more than 15 years before the  
635 date of the application.

636 (c) Has been terminated for cause from the Florida  
637 Medicaid program pursuant to s. 409.913, unless the applicant  
638 has been in good standing with the Florida Medicaid program for  
639 the most recent 5 years.

640 (d) Has been terminated for cause, pursuant to the appeals  
641 procedures established by the state, from any other state  
642 Medicaid program, unless the applicant has been in good standing  
643 with a state Medicaid program for the most recent 5 years and  
644 the termination occurred at least 20 years before the date of  
645 the application.

646 (e) Is currently listed on the United States Department of  
647 Health and Human Services Office of Inspector General's List of  
648 Excluded Individuals and Entities.

649

650 This subsection does not apply to an applicant for renewal of

651 licensure, certification, or registration who was arrested or  
652 charged with a felony specified in paragraph (a) or paragraph  
653 (b) before July 1, 2009.

654 Section 4. Paragraph (l) of subsection (1) of section  
655 401.411, Florida Statutes, is amended to read:

656 401.411 Disciplinary action; penalties.—

657 (1) The department may deny, suspend, or revoke a license,  
658 certificate, or permit or may reprimand or fine any licensee,  
659 certificateholder, or other person operating under this part for  
660 any of the following grounds:

661 (1) The failure to report to the department any person  
662 known to be in violation of this part. However, a professional  
663 known to be operating under this part without reasonable skill  
664 and without regard for the safety of the public by reason of  
665 illness, drunkenness, or the use of drugs, narcotics, chemicals,  
666 or any other type of material, or as a result of a mental or  
667 physical condition, may be reported to a consultant operating an  
668 impaired practitioner program as described in s. 456.076 rather  
669 than to the department.

670 Section 5. Paragraph (u) of subsection (1) of section  
671 455.227, Florida Statutes, is amended to read:

672 455.227 Grounds for discipline; penalties; enforcement.—

673 (1) The following acts shall constitute grounds for which  
674 the disciplinary actions specified in subsection (2) may be  
675 taken:

676 (u) Termination from an impaired practitioner program a  
677 ~~treatment program for impaired practitioners~~ as described in s.  
678 456.076 for failure to comply, without good cause, with the  
679 terms of the monitoring or participant ~~treatment~~ contract  
680 entered into by the licensee or failing to successfully complete  
681 a drug or alcohol treatment program.

682 Section 6. Paragraphs (i) and (hh) of subsection (1) of  
683 section 456.072, Florida Statutes, are amended to read:

684 456.072 Grounds for discipline; penalties; enforcement.—

685 (1) The following acts shall constitute grounds for which  
686 the disciplinary actions specified in subsection (2) may be  
687 taken:

688 (i) Except as provided in s. 465.016, failing to report to  
689 the department any person who the licensee knows is in violation  
690 of this chapter, the chapter regulating the alleged violator, or  
691 the rules of the department or the board. However, a person who  
692 the licensee knows is unable to practice with reasonable skill  
693 and safety to patients by reason of illness or use of alcohol,  
694 drugs, narcotics, chemicals, or any other type of material, or  
695 as a result of a mental or physical condition, may be reported  
696 to a consultant operating an impaired practitioner program as  
697 described in s. 456.076 rather than to the department.

698 (hh) Being terminated from an impaired practitioner  
699 program that ~~a treatment program for impaired practitioners,~~  
700 ~~which~~ is overseen by a ~~an impaired practitioner~~ consultant as

701 described in s. 456.076, for failure to comply, without good  
702 cause, with the terms of the monitoring or participant treatment  
703 contract entered into by the licensee, or for not successfully  
704 completing any drug treatment or alcohol treatment program.

705 Section 7. Paragraph (f) of subsection (1) of section  
706 457.109, Florida Statutes, is amended to read:

707 457.109 Disciplinary actions; grounds; action by the  
708 board.—

709 (1) The following acts constitute grounds for denial of a  
710 license or disciplinary action, as specified in s. 456.072(2):

711 (f) Failing to report to the department any person who the  
712 licensee knows is in violation of this chapter or of the rules  
713 of the department. However, a person who the licensee knows is  
714 unable to practice acupuncture with reasonable skill and safety  
715 to patients by reason of illness or use of alcohol, drugs,  
716 narcotics, chemicals, or any other type of material, or as a  
717 result of a mental or physical condition, may be reported to a  
718 consultant operating an impaired practitioner program as  
719 described in s. 456.076 rather than to the department.

720 Section 8. Paragraph (e) of subsection (1) of section  
721 458.331, Florida Statutes, is amended to read:

722 458.331 Grounds for disciplinary action; action by the  
723 board and department.—

724 (1) The following acts constitute grounds for denial of a  
725 license or disciplinary action, as specified in s. 456.072(2):

726 (e) Failing to report to the department any person who the  
727 licensee knows is in violation of this chapter or of the rules  
728 of the department or the board. However, a person who the  
729 licensee knows is unable to practice medicine with reasonable  
730 skill and safety to patients by reason of illness or use of  
731 alcohol, drugs, narcotics, chemicals, or any other type of  
732 material, or as a result of a mental or physical condition, may  
733 be reported to a consultant operating an impaired practitioner  
734 program as described in s. 456.076 rather than to the department  
735 ~~A treatment provider approved pursuant to s. 456.076 shall~~  
736 ~~provide the department or consultant with information in~~  
737 ~~accordance with the requirements of s. 456.076(4), (5), (6),~~  
738 ~~(7), and (9).~~

739 Section 9. Paragraph (e) of subsection (1) of section  
740 459.015, Florida Statutes, is amended to read:

741 459.015 Grounds for disciplinary action; action by the  
742 board and department.—

743 (1) The following acts constitute grounds for denial of a  
744 license or disciplinary action, as specified in s. 456.072(2):

745 (e) Failing to report to the department or the  
746 department's impaired professional consultant any person who the  
747 licensee or certificateholder knows is in violation of this  
748 chapter or of the rules of the department or the board. However,  
749 a person who the licensee knows is unable to practice  
750 osteopathic medicine with reasonable skill and safety to

751 patients by reason of illness or use of alcohol, drugs,  
 752 narcotics, chemicals, or any other type of material, or as a  
 753 result of a mental or physical condition, may be reported to a  
 754 consultant operating an impaired practitioner program as  
 755 described in s. 456.076 rather than to the department ~~A~~  
 756 ~~treatment provider, approved pursuant to s. 456.076, shall~~  
 757 ~~provide the department or consultant with information in~~  
 758 ~~accordance with the requirements of s. 456.076(4), (5), (6),~~  
 759 ~~(7), and (9).~~

760 Section 10. Paragraph (g) of subsection (1) of section  
 761 460.413, Florida Statutes, is amended to read:

762 460.413 Grounds for disciplinary action; action by board  
 763 or department.—

764 (1) The following acts constitute grounds for denial of a  
 765 license or disciplinary action, as specified in s. 456.072(2):

766 (g) Failing to report to the department any person who the  
 767 licensee knows is in violation of this chapter or of the rules  
 768 of the department or the board. However, a person who the  
 769 licensee knows is unable to practice chiropractic medicine with  
 770 reasonable skill and safety to patients by reason of illness or  
 771 use of alcohol, drugs, narcotics, chemicals, or any other type  
 772 of material, or as a result of a mental or physical condition,  
 773 may be reported to a consultant operating an impaired  
 774 practitioner program as described in s. 456.076 rather than to  
 775 the department.

776 Section 11. Paragraph (f) of subsection (1) of section  
 777 461.013, Florida Statutes, is amended to read:

778 461.013 Grounds for disciplinary action; action by the  
 779 board; investigations by department.—

780 (1) The following acts constitute grounds for denial of a  
 781 license or disciplinary action, as specified in s. 456.072(2):

782 (f) Failing to report to the department any person who the  
 783 licensee knows is in violation of this chapter or of the rules  
 784 of the department or the board. However, a person who the  
 785 licensee knows is unable to practice podiatric medicine with  
 786 reasonable skill and safety to patients by reason of illness or  
 787 use of alcohol, drugs, narcotics, chemicals, or any other type  
 788 of material, or as a result of a mental or physical condition,  
 789 may be reported to a consultant operating an impaired  
 790 practitioner program as described in s. 456.076 rather than to  
 791 the department.

792 Section 12. Paragraph (f) of subsection (1) of section  
 793 462.14, Florida Statutes, is amended to read:

794 462.14 Grounds for disciplinary action; action by the  
 795 department.—

796 (1) The following acts constitute grounds for denial of a  
 797 license or disciplinary action, as specified in s. 456.072(2):

798 (f) Failing to report to the department any person who the  
 799 licensee knows is in violation of this chapter or of the rules  
 800 of the department. However, a person who the licensee knows is



801 unable to practice naturopathic medicine with reasonable skill  
802 and safety to patients by reason of illness or use of alcohol,  
803 drugs, narcotics, chemicals, or any other type of material, or  
804 as a result of a mental or physical condition, may be reported  
805 to a consultant operating an impaired practitioner program as  
806 described in s. 456.076 rather than to the department.

807 Section 13. Paragraph (1) of subsection (1) of section  
808 463.016, Florida Statutes, is amended to read:

809 463.016 Grounds for disciplinary action; action by the  
810 board.—

811 (1) The following acts constitute grounds for denial of a  
812 license or disciplinary action, as specified in s. 456.072(2):

813 (1) Willfully failing to report any person who the  
814 licensee knows is in violation of this chapter or of rules of  
815 the department or the board. However, a person who the licensee  
816 knows is unable to practice optometry with reasonable skill and  
817 safety to patients by reason of illness or use of alcohol,  
818 drugs, narcotics, chemicals, or any other type of material, or  
819 as a result of a mental or physical condition, may be reported  
820 to a consultant operating an impaired practitioner program as  
821 described in s. 456.076 rather than to the department.

822 Section 14. Paragraph (k) of subsection (1) of section  
823 464.018, Florida Statutes, is amended to read:

824 464.018 Disciplinary actions.—

825 (1) The following acts constitute grounds for denial of a

826 license or disciplinary action, as specified in s. 456.072(2):  
 827 (k) Failing to report to the department any person who the  
 828 licensee knows is in violation of this part or of the rules of  
 829 the department or the board. However, a person who the licensee  
 830 knows is unable to practice nursing with reasonable skill and  
 831 safety to patients by reason of illness or use of alcohol,  
 832 drugs, narcotics, chemicals, or any other type of material, or  
 833 as a result of a mental or physical condition, may be reported  
 834 to a consultant operating an impaired practitioner program as  
 835 described in s. 456.076 rather than to the department; however,  
 836 ~~if the licensee verifies that such person is actively~~  
 837 ~~participating in a board-approved program for the treatment of a~~  
 838 ~~physical or mental condition, the licensee is required to report~~  
 839 ~~such person only to an impaired professionals consultant.~~  
 840 Section 15. Paragraph (c) of subsection (2) of section  
 841 464.204, Florida Statutes, is amended to read:  
 842 464.204 Denial, suspension, or revocation of  
 843 certification; disciplinary actions.-  
 844 (2) When the board finds any person guilty of any of the  
 845 grounds set forth in subsection (1), it may enter an order  
 846 imposing one or more of the following penalties:  
 847 (c) Imposition of probation or restriction of  
 848 certification, including conditions such as corrective actions  
 849 as retraining or compliance with the department's impaired  
 850 practitioner program operated by a consultant as described in s.

851 ~~456.076 an approved treatment program for impaired~~  
852 ~~practitioners.~~

853 Section 16. Paragraph (o) of subsection (1) of section  
854 465.016, Florida Statutes, is amended to read:

855 465.016 Disciplinary actions.—

856 (1) The following acts constitute grounds for denial of a  
857 license or disciplinary action, as specified in s. 456.072(2):

858 (o) Failing to report to the department any licensee under  
859 chapter 458 or under chapter 459 who the pharmacist knows has  
860 violated the grounds for disciplinary action set out in the law  
861 under which that person is licensed and who provides health care  
862 services in a facility licensed under chapter 395, or a health  
863 maintenance organization certificated under part I of chapter  
864 641, in which the pharmacist also provides services. However, a  
865 person who the licensee knows is unable to practice medicine or  
866 osteopathic medicine with reasonable skill and safety to  
867 patients by reason of illness or use of alcohol, drugs,  
868 narcotics, chemicals, or any other type of material, or as a  
869 result of a mental or physical condition, may be reported to a  
870 consultant operating an impaired practitioner program as  
871 described in s. 456.076 rather than to the department.

872 Section 17. Paragraph (f) of subsection (1) of section  
873 466.028, Florida Statutes, is amended to read:

874 466.028 Grounds for disciplinary action; action by the  
875 board.—

876 (1) The following acts constitute grounds for denial of a  
 877 license or disciplinary action, as specified in s. 456.072(2):

878 (f) Failing to report to the department any person who the  
 879 licensee knows, or has reason to believe, is clearly in  
 880 violation of this chapter or of the rules of the department or  
 881 the board. However, a person who the licensee knows, or has  
 882 reason to believe, is clearly unable to practice her or his  
 883 profession with reasonable skill and safety to patients by  
 884 reason of illness or use of alcohol, drugs, narcotics,  
 885 chemicals, or any other type of material, or as a result of a  
 886 mental or physical condition, may be reported to a consultant  
 887 operating an impaired practitioner program as described in s.  
 888 456.076 rather than to the department.

889 Section 18. Paragraph (h) of subsection (1) of section  
 890 467.203, Florida Statutes, is amended to read:

891 467.203 Disciplinary actions; penalties.—

892 (1) The following acts constitute grounds for denial of a  
 893 license or disciplinary action, as specified in s. 456.072(2):

894 (h) Failing to report to the department any person who the  
 895 licensee knows is in violation of this chapter or of the rules  
 896 of the department. However, a person who the licensee knows is  
 897 unable to practice midwifery with reasonable skill and safety to  
 898 patients by reason of illness or use of alcohol, drugs,  
 899 narcotics, chemicals, or any other type of material, or as a  
 900 result of a mental or physical condition, may be reported to a

901 consultant operating an impaired practitioner program as  
902 described in s. 456.076 rather than to the department.

903 Section 19. Paragraph (f) of subsection (1) of section  
904 468.217, Florida Statutes, is amended to read:

905 468.217 Denial of or refusal to renew license; suspension  
906 and revocation of license and other disciplinary measures.—

907 (1) The following acts constitute grounds for denial of a  
908 license or disciplinary action, as specified in s. 456.072(2):

909 (f) Failing to report to the department any person who the  
910 licensee knows is in violation of this part or of the rules of  
911 the department or of the board. However, a person who the  
912 licensee knows is unable to practice occupational therapy with  
913 reasonable skill and safety to patients by reason of illness or  
914 use of alcohol, drugs, narcotics, chemicals, or any other type  
915 of material, or as a result of a mental or physical condition,  
916 may be reported to a consultant operating an impaired  
917 practitioner program as described in s. 456.076 rather than to  
918 the department.

919 Section 20. Paragraph (n) of subsection (1) of section  
920 468.3101, Florida Statutes, is amended to read:

921 468.3101 Disciplinary grounds and actions.—

922 (1) The department may make or require to be made any  
923 investigations, inspections, evaluations, and tests, and require  
924 the submission of any documents and statements, which it  
925 considers necessary to determine whether a violation of this

926 part has occurred. The following acts shall be grounds for  
 927 disciplinary action as set forth in this section:

928 (n) Being terminated from an impaired practitioner program  
 929 operated by a consultant as described in s. 456.076 for failure  
 930 to comply, without good cause, with the terms of monitoring or a  
 931 participant contract entered into by the licensee, or for not  
 932 successfully completing a drug treatment or alcohol treatment  
 933 program ~~Failing to comply with the recommendations of the~~  
 934 ~~department's impaired practitioner program for treatment,~~  
 935 ~~evaluation, or monitoring. A letter from the director of the~~  
 936 ~~impaired practitioner program that the certificateholder is not~~  
 937 ~~in compliance shall be considered conclusive proof under this~~  
 938 ~~part.~~

939 Section 21. Section 474.221, Florida Statutes, is amended  
 940 to read:

941 474.221 Impaired practitioner provisions; applicability.—  
 942 Notwithstanding the transfer of the Division of Medical Quality  
 943 Assurance to the Department of Health or any other provision of  
 944 law to the contrary, veterinarians licensed under this chapter  
 945 shall be governed by the ~~treatment of~~ impaired practitioner  
 946 program provisions of s. 456.076 as if they were under the  
 947 jurisdiction of the Division of Medical Quality Assurance,  
 948 except that for veterinarians the Department of Business and  
 949 Professional Regulation shall, at its option, exercise any of  
 950 the powers granted to the Department of Health by that section,

951 and "board" shall mean board as defined in this chapter.

952 Section 22. Paragraph (o) of subsection (1) of section  
953 483.825, Florida Statutes, is amended to read:

954 483.825 Grounds for disciplinary action.—

955 (1) The following acts constitute grounds for denial of a  
956 license or disciplinary action, as specified in s. 456.072(2):

957 (o) Failing to report to the department a person or other  
958 licensee who the licensee knows is in violation of this chapter  
959 or the rules of the department or board adopted hereunder.  
960 However, a person or other licensee who the licensee knows is  
961 unable to perform or report on clinical laboratory examinations  
962 with reasonable skill and safety to patients by reason of  
963 illness or use of alcohol, drugs, narcotics, chemicals, or any  
964 other type of material, or as a result of a mental or physical  
965 condition, may be reported to a consultant operating an impaired  
966 practitioner program as described in s. 456.076 rather than to  
967 the department.

968 Section 23. Except as otherwise expressly provided in this  
969 act, this act shall take effect upon becoming a law.