



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; prohibiting the department from  
24          referring practitioners to consultants under certain  
25          circumstances; authorizing consultants to withhold



26 | certain information about self-reporting participants  
27 | from the department under certain circumstances;  
28 | requiring consultants to disclose all information  
29 | relating to practitioners who are terminated from the  
30 | program for specified reasons; providing that all  
31 | information obtained by a consultant retains its  
32 | confidential or exempt status; providing that  
33 | consultants, and certain agents of consultants, may  
34 | not be held liable financially or have a cause of  
35 | action for damages brought against them for disclosing  
36 | certain information or for any other act or omission  
37 | relating to the program; authorizing consultants to  
38 | contract with a school or program to provide services  
39 | to certain students; amending s. 456.0635, F.S.;  
40 | revising grounds for refusing to issue or renew a  
41 | license, certificate, or registration in a health care  
42 | profession; providing applicability; amending ss.  
43 | 401.411, 456.072, 457.109, 458.331, 459.015, 460.413,  
44 | 461.013, 462.14, 463.016, 464.018, 465.016, 466.028,  
45 | 467.203, 468.217, 468.3101, and 483.825, F.S.;  
46 | providing that an impaired practitioner may be  
47 | reported to a consultant rather than the department  
48 | under certain circumstances; amending ss. 455.227,  
49 | 464.204, and 474.221, F.S.; conforming provisions to  
50 | changes made by the act; providing effective dates.



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

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

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

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

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

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

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

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



76        (e) "Impairment" means a potentially impairing health  
77 condition that is the result of the misuse or abuse of alcohol,  
78 drugs, or both, or a mental or physical condition that could  
79 affect a practitioner's ability to practice with skill and  
80 safety.

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

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

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

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

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



101 chapter 461; chapter 462; chapter 463; chapter 464; chapter 465;  
102 chapter 466; chapter 467; part I, part II, part III, part V,  
103 part X, part XIII, or part XIV of chapter 468; chapter 478;  
104 chapter 480; part III or part IV of chapter 483; chapter 484;  
105 chapter 486; chapter 490; or chapter 491; or an applicant for a  
106 license, registration, or certification under the same laws.

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

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

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



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

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

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

142       (b)2. An entity that employs:

143       1.a. A medical director who is ~~must be a practitioner or~~  
144 ~~recovered practitioner~~ licensed under chapter 458 or chapter  
145 459; or

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

149       (3) The terms and conditions of the impaired practitioner  
150 program must be established by the department by contract with a



151 consultant for the protection of the health, safety, and welfare  
152 of the public and must provide, at a minimum, that the  
153 consultant:

154 (a) Accepts referrals;

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

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

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

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

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



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

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

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

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





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

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

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



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

247 (9) (a) (4) (a) Except as provided in paragraph (b), when  
248 ~~Whenever~~ the department receives a ~~written or oral~~ legally  
249 sufficient complaint alleging that a practitioner has an  
250 impairment ~~licensee under the jurisdiction of the Division of~~



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

- 264 1. The practitioner licensee has acknowledged the  
265 ~~impairment; problem.~~
- 266 2. The practitioner becomes a participant licensee ~~has~~  
267 ~~voluntarily enrolled in an impaired practitioner program and~~  
268 ~~successfully completes a participant contract under terms~~  
269 ~~established by the consultant; ~~appropriate, approved treatment~~~~  
270 ~~program.~~
- 271 3. The practitioner licensee has voluntarily withdrawn  
272 ~~from practice or has limited the scope of his or her practice if~~  
273 ~~as required by the consultant; ~~in each case, until such time as~~~~  
274 ~~the panel, or the department when there is no board, is~~  
275 ~~satisfied the licensee has successfully completed an approved~~



276 ~~treatment program.~~

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

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

294       (b) For a practitioner employed by a governmental entity  
295 who is also certified by the department pursuant to part III of  
296 chapter 401, the department may not refer the practitioner to  
297 the consultant, as described in paragraph (a), when the  
298 practitioner has already been referred by his or her employer to  
299 an employee assistance program used by the governmental entity.  
300 If the practitioner fails to satisfactorily complete the



301 employee assistance program or his or her employment is  
302 terminated, the employer shall immediately notify the  
303 department, which shall then refer the practitioner to the  
304 consultant as provided in paragraph (a).

305 (10) To encourage practitioners who are or may be impaired  
306 to voluntarily self-refer to a consultant, the consultant may  
307 not provide information to the department relating to a self-  
308 referring participant if the consultant has no knowledge of a  
309 pending department investigation, complaint, or disciplinary  
310 action against the participant and if the participant is in  
311 compliance and making progress with the terms of the impaired  
312 practitioner program and contract, unless authorized by the  
313 participant ~~If, however, the department has not received a~~  
314 ~~legally sufficient complaint and the licensee agrees to withdraw~~  
315 ~~from practice until such time as the consultant determines the~~  
316 ~~licensee has satisfactorily completed an approved treatment~~  
317 ~~program or evaluation, the probable cause panel, or the~~  
318 ~~department when there is no board, shall not become involved in~~  
319 ~~the licensee's case.~~

320 ~~(c) Inquiries related to impairment treatment programs~~  
321 ~~designed to provide information to the licensee and others and~~  
322 ~~which do not indicate that the licensee presents a danger to the~~  
323 ~~public shall not constitute a complaint within the meaning of s.~~  
324 ~~456.073 and shall be exempt from the provisions of this~~  
325 ~~subsection.~~



326 ~~(d) Whenever the department receives a legally sufficient~~  
327 ~~complaint alleging that a licensee is impaired as described in~~  
328 ~~paragraph (a) and no complaint against the licensee other than~~  
329 ~~impairment exists, the department shall forward all information~~  
330 ~~in its possession regarding the impaired licensee to the~~  
331 ~~consultant. For the purposes of this section, a suspension from~~  
332 ~~hospital staff privileges due to the impairment does not~~  
333 ~~constitute a complaint.~~

334 ~~(e) The probable cause panel, or the department when there~~  
335 ~~is no board, shall work directly with the consultant, and all~~  
336 ~~information concerning a practitioner obtained from the~~  
337 ~~consultant by the panel, or the department when there is no~~  
338 ~~board, shall remain confidential and exempt from the provisions~~  
339 ~~of s. 119.07(1), subject to the provisions of subsections (6)~~  
340 ~~and (7).~~

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

347 (10)(5) In any disciplinary action for a violation other  
348 than impairment in which a practitioner licensee establishes the  
349 violation for which the practitioner licensee is being  
350 prosecuted was due to or connected with impairment and further



351 establishes the practitioner licensee is satisfactorily  
352 progressing through or has successfully completed an impaired  
353 practitioner program ~~approved treatment program~~ pursuant to this  
354 section, such information may be considered by the board, or the  
355 department when there is no board, as a mitigating factor in  
356 determining the appropriate penalty. This subsection does not  
357 limit mitigating factors the board may consider.

358 (11) (a) (6) (a) Upon request by the consultant, and with the  
359 authorization of the practitioner when required by law, an  
360 approved evaluator, treatment program, or treatment provider  
361 ~~shall, upon request,~~ disclose to the consultant all information  
362 in its possession regarding a referral or participant ~~the issue~~  
363 ~~of a licensee's impairment and participation in the treatment~~  
364 ~~program. All information obtained by the consultant and~~  
365 ~~department pursuant to this section is confidential and exempt~~  
366 ~~from the provisions of s. 119.07(1), subject to the provisions~~  
367 ~~of this subsection and subsection (7).~~ Failure to provide such  
368 information to the consultant is grounds for withdrawal of  
369 approval of such evaluator, treatment program, or treatment  
370 provider.

371 (b) When a referral or participant is terminated from the  
372 impaired practitioner program for material noncompliance with a  
373 participant contract, inability to progress, or any other reason  
374 than completion of the program, the consultant shall disclose ~~if~~  
375 ~~in the opinion of the consultant, after consultation with the~~



376 ~~treatment provider, an impaired licensee has not progressed~~  
377 ~~satisfactorily in a treatment program, all information regarding~~  
378 ~~the issue of a licensee's impairment and participation in a~~  
379 ~~treatment program in the consultant's possession relating to the~~  
380 practitioner shall be disclosed to the department. Such  
381 disclosure shall constitute a complaint pursuant to the general  
382 provisions of s. 456.073. In addition, whenever the consultant  
383 concludes that impairment affects a practitioner's licensee's  
384 practice and constitutes an immediate, serious danger to the  
385 public health, safety, or welfare, the consultant shall  
386 immediately communicate such ~~that~~ conclusion ~~shall be~~  
387 ~~communicated~~ to the department and disclose all information in  
388 the consultant's possession relating to the practitioner to the  
389 department State Surgeon General.

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

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

396 (13) The provisions of s. 766.101 apply to any consultant  
397 and the consultant's directors, officers, employees, or agents  
398 in regards to providing information relating to a participant to  
399 a medical review committee if the participant authorizes such  
400 disclosure ~~officer, employee, or agent of the department or the~~





401 ~~board and to any officer, employee, or agent of any entity with~~  
402 ~~which the department has contracted pursuant to this section.~~

403 (14) (a) (8) (a) A consultant retained pursuant to this  
404 section and subsection (2), a consultant's directors, officers,  
405 and employees, or agents and those acting at the direction of  
406 ~~the consultant for the limited purpose of an emergency~~  
407 ~~intervention on behalf of a licensee or student as described in~~  
408 ~~subsection (2) when the consultant is unable to perform such~~  
409 ~~intervention~~ shall be considered agents of the department for  
410 purposes of s. 768.28 while acting within the scope of the  
411 consultant's duties under the contract with the department ~~if~~  
412 ~~the contract complies with the requirements of this section. The~~  
413 ~~contract must require that:~~

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

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

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

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

422 5. ~~The consultant operate under policies and procedures~~  
423 ~~approved by the department.~~

424 6. ~~The consultant provide to the department for approval a~~  
425 ~~policy and procedure manual that comports with all statutes,~~



426 ~~rules, and contract provisions approved by the department.~~

427 ~~7. The department be entitled to review the records~~  
428 ~~relating to the consultant's performance under the contract for~~  
429 ~~the purpose of management audits, financial audits, or program~~  
430 ~~evaluation.~~

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

433 ~~9. The department be entitled to terminate the contract~~  
434 ~~with the consultant for noncompliance with the contract.~~

435 (b) In accordance with s. 284.385, the Department of  
436 Financial Services shall defend any claim, suit, action, or  
437 proceeding, including a claim, suit, action, or proceeding for  
438 injunctive, affirmative, or declaratory relief, against the  
439 consultant, or the consultant's directors, officers, or  
440 employees, and agents, brought as the result of any action or  
441 omission relating to the impaired practitioner program ~~or those~~  
442 ~~acting at the direction of the consultant for the limited~~  
443 ~~purpose of an emergency intervention on behalf of a licensee or~~  
444 ~~student as described in subsection (2) when the consultant is~~  
445 ~~unable to perform such intervention, which claim, suit, action,~~  
446 ~~or proceeding is brought as a result of an act or omission by~~  
447 ~~any of the consultant's officers and employees and those acting~~  
448 ~~under the direction of the consultant for the limited purpose of~~  
449 ~~an emergency intervention on behalf of the licensee or student~~  
450 ~~when the consultant is unable to perform such intervention, if~~



451 ~~the act or omission arises out of and is in the scope of the~~  
452 ~~consultant's duties under its contract with the department.~~

453 (15)(e) ~~If a~~ the consultant retained by the department  
454 pursuant to this section subsection (2) is also retained by  
455 another any other state agency to operate an impaired  
456 practitioner program for that agency, this section also applies  
457 to the consultant's operation of an impaired practitioner  
458 program for that agency, and if the contract between such state  
459 agency and the consultant complies with the requirements of this  
460 section, the consultant, the consultant's officers and  
461 employees, and those acting under the direction of the  
462 consultant for the limited purpose of an emergency intervention  
463 on behalf of a licensee or student as described in subsection  
464 (2) when the consultant is unable to perform such intervention  
465 shall be considered agents of the state for the purposes of this  
466 section while acting within the scope of and pursuant to  
467 guidelines established in the contract between such state agency  
468 and the consultant.

469 (16)(9) A An impaired practitioner consultant is the  
470 official custodian of records relating to the referral of an  
471 impaired licensee or applicant to that consultant and any other  
472 interaction between the licensee or applicant and the  
473 consultant. The consultant may disclose to a referral or  
474 participant, or to the legal representative of the referral or  
475 participant, the documents, records, or other information from



476 | the consultant's file, including information received by the  
477 | consultant from other sources; information on the terms required  
478 | for the referral's or participant's monitoring contract, the  
479 | referral's or participant's progress or inability to progress,  
480 | or the referral's or participant's discharge or termination;  
481 | information supporting the conclusion of material noncompliance;  
482 | or any other information required by law ~~the impaired licensee~~  
483 | ~~or applicant or his or her designee any information that is~~  
484 | ~~disclosed to or obtained by the consultant or that is~~  
485 | ~~confidential under paragraph (6) (a), but only to the extent that~~  
486 | ~~it is necessary to do so to carry out the consultant's duties~~  
487 | ~~under this section. The department, and any other entity that~~  
488 | ~~enters into a contract with the consultant to receive the~~  
489 | ~~services of the consultant, has direct administrative control~~  
490 | ~~over the consultant to the extent necessary to receive~~  
491 | ~~disclosures from the consultant as allowed by federal law. If a~~  
492 | consultant discloses information to the department in accordance  
493 | with this part, a referral or participant, or his or her legal  
494 | representative, may obtain a complete copy of the consultant's  
495 | file from the consultant or ~~disciplinary proceeding is pending,~~  
496 | ~~an impaired licensee may obtain such information from the~~  
497 | ~~department under s. 456.073.~~

498 | (17) (a) The consultant may contract with a school or  
499 | program to provide impaired practitioner program services to a  
500 | student enrolled for the purpose of preparing for licensure as a



501 health care practitioner as defined in this chapter or as a  
502 veterinarian under chapter 474 if the student has or is  
503 suspected of having an impairment. The department is not  
504 responsible for paying for the care provided by approved  
505 treatment providers or approved treatment programs or for the  
506 services provided by a consultant to a student.

507 (b) A medical school accredited by the Liaison Committee  
508 on Medical Education or the Commission on Osteopathic College  
509 Accreditation, or another school providing for the education of  
510 students enrolled in preparation for licensure as a health care  
511 practitioner as defined in this chapter, or a veterinarian under  
512 chapter 474, which is governed by accreditation standards  
513 requiring notice and the provision of due process procedures to  
514 students, is not liable in any civil action for referring a  
515 student to the consultant retained by the department or for  
516 disciplinary actions that adversely affect the status of a  
517 student when the disciplinary actions are instituted in  
518 reasonable reliance on the recommendations, reports, or  
519 conclusions provided by such consultant, if the school, in  
520 referring the student or taking disciplinary action, adheres to  
521 the due process procedures adopted by the applicable  
522 accreditation entities and if the school committed no  
523 intentional fraud in carrying out the provisions of this  
524 section.

525 Section 2. Effective December 31, 2018, or upon enactment



526 of the Nurse Licensure Compact into law by 26 states, whichever  
527 occurs first, subsection (9) of section 456.076, Florida  
528 Statutes, as amended by section 2 of chapter 2016-139, Laws of  
529 Florida, is amended to read:

530 456.076 Impaired practitioner programs.—

531 ~~(16)(9) A An impaired practitioner consultant is the~~  
532 ~~official custodian of records relating to the referral of an~~  
533 ~~impaired licensee or applicant to that consultant and any other~~  
534 ~~interaction between the licensee or applicant and the~~  
535 ~~consultant. The consultant may disclose to a referral or~~  
536 participant, or to the legal representative of the referral or  
537 participant, the documents, records, or other information from  
538 the consultant's file, including information received by the  
539 consultant from other sources; information on the terms required  
540 for the referral's or participant's monitoring contract, the  
541 referral's or participant's progress or inability to progress,  
542 or the referral's or participant's discharge or termination;  
543 information supporting the conclusion of material noncompliance;  
544 or any other information required by law ~~the impaired licensee~~  
545 ~~or applicant or his or her designee any information that is~~  
546 ~~disclosed to or obtained by the consultant or that is~~  
547 ~~confidential under paragraph (6)(a), but only to the extent that~~  
548 ~~it is necessary to do so to carry out the consultant's duties~~  
549 ~~under this section. The department, and any other entity that~~  
550 ~~enters into a contract with the consultant to receive the~~



551 ~~services of the consultant, has direct administrative control~~  
552 ~~over the consultant to the extent necessary to receive~~  
553 ~~disclosures from the consultant as allowed by federal law.~~ The  
554 consultant must disclose to the department, upon the  
555 department's request, whether an applicant for a multistate  
556 license under s. 464.0095 is participating in a treatment  
557 program and must report to the department when a nurse holding a  
558 multistate license under s. 464.0095 enters a treatment program.  
559 A nurse holding a multistate license pursuant to s. 464.0095  
560 must report to the department within 2 business days after  
561 entering a treatment program pursuant to this section. If a  
562 consultant discloses information to the department in accordance  
563 with this part, a referral or participant, or his or her legal  
564 representative, may obtain a complete copy of the consultant's  
565 file from the consultant or disciplinary proceeding is pending,  
566 ~~an impaired licensee may obtain such information from the~~  
567 department under s. 456.073.

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

570 456.0635 Health care fraud; disqualification for license,  
571 certificate, or registration.—

572 (2) Each board within the jurisdiction of the department,  
573 or the department if there is no board, shall refuse to admit a  
574 candidate to any examination and refuse to issue a license,  
575 certificate, or registration to any applicant if the candidate



576 or applicant or any principal, officer, agent, managing  
577 employee, or affiliated person of the candidate or applicant:  
578 (a) Has been convicted of, or entered a plea of guilty or  
579 nolo contendere to, regardless of adjudication, a felony under  
580 chapter 409, chapter 817, or chapter 893, or a similar felony  
581 offense committed in another state or jurisdiction, unless the  
582 candidate or applicant has successfully completed a pretrial  
583 diversion or drug court program for that felony and provides  
584 proof that the plea has been withdrawn or the charges have been  
585 dismissed. Any such conviction or plea shall exclude the  
586 applicant or candidate from licensure, examination,  
587 certification, or registration unless the sentence and any  
588 subsequent period of probation for such conviction or plea  
589 ended:  
590 1. For felonies of the first or second degree, more than  
591 15 years before the date of application.  
592 2. For felonies of the third degree, more than 10 years  
593 before the date of application, except for felonies of the third  
594 degree under s. 893.13(6)(a).  
595 3. For felonies of the third degree under s. 893.13(6)(a),  
596 more than 5 years before the date of application;  
597 (b) Has been convicted of, or entered a plea of guilty or  
598 nolo contendere to, regardless of adjudication, a felony under  
599 21 U.S.C. ss. 801-970, or 42 U.S.C. ss. 1395-1396, unless the  
600 sentence and any subsequent period of probation for such





601 conviction or plea ended more than 15 years before the date of  
602 the application;

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

607 (d) Has been terminated for cause, pursuant to the appeals  
608 procedures established by the state, from any other state  
609 Medicaid program, unless the candidate or applicant has been in  
610 good standing with a state Medicaid program for the most recent  
611 5 years and the termination occurred at least 20 years before  
612 the date of the application; or

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

616

617 This subsection does not apply to an applicant for initial  
618 licensure, certification, or registration who was arrested or  
619 charged with a felony specified in paragraph (a) or paragraph  
620 (b) before July 1, 2009.

621 (3) The department shall refuse to renew a license,  
622 certificate, or registration of any applicant if the applicant  
623 or any principal, officer, agent, managing employee, or  
624 affiliated person of the applicant:

625 (a) Has been convicted of, or entered a plea of guilty or



626 nolo contendere to, regardless of adjudication, a felony under  
627 chapter 409, chapter 817, or chapter 893, or a similar felony  
628 offense committed in another state or jurisdiction, unless the  
629 applicant is currently enrolled in a pretrial diversion or drug  
630 court program that allows the withdrawal of the plea for that  
631 felony upon successful completion of that program. Any such  
632 conviction or plea excludes the applicant from licensure renewal  
633 unless the sentence and any subsequent period of probation for  
634 such conviction or plea ended:

635 1. For felonies of the first or second degree, more than  
636 15 years before the date of application.

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

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

642 (b) Has been convicted of, or entered a plea of guilty or  
643 nolo contendere to, regardless of adjudication, a felony under  
644 21 U.S.C. ss. 801-970, or 42 U.S.C. ss. 1395-1396 since July 1,  
645 2009, unless the sentence and any subsequent period of probation  
646 for such conviction or plea ended more than 15 years before the  
647 date of the application.

648 (c) Has been terminated for cause from the Florida  
649 Medicaid program pursuant to s. 409.913, unless the applicant  
650 has been in good standing with the Florida Medicaid program for



651 the most recent 5 years.

652 (d) Has been terminated for cause, pursuant to the appeals  
653 procedures established by the state, from any other state  
654 Medicaid program, unless the applicant has been in good standing  
655 with a state Medicaid program for the most recent 5 years and  
656 the termination occurred at least 20 years before the date of  
657 the application.

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

661

662 This subsection does not apply to an applicant for renewal of  
663 licensure, certification, or registration who was arrested or  
664 charged with a felony specified in paragraph (a) or paragraph  
665 (b) before July 1, 2009.

666 Section 4. Paragraph (1) of subsection (1) of section  
667 401.411, Florida Statutes, is amended to read:

668 401.411 Disciplinary action; penalties.—

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

673 (1) The failure to report to the department any person  
674 known to be in violation of this part. However, a professional  
675 known to be operating under this part without reasonable skill



676 and without regard for the safety of the public by reason of  
677 illness, drunkenness, or the use of drugs, narcotics, chemicals,  
678 or any other type of material, or as a result of a mental or  
679 physical condition, may be reported to a consultant operating an  
680 impaired practitioner program as described in s. 456.076 rather  
681 than to the department.

682 Section 5. Paragraph (u) of subsection (1) of section  
683 455.227, Florida Statutes, is amended to read:

684 455.227 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 (u) Termination from an impaired practitioner program a  
689 ~~treatment program for impaired practitioners~~ as described in s.  
690 456.076 for failure to comply, without good cause, with the  
691 terms of the monitoring or participant ~~treatment~~ contract  
692 entered into by the licensee or failing to successfully complete  
693 a drug or alcohol treatment program.

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

696 456.072 Grounds for discipline; penalties; enforcement.—

697 (1) The following acts shall constitute grounds for which  
698 the disciplinary actions specified in subsection (2) may be  
699 taken:

700 (i) Except as provided in s. 465.016, failing to report to



701 the department any person who the licensee knows is in violation  
702 of this chapter, the chapter regulating the alleged violator, or  
703 the rules of the department or the board. However, a person who  
704 the licensee knows is unable to practice with reasonable skill  
705 and safety to patients by reason of illness or use of alcohol,  
706 drugs, narcotics, chemicals, or any other type of material, or  
707 as a result of a mental or physical condition, may be reported  
708 to a consultant operating an impaired practitioner program as  
709 described in s. 456.076 rather than to the department.

710 (hh) Being terminated from an impaired practitioner  
711 program that a treatment program for impaired practitioners,  
712 ~~which~~ is overseen by a an impaired practitioner consultant as  
713 described in s. 456.076, for failure to comply, without good  
714 cause, with the terms of the monitoring or participant treatment  
715 contract entered into by the licensee, or for not successfully  
716 completing any drug treatment or alcohol treatment program.

717 Section 7. Paragraph (f) of subsection (1) of section  
718 457.109, Florida Statutes, is amended to read:

719 457.109 Disciplinary actions; grounds; action by the  
720 board.—

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

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



726 unable to practice acupuncture with reasonable skill and safety  
727 to patients by reason of illness or use of alcohol, drugs,  
728 narcotics, chemicals, or any other type of material, or as a  
729 result of a mental or physical condition, may be reported to a  
730 consultant operating an impaired practitioner program as  
731 described in s. 456.076 rather than to the department.

732 Section 8. Paragraph (e) of subsection (1) of section  
733 458.331, Florida Statutes, is amended to read:

734 458.331 Grounds for disciplinary action; action by the  
735 board and department.—

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

738 (e) Failing to report to the department any person who the  
739 licensee knows is in violation of this chapter or of the rules  
740 of the department or the board. However, a person who the  
741 licensee knows is unable to practice medicine with reasonable  
742 skill and safety to patients by reason of illness or use of  
743 alcohol, drugs, narcotics, chemicals, or any other type of  
744 material, or as a result of a mental or physical condition, may  
745 be reported to a consultant operating an impaired practitioner  
746 program as described in s. 456.076 rather than to the department  
747 ~~A treatment provider approved pursuant to s. 456.076 shall~~  
748 ~~provide the department or consultant with information in~~  
749 ~~accordance with the requirements of s. 456.076(4), (5), (6),~~  
750 ~~(7), and (9).~~



751 Section 9. Paragraph (e) of subsection (1) of section  
752 459.015, Florida Statutes, is amended to read:

753 459.015 Grounds for disciplinary action; action by the  
754 board and department.—

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

757 (e) Failing to report to the department or the  
758 department's impaired professional consultant any person who the  
759 licensee or certificateholder knows is in violation of this  
760 chapter or of the rules of the department or the board. However,  
761 a person who the licensee knows is unable to practice  
762 osteopathic medicine with reasonable skill and safety to  
763 patients by reason of illness or use of alcohol, drugs,  
764 narcotics, chemicals, or any other type of material, or as a  
765 result of a mental or physical condition, may be reported to a  
766 consultant operating an impaired practitioner program as  
767 described in s. 456.076 rather than to the department A  
768 ~~treatment provider, approved pursuant to s. 456.076, shall~~  
769 ~~provide the department or consultant with information in~~  
770 ~~accordance with the requirements of s. 456.076(4), (5), (6),~~  
771 ~~(7), and (9).~~

772 Section 10. Paragraph (g) of subsection (1) of section  
773 460.413, Florida Statutes, is amended to read:

774 460.413 Grounds for disciplinary action; action by board  
775 or department.—



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

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

788 Section 11. Paragraph (f) of subsection (1) of section  
789 461.013, Florida Statutes, is amended to read:

790 461.013 Grounds for disciplinary action; action by the  
791 board; investigations by department.-

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

794 (f) Failing to report to the department any person who the  
795 licensee knows is in violation of this chapter or of the rules  
796 of the department or the board. However, a person who the  
797 licensee knows is unable to practice podiatric medicine with  
798 reasonable skill and safety to patients by reason of illness or  
799 use of alcohol, drugs, narcotics, chemicals, or any other type  
800 of material, or as a result of a mental or physical condition,





801 may be reported to a consultant operating an impaired  
802 practitioner program as described in s. 456.076 rather than to  
803 the department.

804 Section 12. Paragraph (f) of subsection (1) of section  
805 462.14, Florida Statutes, is amended to read:

806 462.14 Grounds for disciplinary action; action by the  
807 department.—

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

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

819 Section 13. Paragraph (1) of subsection (1) of section  
820 463.016, Florida Statutes, is amended to read:

821 463.016 Grounds for disciplinary action; action by the  
822 board.—

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

825 (1) Willfully failing to report any person who the



826 | licensee knows is in violation of this chapter or of rules of  
827 | the department or the board. However, a person who the licensee  
828 | knows is unable to practice optometry with reasonable skill and  
829 | safety to patients by reason of illness or use of alcohol,  
830 | drugs, narcotics, chemicals, or any other type of material, or  
831 | as a result of a mental or physical condition, may be reported  
832 | to a consultant operating an impaired practitioner program as  
833 | described in s. 456.076 rather than to the department.

834 |       Section 14. Paragraph (k) of subsection (1) of section  
835 | 464.018, Florida Statutes, is amended to read:

836 |       464.018 Disciplinary actions.—

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

839 |       (k) Failing to report to the department any person who the  
840 | licensee knows is in violation of this part or of the rules of  
841 | the department or the board. However, a person who the licensee  
842 | knows is unable to practice nursing with reasonable skill and  
843 | safety to patients by reason of illness or use of alcohol,  
844 | drugs, narcotics, chemicals, or any other type of material, or  
845 | as a result of a mental or physical condition, may be reported  
846 | to a consultant operating an impaired practitioner program as  
847 | described in s. 456.076 rather than to the department; however,  
848 | ~~if the licensee verifies that such person is actively~~  
849 | ~~participating in a board-approved program for the treatment of a~~  
850 | ~~physical or mental condition, the licensee is required to report~~



851 ~~such person only to an impaired professionals consultant.~~

852 Section 15. Paragraph (c) of subsection (2) of section  
853 464.204, Florida Statutes, is amended to read:

854 464.204 Denial, suspension, or revocation of  
855 certification; disciplinary actions.—

856 (2) When the board finds any person guilty of any of the  
857 grounds set forth in subsection (1), it may enter an order  
858 imposing one or more of the following penalties:

859 (c) Imposition of probation or restriction of  
860 certification, including conditions such as corrective actions  
861 as retraining or compliance with the department's impaired  
862 practitioner program operated by a consultant as described in s.  
863 456.076 ~~an approved treatment program for impaired~~  
864 ~~practitioners.~~

865 Section 16. Paragraph (o) of subsection (1) of section  
866 465.016, Florida Statutes, is amended to read:

867 465.016 Disciplinary actions.—

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

870 (o) Failing to report to the department any licensee under  
871 chapter 458 or under chapter 459 who the pharmacist knows has  
872 violated the grounds for disciplinary action set out in the law  
873 under which that person is licensed and who provides health care  
874 services in a facility licensed under chapter 395, or a health  
875 maintenance organization certificated under part I of chapter



876 | 641, in which the pharmacist also provides services. However, a  
877 | person who the licensee knows is unable to practice medicine or  
878 | osteopathic medicine with reasonable skill and safety to  
879 | patients by reason of illness or use of alcohol, drugs,  
880 | narcotics, chemicals, or any other type of material, or as a  
881 | result of a mental or physical condition, may be reported to a  
882 | consultant operating an impaired practitioner program as  
883 | described in s. 456.076 rather than to the department.

884 | Section 17. Paragraph (f) of subsection (1) of section  
885 | 466.028, Florida Statutes, is amended to read:

886 | 466.028 Grounds for disciplinary action; action by the  
887 | board.—

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

890 | (f) Failing to report to the department any person who the  
891 | licensee knows, or has reason to believe, is clearly in  
892 | violation of this chapter or of the rules of the department or  
893 | the board. However, a person who the licensee knows, or has  
894 | reason to believe, is clearly unable to practice her or his  
895 | profession with reasonable skill and safety to patients by  
896 | reason of illness or use of alcohol, drugs, narcotics,  
897 | chemicals, or any other type of material, or as a result of a  
898 | mental or physical condition, may be reported to a consultant  
899 | operating an impaired practitioner program as described in s.  
900 | 456.076 rather than to the department.



901 Section 18. Paragraph (h) of subsection (1) of section  
902 467.203, Florida Statutes, is amended to read:

903 467.203 Disciplinary actions; penalties.—

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

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

915 Section 19. Paragraph (f) of subsection (1) of section  
916 468.217, Florida Statutes, is amended to read:

917 468.217 Denial of or refusal to renew license; suspension  
918 and revocation of license and other disciplinary measures.—

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

921 (f) Failing to report to the department any person who the  
922 licensee knows is in violation of this part or of the rules of  
923 the department or of the board. However, a person who the  
924 licensee knows is unable to practice occupational therapy with  
925 reasonable skill and safety to patients by reason of illness or



926 use of alcohol, drugs, narcotics, chemicals, or any other type  
927 of material, or as a result of a mental or physical condition,  
928 may be reported to a consultant operating an impaired  
929 practitioner program as described in s. 456.076 rather than to  
930 the department.

931 Section 20. Paragraph (n) of subsection (1) of section  
932 468.3101, Florida Statutes, is amended to read:

933 468.3101 Disciplinary grounds and actions.—

934 (1) The department may make or require to be made any  
935 investigations, inspections, evaluations, and tests, and require  
936 the submission of any documents and statements, which it  
937 considers necessary to determine whether a violation of this  
938 part has occurred. The following acts shall be grounds for  
939 disciplinary action as set forth in this section:

940 (n) Being terminated from an impaired practitioner program  
941 operated by a consultant as described in s. 456.076 for failure  
942 to comply, without good cause, with the terms of monitoring or a  
943 participant contract entered into by the licensee, or for not  
944 successfully completing a drug treatment or alcohol treatment  
945 program ~~Failing to comply with the recommendations of the~~  
946 ~~department's impaired practitioner program for treatment,~~  
947 ~~evaluation, or monitoring. A letter from the director of the~~  
948 ~~impaired practitioner program that the certificateholder is not~~  
949 ~~in compliance shall be considered conclusive proof under this~~  
950 ~~part.~~



951 Section 21. Section 474.221, Florida Statutes, is amended  
952 to read:

953 474.221 Impaired practitioner provisions; applicability.—  
954 Notwithstanding the transfer of the Division of Medical Quality  
955 Assurance to the Department of Health or any other provision of  
956 law to the contrary, veterinarians licensed under this chapter  
957 shall be governed by the ~~treatment of~~ impaired practitioner  
958 program provisions of s. 456.076 as if they were under the  
959 jurisdiction of the Division of Medical Quality Assurance,  
960 except that for veterinarians the Department of Business and  
961 Professional Regulation shall, at its option, exercise any of  
962 the powers granted to the Department of Health by that section,  
963 and "board" shall mean board as defined in this chapter.

964 Section 22. Paragraph (o) of subsection (1) of section  
965 483.825, Florida Statutes, is amended to read:

966 483.825 Grounds for disciplinary action.—

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

969 (o) Failing to report to the department a person or other  
970 licensee who the licensee knows is in violation of this chapter  
971 or the rules of the department or board adopted hereunder.

972 However, a person or other licensee who the licensee knows is  
973 unable to perform or report on clinical laboratory examinations  
974 with reasonable skill and safety to patients by reason of  
975 illness or use of alcohol, drugs, narcotics, chemicals, or any



CS/CS/HB 229, Engrossed 1

2017

976 | other type of material, or as a result of a mental or physical  
977 | condition, may be reported to a consultant operating an impaired  
978 | practitioner program as described in s. 456.076 rather than to  
979 | the department.

980 |       Section 23. Except as otherwise expressly provided in this  
981 | act, this act shall take effect upon becoming a law.