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CS/CS/HB 229, Engrossed 1

2017 Legislature

1
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

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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.

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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;

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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~~

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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

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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

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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~~

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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

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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~~

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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~~

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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

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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.~~

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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

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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~~

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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~~

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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,~~

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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

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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

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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

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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

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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~~

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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

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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

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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

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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

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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

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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

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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

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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).~~

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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.—

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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,

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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

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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~~

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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

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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.

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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

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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.~~

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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

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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.