



419466

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/20/2017	.	
	.	
	.	
	.	

Appropriations Subcommittee on Health and Human Services (Young)
recommended the following:

Senate Amendment

Delete lines 266 - 313
and insert:

(9) (a) ~~(4) (a)~~ Except as provided in paragraph (b), when
~~Whenever~~ the department receives a ~~written or oral~~ legally
sufficient complaint alleging that a practitioner has an
impairment ~~licensee under the jurisdiction of the Division of~~
~~Medical Quality Assurance within the department is impaired as a~~
~~result of the misuse or abuse of alcohol or drugs, or both, or~~



419466

11 ~~due to a mental or physical condition which could affect the~~
12 ~~licensee's ability to practice with skill and safety, and no~~
13 ~~complaint exists~~ against the practitioner licensee other than
14 ~~impairment exists~~, the department shall refer the practitioner
15 to the consultant, along with all information in the
16 department's possession relating to the impairment. The
17 impairment does reporting of such information shall not
18 constitute grounds for discipline pursuant to s. 456.072 or ~~the~~
19 ~~corresponding grounds for discipline within the applicable~~
20 ~~practice act if the probable cause panel of the appropriate~~
21 ~~board, or the department when there is no board, finds:~~

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

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

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 The practitioner licensee has voluntarily withdrawn from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

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



419466

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

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

52 (b) For practitioners who are employed by governmental
53 entities and who are also certified by the department pursuant
54 to part III of chapter 401, the department may not refer the
55 practitioner to the consultant if the practitioner is under a
56 referral by the practitioner's employer to an employee
57 assistance program through the governmental entity. If the
58 practitioner fails to satisfactorily complete the employee
59 assistance program or if his or her employment is terminated,
60 his or her employer must immediately notify the department,
61 which shall then refer the practitioner to the consultant as
62 required in in paragraph (a). For purposes of this paragraph,
63 the term "governmental entity" has the same meaning as provided
64 in s. 70.001(3)(c).

65 (c) To encourage practitioners who are or may be impaired