

By Senator Bean

4-00070-20

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1                   A bill to be entitled  
2       An act relating to the impaired practitioner program;  
3       amending s. 456.076, F.S.; creating the student  
4       evaluation program within the Department of Health for  
5       a specified purpose; providing program eligibility;  
6       requiring consultants to redact a student's personal  
7       identifying information and to forward the invoice for  
8       an evaluation to the department; requiring the  
9       department to pay the evaluator upon receipt of the  
10      invoice from the consultant; requiring the consultant  
11      to provide certain monthly reports to the department;  
12      providing for legislative approval of program funding  
13      from the Medical Quality Assurance Trust Fund;  
14      requiring that, if program funding is exhausted in a  
15      fiscal year, the program cease operations until  
16      additional funding becomes available; providing an  
17      effective date.

18  
19 Be It Enacted by the Legislature of the State of Florida:

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21       Section 1. Present subsection (18) of section 456.076,  
22       Florida Statutes, is renumbered, and a new subsection (18) is  
23       added to that section, to read:

24       456.076 Impaired practitioner programs.—

25       (18) A student evaluation program is created within the  
26       department to fund the evaluation of students who are preparing  
27       for licensure as practitioners and who have or are suspected of  
28       having an impairment that could affect a student's ability to  
29       practice with skill and safety if the student were licensed,

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30 registered, or certified. The purpose of the student evaluation  
31 program is to reduce risks to patients which are caused by  
32 impaired practice.

33 (a) All of the following conditions must be satisfied for a  
34 student to be eligible to participate in the student evaluation  
35 program:

36 1. The student must be enrolled in a school or program  
37 located in this state for the purpose of preparing for  
38 licensure, registration, or certification as a practitioner.

39 2. The student's school or program must have a contract in  
40 place with a consultant to provide impaired practitioner program  
41 services to its students, as provided in this section.

42 3. At the time of the referral to the consultant, the  
43 student must have or be suspected of having an impairment that  
44 could affect his or her ability to practice with skill and  
45 safety if he or she were licensed, registered, or certified.

46 4. The consultant must have required the student to be  
47 evaluated by an evaluator to determine whether the student has  
48 an impairment and whether treatment or other actions are  
49 necessary to ensure the student is safe to practice.

50 5. The student must be unable to afford the cost of the  
51 evaluation due to financial hardship, as determined by the  
52 student's school or program. For purposes of this subparagraph,  
53 a student is deemed to have a financial hardship if he or she is  
54 unemployed; is receiving payments under a federal or state  
55 public assistance program; has a monthly income that is at or  
56 below 150 percent of the federal income poverty level, as  
57 published annually by the United States Department of Health and  
58 Human Services; or does not have insurance that would fully fund

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59 the evaluation. The student's school or program is solely  
60 responsible for determining whether the student has a financial  
61 hardship and must consider the magnitude of the student's  
62 indebtedness. This eligibility determination is final and is not  
63 subject to review under chapter 120.

64 (b) After the student's eligibility for the student  
65 evaluation program has been determined and the evaluation has  
66 been completed, the consultant shall redact the student's  
67 personal identifying information and forward the invoice for the  
68 evaluation to the department. Upon receipt of the invoice, the  
69 department shall directly pay the evaluator.

70 (c) The consultant must provide to the department monthly  
71 reports relating to the student evaluation program which include  
72 the number of students who have been evaluated and, for each  
73 student, the cost of evaluation. For any eligible student  
74 participating in an impaired practitioner program, the reports  
75 must give the student's current status in the program, the  
76 student's expected completion date, the evaluator's name, and  
77 the evaluation date. Such reports may not contain any personal  
78 identifying information.

79 (d) Program funding must be made available each fiscal year  
80 from the Medical Quality Assurance Trust Fund, as provided by  
81 legislative appropriation or by an approved amendment to the  
82 department's operating budget pursuant to chapter 216. If  
83 available funding is exhausted in any fiscal year, the program  
84 must cease operations until additional funding becomes  
85 available.

86 (19) ~~(18)~~ (a) The consultant may contract with a school or  
87 program to provide impaired practitioner program services to a

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88 student enrolled for the purpose of preparing for licensure as a  
89 health care practitioner as defined in this chapter or as a  
90 veterinarian under chapter 474 if the student has or is  
91 suspected of having an impairment. The department is not  
92 responsible for paying for the care provided by approved  
93 treatment providers or approved treatment programs or for the  
94 services provided by a consultant to a student.

95 (b) A medical school accredited by the Liaison Committee on  
96 Medical Education or the Commission on Osteopathic College  
97 Accreditation, or another school providing for the education of  
98 students enrolled in preparation for licensure as a health care  
99 practitioner as defined in this chapter, or a veterinarian under  
100 chapter 474, which is governed by accreditation standards  
101 requiring notice and the provision of due process procedures to  
102 students, is not liable in any civil action for referring a  
103 student to the consultant retained by the department or for  
104 disciplinary actions that adversely affect the status of a  
105 student when the disciplinary actions are instituted in  
106 reasonable reliance on the recommendations, reports, or  
107 conclusions provided by such consultant, if the school, in  
108 referring the student or taking disciplinary action, adheres to  
109 the due process procedures adopted by the applicable  
110 accreditation entities and if the school committed no  
111 intentional fraud in carrying out the provisions of this  
112 section.

113 Section 2. This act shall take effect upon becoming a law.