

By Senator Bean

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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 a student
4 evaluation program within the Department of Health for
5 a specified purpose; providing program eligibility
6 requirements; requiring consultants to redact a
7 student's personal identifying information and to
8 forward the invoice for an evaluation to the
9 department; requiring the department to directly pay
10 the evaluator upon receipt of the invoice from the
11 consultant; requiring the consultant to provide
12 monthly reports to the department; providing
13 requirements for the reports; providing that funding
14 for the program shall be from the Medical Quality
15 Assurance Trust Fund, as provided by the Legislature;
16 providing that, if program funding is exhausted in a
17 fiscal year, the program must cease operations until
18 additional funding becomes available; providing an
19 effective date.

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

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23 Section 1. Subsection (19) is added to section 456.076,
24 Florida Statutes, to read:

25 456.076 Impaired practitioner programs.—

26 (19) A student evaluation program is created within the
27 department to fund the evaluation of students who are preparing
28 for licensure as practitioners and who have or are suspected of
29 having an impairment that could affect their ability to practice

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30 with skill and safety if they were licensed, registered, or
31 certified. The purpose of the program is to reduce risks to
32 patients which are caused by impaired practitioners.

33 (a) A student may participate in the student evaluation
34 program if all of the following conditions are met:

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

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

41 3. At the time of the school's or program's referral of the
42 student to the consultant, the student had or was suspected of
43 having an impairment that could affect his or her ability to
44 practice with skill and safety if he or she were licensed,
45 registered, or certified.

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

50 5. The student is 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 poverty level, as published
57 annually by the United States Department of Health and Human
58 Services; or does not have insurance that would fully cover the

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

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

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

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

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