

1 A bill to be entitled
 2 An act relating to treatment programs for impaired
 3 practitioners; amending s. 456.076, F.S.; revising
 4 requirements for program consultants; requiring
 5 consultants to provide treatment services for all health
 6 professions and occupations students alleged to be
 7 impaired; providing limited sovereign immunity for certain
 8 program consultants; requiring the Department of Legal
 9 Affairs to defend actions against program consultants;
 10 providing an effective date.

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

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 14 Section 1. Subsections (1) and (2) of section 456.076,
 15 Florida Statutes, are amended, and subsection (7) is added to
 16 that section, to read:

17 456.076 Treatment programs for impaired practitioners.--

18 (1) For professions that do not have impaired practitioner
 19 programs provided for in their practice acts, the department
 20 shall, by rule, designate approved impaired practitioner
 21 programs under this section. The department may adopt rules
 22 setting forth appropriate criteria for approval of treatment
 23 providers. The rules may specify the manner in which the
 24 consultant, retained as set forth in subsection (2), works with
 25 the department in intervention, requirements for evaluating and
 26 treating a professional, and requirements for ~~the~~ continued care
 27 and monitoring ~~of a professional~~ by the consultant ~~by an~~
 28 ~~approved treatment provider.~~

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29 (2) The department shall retain one or more impaired
30 practitioner consultants. A consultant shall be a licensee under
31 the jurisdiction of the Division of Medical Quality Assurance
32 within the department ~~who, and at least one consultant~~ must be a
33 practitioner or recovered practitioner licensed under chapter
34 458, chapter 459, or part I of chapter 464 or an entity that
35 employs a medical director who must be a practitioner or
36 recovered practitioner licensed under chapter 458, chapter 459,
37 or part I of chapter 464. The consultant shall assist the
38 probable cause panel and department in carrying out the
39 responsibilities of this section. This shall include working
40 with department investigators to determine whether a
41 practitioner is, in fact, impaired. The consultant shall also
42 provide, pursuant to contract with the department for
43 appropriate compensation, services for students enrolled in
44 schools for licensure under chapter 456 who are alleged to be
45 impaired as a result of the misuse or abuse of alcohol or drugs,
46 or both, or due to a mental or physical condition.

47 (7) (a) An impaired practitioner consultant, and its
48 officers, employees, and agents, retained pursuant to subsection
49 (2) shall be considered an agent of the department for purposes
50 of s. 768.28, while acting within the scope of its duties under
51 the contract with the department.

52 (b) The Department of Legal Affairs shall defend any
53 claim, suit, action, or proceeding against the consultant or its
54 officers, employees, or agents brought as a result of any act or
55 omission of action of any of its officers, employees, or agents

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56 | for an act or omission arising out of and in the scope of the
57 | consultant's duties under its contract with the department.

58 | Section 2. This act shall take effect July 1, 2007.