

Committee Substitute for Senate Bill No. 366

An act relating to health care practitioners; amending s. 456.072, F.S.; providing that a health care practitioner's failure to comply with the terms of a monitoring or treatment program for impaired practitioners or failure to complete any drug-treatment or alcohol-treatment program is an additional ground under which the practitioner is subject to discipline by the Department of Health or the board having jurisdiction over the practitioner; reenacting ss. 457.109(2), 458.331(2), 459.015(2), 460.413(2), 461.013(2), 462.14(2), 463.016(2), 464.018(2), 465.016(2), 466.028(2), 467.203(2), 468.1295(2), 468.1755(1)(a) and (2), 468.217(2), 468.365(2), 468.518(2), 468.719(2), 468.811(2), 478.52(2), 480.046(2), 483.825(2), 483.901(6)(h), 484.014(2), 484.056(1)(a) and (2)(a), 486.125(2), 490.009(2), and 491.009(2), F.S., relating to health care practice acts and similar regulatory provisions, to incorporate the amendment to s. 456.072, F.S., in references thereto; providing an effective date.

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

Section 1. Paragraph (gg) is added to subsection (1) of section 456.072, Florida Statutes, to read:

456.072 Grounds for discipline; penalties; enforcement.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(gg) Being terminated from a treatment program for impaired practitioners, which is overseen by an impaired practitioner consultant as described in s. 456.076, for failure to comply, without good cause, with the terms of the monitoring or treatment contract entered into by the licensee, or for not successfully completing any drug-treatment or alcohol-treatment program.

Section 2. For the purpose of incorporating the amendment made by this act to section 456.072, Florida Statutes, in a reference thereto, subsection (2) of section 457.109, Florida Statutes, is reenacted to read:

457.109 Disciplinary actions; grounds; action by the board.—

(2) The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1).

Section 3. For the purpose of incorporating the amendment made by this act to section 456.072, Florida Statutes, in a reference thereto, subsection (2) of section 458.331, Florida Statutes, is reenacted to read:

458.331 Grounds for disciplinary action; action by the board and department.—

(2) The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1). In determining what action is appropriate, the board must first consider what sanctions are necessary to protect the public or to compensate the patient. Only after those sanctions have been imposed may the disciplining authority consider and include in the order requirements designed to rehabilitate the physician. All costs associated with compliance with orders issued under this subsection are the obligation of the physician.

Section 4. For the purpose of incorporating the amendment made by this act to section 456.072, Florida Statutes, in a reference thereto, subsection (2) of section 459.015, Florida Statutes, is reenacted to read:

459.015 Grounds for disciplinary action; action by the board and department.—

(2) The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1). In determining what action is appropriate, the board must first consider what sanctions are necessary to protect the public or to compensate the patient. Only after those sanctions have been imposed may the disciplining authority consider and include in the order requirements designed to rehabilitate the physician. All costs associated with compliance with orders issued under this subsection are the obligation of the physician.

Section 5. For the purpose of incorporating the amendment made by this act to section 456.072, Florida Statutes, in a reference thereto, subsection (2) of section 460.413, Florida Statutes, is reenacted to read:

460.413 Grounds for disciplinary action; action by board or department.—

(2) The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1). In determining what action is appropriate, the board must first consider what sanctions are necessary to protect the public or to compensate the patient. Only after those sanctions have been imposed may the disciplining authority consider and include in the order requirements designed to rehabilitate the chiropractic physician. All costs associated with compliance with orders issued under this subsection are the obligation of the chiropractic physician.

Section 6. For the purpose of incorporating the amendment made by this act to section 456.072, Florida Statutes, in a reference thereto, subsection (2) of section 461.013, Florida Statutes, is reenacted to read:

461.013 Grounds for disciplinary action; action by the board; investigations by department.—

(2) The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1).

Section 7. For the purpose of incorporating the amendment made by this act to section 456.072, Florida Statutes, in a reference thereto, subsection (2) of section 462.14, Florida Statutes, is reenacted to read:

462.14 Grounds for disciplinary action; action by the department.—

(2) The department may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1).

Section 8. For the purpose of incorporating the amendment made by this act to section 456.072, Florida Statutes, in a reference thereto, subsection (2) of section 463.016, Florida Statutes, is reenacted to read:

463.016 Grounds for disciplinary action; action by the board.—

(2) The board may enter an order imposing any of the penalties in s. 456.072(2) against any licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1).

Section 9. For the purpose of incorporating the amendment made by this act to section 456.072, Florida Statutes, in a reference thereto, subsection (2) of section 464.018, Florida Statutes, is reenacted to read:

464.018 Disciplinary actions.—

(2) The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1).

Section 10. For the purpose of incorporating the amendment made by this act to section 456.072, Florida Statutes, in a reference thereto, subsection (2) of section 465.016, Florida Statutes, is reenacted to read:

465.016 Disciplinary actions.—

(2) The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1).

Section 11. For the purpose of incorporating the amendment made by this act to section 456.072, Florida Statutes, in a reference thereto, subsection (2) of section 466.028, Florida Statutes, is reenacted to read:

466.028 Grounds for disciplinary action; action by the board.—

(2) The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1).

Section 12. For the purpose of incorporating the amendment made by this act to section 456.072, Florida Statutes, in a reference thereto, subsection (2) of section 467.203, Florida Statutes, is reenacted to read:

467.203 Disciplinary actions; penalties.—

(2) The department may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1).

Section 13. For the purpose of incorporating the amendment made by this act to section 456.072, Florida Statutes, in a reference thereto, subsection (2) of section 468.1295, Florida Statutes, is reenacted to read:

468.1295 Disciplinary proceedings.—

(2) The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1).

Section 14. For the purpose of incorporating the amendment made by this act to section 456.072, Florida Statutes, in references thereto, paragraph (a) of subsection (1) and subsection (2) of section 468.1755, Florida Statutes, are reenacted to read:

468.1755 Disciplinary proceedings.—

(1) The following acts constitute grounds for denial of a license or disciplinary action, as specified in s. 456.072(2):

(a) Violation of any provision of s. 456.072(1) or s. 468.1745(1).

(2) The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1).

Section 15. For the purpose of incorporating the amendment made by this act to section 456.072, Florida Statutes, in a reference thereto, subsection (2) of section 468.217, Florida Statutes, is reenacted to read:

468.217 Denial of or refusal to renew license; suspension and revocation of license and other disciplinary measures.—

(2) The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1).

Section 16. For the purpose of incorporating the amendment made by this act to section 456.072, Florida Statutes, in a reference thereto, subsection (2) of section 468.365, Florida Statutes, is reenacted to read:

468.365 Disciplinary grounds and actions.—

(2) The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1).

Section 17. For the purpose of incorporating the amendment made by this act to section 456.072, Florida Statutes, in a reference thereto, subsection (2) of section 468.518, Florida Statutes, is reenacted to read:

468.518 Grounds for disciplinary action.—

(2) The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1).

Section 18. For the purpose of incorporating the amendment made by this act to section 456.072, Florida Statutes, in a reference thereto, subsection (2) of section 468.719, Florida Statutes, is reenacted to read:

468.719 Disciplinary actions.—

(2) The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1).

Section 19. For the purpose of incorporating the amendment made by this act to section 456.072, Florida Statutes, in a reference thereto, subsection (2) of section 468.811, Florida Statutes, is reenacted to read:

468.811 Disciplinary proceedings.—

(2) The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1).

Section 20. For the purpose of incorporating the amendment made by this act to section 456.072, Florida Statutes, in a reference thereto, subsection (2) of section 478.52, Florida Statutes, is reenacted to read:

478.52 Disciplinary proceedings.—

(2) The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1).

Section 21. For the purpose of incorporating the amendment made by this act to section 456.072, Florida Statutes, in a reference thereto, subsection (2) of section 480.046, Florida Statutes, is reenacted to read:

480.046 Grounds for disciplinary action by the board.—

(2) The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1).

Section 22. For the purpose of incorporating the amendment made by this act to section 456.072, Florida Statutes, in a reference thereto, subsection (2) of section 483.825, Florida Statutes, is reenacted to read:

483.825 Grounds for disciplinary action.—

(2) The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1).

Section 23. For the purpose of incorporating the amendment made by this act to section 456.072, Florida Statutes, in a reference thereto, paragraph (h) of subsection (6) of section 483.901, Florida Statutes, is reenacted to read:

483.901 Medical physicists; definitions; licensure.—

(6) LICENSE REQUIRED.—An individual may not engage in the practice of medical physics, including the specialties of diagnostic radiological physics, therapeutic radiological physics, medical nuclear radiological physics, or medical health physics, without a license issued by the department for the appropriate specialty.

(h) The department may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1).

Section 24. For the purpose of incorporating the amendment made by this act to section 456.072, Florida Statutes, in a reference thereto, subsection (2) of section 484.014, Florida Statutes, is reenacted to read:

484.014 Disciplinary actions.—

(2) The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1).

Section 25. For the purpose of incorporating the amendment made by this act to section 456.072, Florida Statutes, in references thereto, para-

graph (a) of subsection (1) and paragraph (a) of subsection (2) of section 484.056, Florida Statutes, are reenacted to read:

484.056 Disciplinary proceedings.—

(1) The following acts constitute grounds for denial of a license or disciplinary action, as specified in s. 456.072(2):

(a) Violation of any provision of s. 456.072(1), s. 484.0512, or s. 484.053.

(2)(a) The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1).

Section 26. For the purpose of incorporating the amendment made by this act to section 456.072, Florida Statutes, in a reference thereto, subsection (2) of section 486.125, Florida Statutes, is reenacted to read:

486.125 Refusal, revocation, or suspension of license; administrative fines and other disciplinary measures.—

(2) The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1).

Section 27. For the purpose of incorporating the amendment made by this act to section 456.072, Florida Statutes, in a reference thereto, subsection (2) of section 490.009, Florida Statutes, is reenacted to read:

490.009 Discipline.—

(2) The department, or in the case of psychologists, the board, may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1).

Section 28. For the purpose of incorporating the amendment made by this act to section 456.072, Florida Statutes, in a reference thereto, subsection (2) of section 491.009, Florida Statutes, is reenacted to read:

491.009 Discipline.—

(2) The department, or, in the case of psychologists, the board, may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1).

Section 29. This act shall take effect July 1, 2005.

Approved by the Governor June 17, 2005.

Filed in Office Secretary of State June 17, 2005.