



Committee on Health Quality

**Tuesday, January 22, 2008
9:00 AM – 11:20 AM
306 HOB**

AMENDED

COMMITTEE ACTION PACKET

COMMITTEE MEETING REPORT

Committee on Health Quality

1/22/2008 9:00:00AM

Location: 306 HOB

AMENDED

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Gayle Harrell (Chair)	X		
Larry Cretul	X		
Audrey Gibson	X		
D. Alan Hays	X		
Doug Holder	X		
Matt Hudson	X		
Paige Kreegel	X		
Julio Robaina	X		
Robert Schenck	X		
Kelly Skidmore	X		
Darren Soto	X		
Totals:	11	0	0

Committee meeting was reported out: Tuesday, January 22, 2008 3:56:20PM

COMMITTEE MEETING REPORT

Committee on Health Quality

1/22/2008 9:00:00AM

Location: 306 HOB

AMENDED

HB 243 : Automated External Defibrillators

<input checked="" type="checkbox"/>	Favorable With Recommended Council Substitute				
	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Larry Cretul	X				
Audrey Gibson	X				
D. Alan Hays	X				
Doug Holder	X				
Matt Hudson	X				
Paige Kreegel	X				
Julio Robaina	X				
Robert Schenck	X				
Kelly Skidmore	X				
Darren Soto	X				
Gayle Harrell (Chair)	X				
Total Yeas: 11		Total Nays: 0			

Appearances:

Automated External Defibrillators

Paul Jess (Lobbyist) - Opponent

Florida Justice Association
218 South Monroe Street
Tallahassee Florida 32301
Phone: 850-224-9403

Automated External Defibrillators

James Mosteller (Lobbyist) - Proponent

American Heart Association
317 E Park Avenue
Tallahassee Florida 32301
Phone: 850-692-3166

Automated External Defibrillators

Warren Husband (Lobbyist) - Proponent

Florida Chamber of Commerce & Fl Rest. & Lodging Assoc.
P.O. Box 10909
Tallahassee Florida 32302
Phone: 850-205-9000

Committee meeting was reported out: Tuesday, January 22, 2008 3:56:20PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. 0243

COUNCIL/COMMITTEE ACTION

ADOPTED	<input type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

1 Council/Committee hearing bill: Committee on Health Quality
2 Representative Anderson offered the following:

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Amendment

Remove lines 27-29 and insert:

automated external defibrillator proficiency to any of its
employees

COMMITTEE MEETING REPORT

Committee on Health Quality

1/22/2008 9:00:00AM

Location: 306 HOB

AMENDED

HB 341 : Treatment Programs for Impaired Practitioners

<input checked="" type="checkbox"/> Favorable With Recommended Council Substitute	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Larry Cretul	X				
Audrey Gibson	X				
D. Alan Hays	X				
Doug Holder	X				
Matt Hudson	X				
Paige Kreegel			X		
Julio Robaina	X				
Robert Schenck	X				
Kelly Skidmore	X				
Darren Soto	X				
Gayle Harrell (Chair)	X				
Total Yeas: 10		Total Nays: 0			

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. 0341

COUNCIL/COMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	<u>Y</u>	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Council/Committee hearing bill: Committee on Health Quality
2 Representative Holder offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

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

456.076 Treatment programs for impaired practitioners.--

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

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

21 (2) The department shall retain one or more impaired
22 practitioner consultants. The A consultant shall be either a
23 licensee under the jurisdiction of the Division of Medical
24 Quality Assurance within the department who, and at least one
25 consultant must be a practitioner or recovered practitioner
26 licensed under chapter 458, chapter 459, or part I of chapter
27 464 or an entity that employs a medical director who must be a
28 practitioner or recovered practitioner licensed under chapter
29 458, chapter 459, or part I of chapter 464. The consultant shall
30 assist the probable cause panel and department in carrying out
31 the responsibilities of this section. This shall include working
32 with department investigators to determine whether a
33 practitioner is, in fact, impaired. The department may contract
34 with the consultant, for appropriate compensation, for services
35 to be provided, if requested by the school, for students
36 enrolled in schools in preparation for licensure as allopathic
37 physicians under chapter 458 or osteopathic physicians under
38 chapter 459 who are alleged to be impaired as a result of the
39 misuse or abuse of alcohol or drugs, or both, or due to a mental
40 or physical condition. No medical school accredited by the
41 Liaison Committee on Medical Education or Commission on
42 Osteopathic College Accreditation, or other school that provides
43 for the education of students enrolled in preparation for
44 licensure as allopathic physicians under chapter 458 or
45 osteopathic physicians under chapter 459, which is governed by
46 accreditation standards that require notice and the provision of
47 due process procedures to students shall be held liable in any
48 civil action for referring a student to the consultant retained
49 by the department or for disciplinary actions that adversely
50 affect the status of a student when the disciplinary actions are

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Amendment No. 1

51 instituted in reasonable reliance on the recommendations,
52 reports, or conclusions provided by such consultant, provided
53 that the school, in referring the student or taking disciplinary
54 action, adheres to the due process procedures adopted by the
55 applicable accreditation entities and provided that the school
56 committed no intentional fraud in carrying out the provisions of
57 this section.

58 (7) (a) A consultant retained pursuant to subsection (2),
59 and its officers and employees and those acting at the direction
60 of the consultant for the limited purpose of an emergency
61 intervention of a licensee or student as described in subsection
62 (2) when the consultant is unable to perform such intervention,
63 shall be considered agents of the department for purposes of s.
64 768.28 while acting within the scope of the contractor's duties
65 under the contract with the department if the contract complies
66 with the requirements of this section. The contract must
67 provide:

68 1. That the consultant establish a quality assurance
69 program to monitor services delivered under the contract.

70 2. That the consultant's quality assurance program,
71 treatment, and monitoring records be evaluated quarterly.

72 3. That the consultant's quality assurance program be
73 subject to review and approval by the department.

74 4. That the consultant operate under policies and
75 procedures approved by the department.

76 5. That the consultant provide to the department for
77 approval a policy and procedure manual that comports with all
78 statutes, rules, and contract provisions approved by the
79 department.

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Amendment No. 1

80 6. That the department be entitled to review the records
81 relating to the consultant's performance under the contract for
82 the purpose of management audits, financial audits, or program
83 evaluation.

84 7. That all performance measures and standards be subject
85 to verification and approval by the department.

86 8. That the department be entitled to terminate the
87 contract with the consultant for noncompliance with the
88 contract.

89 (b) In accordance with s. 284.385, the Department of
90 Financial Services shall defend any claim, suit, action, or
91 proceeding against the consultant, or its officers or employees
92 or those acting at the direction of the consultant for the
93 limited purpose of an emergency intervention of a licensee or
94 student as described in subsection (2) when the consultant is
95 unable to perform such intervention, brought as a result of any
96 act or omission of action of any of its officers and employees
97 and those acting at the direction of the consultant for the
98 limited purpose of an emergency intervention of a licensee or
99 student as described in subsection (2) when the consultant is
100 unable to perform such intervention, when such act or omission
101 arises out of and in the scope of the consultant's duties under
102 its contract with the department.

103 (c) If the consultant retained pursuant to subsection (2)
104 is retained by any other state agency, and if the contract
105 between such state agency and the consultant complies with the
106 requirements of this section, then the consultant, and its
107 officers and employees and those acting at the direction of the
108 consultant for the limited purpose of an emergency intervention
109 of a licensee or student as described in subsection (2) when the

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

110 consultant is unable to perform such intervention, shall be
111 considered agents of the state for the purposes of this section,
112 while acting within the scope of and pursuant to guidelines
113 established in the contract between such state agency and the
114 consultant.

115 Section 2. This act shall take effect July 1, 2008.
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119 **T I T L E A M E N D M E N T**

120 Remove the entire title and insert:

121 A bill to be entitled

122 An act relating to treatment programs for impaired
123 practitioners; amending s. 456.076, F.S.; revising
124 requirements for program consultants; authorizing the
125 Department of Health to contract with consultants to
126 provide treatment services for allopathic and osteopathic
127 physician students alleged to be impaired; providing for
128 absence of liability in civil actions of certain schools
129 for referring students to such consultants or taking
130 certain actions without intentional fraud; providing
131 limited sovereign immunity for certain program consultants
132 under specific contractual conditions; requiring the
133 Department of Financial Services to defend actions against
134 program consultants; providing an effective date.
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Committee on Health Quality

1/22/2008 9:00:00AM

Location: 306 HOB

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Other Business Appearance:

C E Tracking

Lucy Gee (State Employee) (At Request Of Chair) - Information Only
Dept of Health
4052 Bald Cypress Way
Tallahassee Florida 32399
Phone: 850-245-4224

Code 15

Beth Eastman (State Employee) (At Request Of Chair) - Information Only
Agency For Healthcare Administration
2727 Mahan Drive
Tallahassee Florida 32308
Phone: 850-922-5584

Comprehensive Statewide Tobacco Education

Kimberly Berfield (State Employee) (At Request Of Chair) - Information Only
Dept of Health
4052 Bald Cypress Way
Tallahassee Florida 32399
Phone: 850-245-4011

Comprehensive Statewide Tobacco Education

Curtis Zimmerman - Information Only
The Zimmerman Agency
7165 Heartland Circle
Tallahassee Florida 32312
Phone: 850-894-2624

Comprehensive Statewide Tobacco Education

Carrie Zimmerman - Information Only
The Zimmerman Agency
7165 Heartland Circle
Tallahassee Florida 32312
Phone: 850-668-2222

Comprehensive Statewide Tobacco Education

Matthew Thompson - Information Only
The Zimmerman Agency
1821 Miccosukee Commons
Tallahassee Florida 32308
Phone: 850-668-2222

Comprehensive Statewide Tobacco Education

Monica Corbett - Information Only
The Zimmerman Agency
1821 Miccosukee Commons
Tallahassee Florida 32308
Phone: 850-668-2222

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Comprehensive Statewide Tobacco Education
Karen Cardona - Information Only
The Zimmerman Agency
1821 Miccosukee Commons
Tallahassee Florida 32308
Phone: 850-668-2222

Comprehensive Statewide Tobacco Education
Hector Holguin - Information Only
The Zimmerman Agency
1821 Miccosukee Commons
Tallahassee Florida 32308
Phone: 850-668-2222

HIMSS

Carol R Selvey (At Request Of Chair) - Information Only
Central and North Florida HIMSS Chapter
10020 Cherry Hills Avenue Circle
Bradenton Florida 34202
Phone: 941-355-7766

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Summary:

Committee on Health Quality

Tuesday January 22, 2008 09:00 am

HB 243 Favorable With Recommended Council Substitute Yeas: 11 Nays: 0

HB 341 Favorable With Recommended Council Substitute Yeas: 10 Nays: 0

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