

655—19.4(272C) Eligibility.

19.4(1) *Self-report.* An applicant or a licensee shall provide a written self-report of an impairment or potential impairment directly to the program.

19.4(2) *Board referral.* The board may refer an applicant or licensee to the program if a complaint or investigation reveals an impairment or potential impairment and the board determines that the individual is an appropriate candidate for review by the INAPC. The board may refer a licensee to the program in a public disciplinary order or other public order.

19.4(3) *Review by the INAPC.* The INAPC will determine on a case-by-case basis whether an applicant or licensee who self-reports or is referred by the board is an appropriate candidate for participation in the program. Several factors may lead to the INAPC's determination that an applicant or licensee is ineligible to participate in the program, including but not limited to if the committee finds sufficient evidence that the applicant or licensee:

- a. Diverted drugs for distribution to third parties or for personal profit;
- b. Adulterated, misbranded, or otherwise tampered with drugs intended for a patient;
- c. Provided inaccurate, misleading, or fraudulent information or failed to fully cooperate with the INAPC;
- d. Participated in the program, or similar programs offered by other states, without success; or
- e. Fails to sign a contract when recommended by the INAPC.

19.4(4) *Discretion.* Eligibility to participate in the program is at the sole discretion of the INAPC. No person is entitled to participate in the program.

19.4(5) *Authority and jurisdiction of the board over participants.*

a. A participant's entrance into an initial agreement or contract with the INAPC does not divest the board of its authority or jurisdiction over the participant.

b. A participant's entrance into an initial agreement or contract with the INAPC specifically does not divest the board of its authority or jurisdiction to impose discipline against a participant who receives a criminal conviction or discipline from another state's licensing agency, regardless of whether the conduct resulting in the conviction or out-of-state discipline is related to the participant's impairment, and regardless of whether the conviction or out-of-state discipline occurred prior to or after the participant entered into the initial agreement or contract with the INAPC.

c. Participants may be eligible to continue participating in the program, subject to the INAPC's discretion, while being subject to investigation or discipline by the board for conduct unrelated to the participant's impairment.

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