

657—30.4(272C) Eligibility.

30.4(1) *Self-report.* An applicant or a licensee shall self-report an impairment or potential impairment directly to the program.

30.4(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 applicant or licensee is an appropriate candidate for review by the committee. The board may refer a licensee to the program in a public disciplinary order or other public order.

30.4(3) *Review by the committee.* The committee 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 committee'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 committee;
- d. Participated in the program, or a similar program offered by another state, without success; or
- e. Failed to sign an initial agreement or a contract when offered by the committee.

30.4(4) *Discretion.* Eligibility of a person to participate in the program is at the sole discretion of the committee. No person is entitled to participate in the program.

30.4(5) *Authority and jurisdiction.* Participation in the program does not divest the board of its authority or jurisdiction over the participant. A participant with an impairment or potential impairment may be eligible to participate in the program while being subject to investigation or discipline by the board for matters other than the alleged impairment.

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