

**641—193.4(272C) Eligibility.**

**193.4(1) *Eligibility.*** To be eligible for participation in the program, a prospective participant must self-report or be referred by the board for an impairment or potential impairment. The committee will determine for each self-report or referral whether the prospective participant is an appropriate candidate for participation in the program. A prospective participant is ineligible if the committee finds sufficient evidence that the prospective participant:

- a.* Diverted medication for distribution to third parties or for personal profit;
- b.* Adulterated, misbranded, or otherwise tampered with medication intended for a patient;
- c.* Provided inaccurate, misleading, or fraudulent information or failed to fully cooperate with the committee; or
- d.* Caused injury or harm to a patient or client.

**193.4(2) *Board referral.*** The board may refer a licensee to the program privately, in a public disciplinary order, or other public order if a complaint or investigation reveals an impairment or potential impairment or the board determines that the licensee is an appropriate candidate for review by the committee.

**193.4(3) *Discretion.*** Eligibility for participation in the program is at the sole discretion of the committee. No person is entitled to participate in the program.

**193.4(4) *Limitations.*** The committee establishes the terms and monitors a participant's compliance with the program specified in the contract. The committee is not responsible for participants who fail to comply with the terms of the program or successfully complete the program. Participation in the program shall not relieve the participant's board of any duties nor divest the board of any authority or jurisdiction otherwise provided. Any violation of the statutes or rules governing the practice of the participant's profession and unrelated to their impairment will be referred to the board for appropriate action.

[ARC 7753C, IAB 4/3/24, effective 5/8/24]