

653—14.11(272C) Board referrals to the Iowa physician health committee.

14.11(1) Eligibility for board referral to IPHP. The board may refer to the IPHP a licensee or applicant for whom the following circumstances apply:

- a. The applicant or licensee has an impairment as defined in rule 653—14.2(272C).
- b. The board determines that the applicant or licensee is an appropriate candidate for participation in the IPHP.

NOTE: A licensee who is the subject of a formal board disciplinary order relating to an impairment must demonstrate a sufficient period of compliance with the disciplinary order before referral to the IPHC.

- c. The IPHC determines that the applicant or licensee is an appropriate candidate for participation in the IPHP.

14.11(2) Referral process.

- a. Determination of whether an applicant or licensee is appropriate for referral to the IPHP is in the sole discretion of the board. Upon the board's approval, a referral shall be made to the IPHP and board staff shall provide relevant information about the applicant or licensee to the IPHC.

- b. The IPHC shall make a determination whether the applicant or licensee is an appropriate candidate for participation in the IPHP. Upon this determination, the IPHC shall offer the referred applicant or licensee a health contract which provides a detailed description of the goals of the program, the requirements for successful participation, and the applicant's or licensee's obligations therein. See 653—14.6(272C).

- c. If the IPHC finds that the applicant or licensee is not an appropriate candidate for participation in the IPHP or if the applicant or licensee fails to sign the health contract in the time period specified by the IPHC, the IPHC shall notify the board promptly.

- d. When the referred applicant or licensee signs the contract, the IPHC shall notify the board that the applicant or licensee is an appropriate candidate for participation in the IPHP and that the referral has been finalized.

- e. Upon notification that the referral has been finalized for a licensee who is the subject of a formal board disciplinary order relating to the impairment, the board shall file an order referring the licensee to the IPHP, and that order shall be a public record.

- f. The IPHC shall notify the board upon the licensee's successful completion of the program. The board shall file an order recognizing the licensee's successful completion of the program, and that order shall be a public record.

- g. Referral of an applicant or licensee by the board to the IPHP shall not relieve the board of any duties of the board and shall not divest the board of any authority or jurisdiction otherwise provided. Upon referral, the applicant or licensee shall be subject to the provisions of 653—Chapter 14. Specifically, the applicant or licensee shall be subject to board review and potential formal disciplinary action pursuant to subrule 14.7(2) for noncompliance with the provisions of the IPHP health contract.

14.11(3) Investigation and disciplinary action on referrals. Referral of an applicant or licensee to the IPHP does not prevent the board from conducting a disciplinary investigation of the applicant or licensee, or prevent the board from initiating disciplinary action against the licensee for violations other than impairment. If the board initiates disciplinary action against a licensee for violations other than impairment, the board may include information about a licensee's participation in the IPHP in the statement of charges, settlement agreement and final order, or order following hearing, if necessary to address impairment issues related to the violations which are the subject of the disciplinary action.