

641—193.1(272C) Impaired practitioner review committee. Pursuant to the authority of Iowa Code section 272C.3(1) “k,” the department establishes the impaired practitioner review committee.

193.1(1) Definitions.

“Committee” means the impaired practitioner review committee.

“Contract” means the written document establishing the terms for participation in the impaired practitioner program prepared by the committee.

“Impairment” means an inability to practice with reasonable safety and skill as a result of alcohol or drug abuse, dependency, or addiction, or any neuropsychological or physical disorder or disability.

“Practitioner” means a person licensed under Iowa Code chapter 147, 148C, 149, 152B, 152C, 152D, 154A, or 155.

“Self-report” means the licensee’s providing written or oral notification to the board that the licensee has been or may be diagnosed as having an impairment prior to the board’s receiving a complaint or report alleging the same from a second party.

193.1(2) Purpose. The impaired practitioner review committee evaluates, assists, monitors and, as necessary, makes reports to the board on the recovery or rehabilitation of practitioners who self-report impairments.

193.1(3) Composition of the committee. The chairperson of the board shall appoint the members of the committee. The membership of the committee includes, but is not limited to:

a. One practitioner, licensed under the same board or similar professional licensing board who has remained free of addiction for a period of no less than two years since successfully completing a board-approved recovery program and board-ordered probation for drug or alcohol dependency, addiction, or abuse;

b. One practitioner with expertise in substance abuse/addiction treatment programs;

c. One public member of the board.

193.1(4) Eligibility. To be eligible for participation in the impaired practitioner recovery program, a licensee must meet all the following criteria:

a. The licensee must self-report an impairment or suspected impairment directly to the office of the board.

b. The licensee must not have engaged in the unlawful diversion or distribution of controlled substances or illegal substances.

c. At the time of the self-report, the licensee must not already be under board order for an impairment of any other violation of the laws and rules governing the practice of the profession.

d. The licensee has not caused harm or injury to a client.

e. There is currently no board investigation of the licensee that the committee determines concerns serious matters related to the ability to practice with reasonable safety and skill or in accordance with the accepted standards of care.

f. The licensee has not been subject to a civil or criminal sanction, or ordered to make reparations or remuneration by a government or regulatory authority of the United States, this or any other state or territory or a foreign nation for actions that the committee determines to be serious infractions of the laws, administrative rules, or professional ethics related to the practice of the licensee’s profession.

g. The licensee has provided truthful information and fully cooperated with the board or committee.

193.1(5) Meetings. The committee shall meet as necessary in order to review licensee compliance, develop consent agreements for new referrals, and determine eligibility for continued monitoring.

193.1(6) Terms of participation. A licensee shall agree to comply with the terms for participation in the impaired practitioner program established in a contract. Conditions placed upon the licensee and the duration of the monitoring period shall be established by the committee and communicated to the licensee in writing.

193.1(7) Noncompliance. Failure to comply with the provisions of the agreement shall require the committee to make immediate referral of the matter to the board for possible disciplinary action.

193.1(8) Practice restrictions. The committee may impose restrictions on the licensee’s practice as a term of the contract until such time as it receives a report from an approved evaluator that the licensee

is capable of practicing with reasonable safety and skill. As a condition of participating in the program, a licensee is required to agree to restricted practice in accordance with the terms specified in the contract. In the event that the licensee refuses to agree to or comply with the restrictions established in the contract, the committee shall refer the licensee to the board for appropriate action.

193.1(9) *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 or successfully complete the impaired practitioner program. Participation in the program under the auspices of the committee shall not relieve the board of any duties and shall not divest the board of any authority or jurisdiction otherwise provided. Any violation of the statutes or rules governing the practice of the licensee's profession by a participant shall be referred to the board for appropriate action.

193.1(10) *Confidentiality.* The committee is subject to the provisions governing confidentiality established in Iowa Code section 272C.6. Accordingly, information in the possession of the board or the committee about licensees in the program shall not be disclosed to the public. Participation in the impaired practitioner program under the auspices of the committee is not a matter of public record.

This rule is intended to implement Iowa Code chapter 272C.