

THE FLORIDA SENATE
2012 SUMMARY OF LEGISLATION PASSED
Committee on Health Regulation

CS/CS/HB 653 — Health Care Fraud

by Health Care Appropriations Subcommittee; Health and Human Services Quality Subcommittee; and Rep. Cruz and others (CS/CS/SB 208 by Criminal Justice Committee; Health Regulation Committee; and Senator Joyner)

The bill amends s. 456.0635, F.S., to ease licensure and licensure renewal requirements for health care practitioners who have been convicted of a felony under ch. 409, F.S., relating to social and economic assistance, including the Florida Medicaid program; ch. 817, F.S., relating to fraudulent practices; ch. 893, F.S., relating to controlled substances; or a similar felony offense committed in another state or jurisdiction. The bill establishes differing timeframes for which an applicant must wait for licensure approval depending upon the nature of the conviction.

In order to be licensed or to renew a license, an applicant must not:

- Have been convicted of or entered a plea of guilty or nolo contendere to, regardless of adjudication, an offense under the specified laws, and any subsequent period of probation ended:
 - o For felonies of the first or second degree, more than 15 years before the date of application.
 - o For felonies of the third degree, except those under s. 893.13(6)(a), F.S., relating to unlawful possession of controlled substances, more than 10 years before the date of application.
 - o For felonies of the third degree under s. 893.13(6)(a), F.S., more than 5 years before the date of application.
- Have been convicted of or entered a plea of guilty or nolo contendere to, regardless of adjudication, a felony under 21 U.S.C. ss. 801-970, relating to federal controlled substance laws, or 42 U.S.C. ss. 1395-1396, relating to the federal Medicare, Medicaid, and related programs, unless the subsequent conviction or plea ended more than 15 years before the date of application;
- Have been terminated for cause from the Florida Medicaid program, unless he or she has been in good standing for the most recent 5 years (already in statute);
- Have been terminated for cause from any other state Medicaid program unless he or she has been in good standing with a state Medicaid program for the most recent 5 years and the termination occurred at least 20 years before the date of application (already in statute); or
- Be currently listed on the United States Department of Health and Human Services Office of Inspector General's List of Excluded Individuals and Entities.

These provisions do not apply to applicants for initial licensure who were enrolled in an educational program recognized by the Department of Health on or before July 1, 2009, and who applied for licensure after July 1, 2012.

A person who is denied licensure renewal under the provisions of this bill may only regain licensure by meeting the qualifications and completing the application process for initial

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licensure as defined by the appropriate practice board or the Department of Health. However, a person who was denied licensure under s. 456.0635, F.S., as it existed between July 1, 2009, and June 30, 2012, is not required to retake and pass any examinations necessary for licensure.

If approved by the Governor, these provisions take effect July 1, 2012.

Vote: Senate 40-0; House 115-0