

By Representative Arnall

1 A bill to be entitled
2 An act relating to Medicaid provider
3 agreements; amending s. 409.907, F.S.;
4 requiring state and national criminal-history
5 checks of those who apply to be providers;
6 defining the term "applicant"; allowing the
7 Agency for Health Care Administration to permit
8 an agency to become a provider pending the
9 results of such checks, and to revoke
10 permission in specified circumstances;
11 providing an effective date.

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13 Be It Enacted by the Legislature of the State of Florida:

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15 Section 1. Present subsections (9) and (10) of section
16 409.907, Florida Statutes, 1996 Supplement, are redesignated
17 as subsections (10) and (11), respectively, present subsection
18 (8) of that section is redesignated as subsection (9) and
19 amended, and a new subsection (8) is added to that section, to
20 read:

21 409.907 Medicaid provider agreements.--The agency may
22 make payments for medical assistance and related services
23 rendered to Medicaid recipients only to an individual or
24 entity who has a provider agreement in effect with the agency,
25 who is performing services or supplying goods in accordance
26 with federal, state, and local law, and who agrees that no
27 person shall, on the grounds of handicap, race, color, or
28 national origin, or for any other reason, be subjected to
29 discrimination under any program or activity for which the
30 provider receives payment from the agency.

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1 (8) Upon receipt of a completed, signed, and dated
2 application, the agency shall investigate the applicant. In
3 connection with the investigation, each applicant must file a
4 full set of his or her fingerprints with the agency so that a
5 criminal-background investigation of the applicant can be
6 conducted. The agency shall submit the applicant's
7 fingerprints to the Department of Law Enforcement, and the
8 Department of Law Enforcement must conduct a state
9 criminal-history record check and must forward the
10 fingerprints to the Federal Bureau of Investigation for a
11 national criminal-history record check. As used in this
12 subsection, the term "applicant" includes the provider, or any
13 officer, director, agent, managing employee, or affiliated
14 person, or any partner or shareholder who has an ownership
15 interest equal to 5 percent or more in the provider if the
16 provider is a corporation, partnership, or other business
17 entity. The actual cost of the state and national
18 criminal-history record checks must be borne by the applicant.
19 The agency may permit an applicant to become a provider
20 pending the results of the criminal-history background check,
21 but such permission is fully revocable by the agency if it
22 subsequently determines that any matters set forth in the
23 application are not true or are incorrectly represented.

24 ~~(9)(8)~~ Upon completion of the background investigation
25 ~~receipt of a completed, signed, and dated application, and~~
26 ~~after any necessary investigation by the agency, which may~~
27 ~~include Florida Department of Law Enforcement background~~
28 ~~checks, the agency must either:~~

- 29 (a) Enroll the applicant as a Medicaid provider; or
30 (b) Deny the application if, based on the grounds
31 listed in subsection (10), ~~(9)~~ it is in the best interest of

1 the Medicaid program to do so, specifying the reasons for
2 denial.

3 Section 2. This act shall take effect July 1, 1997.

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SENATE SUMMARY

Requires state and national criminal-history background checks of all who apply to be Medicaid providers. Defines the term "applicant." Allows the Agency for Health Care Administration to permit an applicant to become a provider pending the results of the criminal-history background check, and to revoke such permission if matters set forth in the application are found to be untrue or incorrectly represented.