

By Senator Joyner

18-00963-11

20111226

1                   A bill to be entitled  
2           An act relating to health care fraud; amending s.  
3           456.0635, F.S.; revising the grounds under which the  
4           Department of Health or corresponding board is  
5           required to refuse to admit a candidate to an  
6           examination and refuse to issue or renew a license,  
7           certificate, or registration of a health care  
8           practitioner; providing an exception; requiring the  
9           department to adopt rules; providing an effective  
10          date.

11  
12 Be It Enacted by the Legislature of the State of Florida:

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14           Section 1. Section 456.0635, Florida Statutes, is amended  
15 to read:

16           456.0635 Health care ~~Medicaid~~ fraud; disqualification for  
17 license, certificate, or registration.—

18           (1) ~~Medicaid~~ Fraud in the practice of a health care  
19 profession is prohibited.

20           (2) Each board within the jurisdiction of the department,  
21 or the department if there is no board, shall refuse to admit a  
22 candidate to any examination and refuse to issue ~~or renew~~ a  
23 license, certificate, or registration to any applicant if the  
24 candidate or applicant or any principal, officer, agent,  
25 managing employee, or affiliated person of the applicant, ~~has~~  
26 ~~been~~:

27           (a) Has been convicted of, or entered a plea of guilty or  
28 nolo contendere to, regardless of adjudication, a felony under  
29 chapter 409, chapter 817, or chapter 893, or a similar felony

18-00963-11

20111226

30 offense committed in another state or jurisdiction 21 U.S.C. ss.  
31 801-970, or 42 U.S.C. ss. 1395-1396, unless the sentence and any  
32 subsequent period of probation for such conviction or plea pleas  
33 ended: more than 15 years prior to the date of the application;

34 1. For felonies of the first or second degree, more than 15  
35 years before the date of application.

36 2. For felonies of the third degree, more than 10 years  
37 before the date of application, except for felonies of the third  
38 degree under s. 893.13(6)(a).

39 3. For felonies of the third degree under s. 893.13(6)(a),  
40 more than 5 years before the date of application.

41  
42 For felonies in which the defendant entered a plea of guilty or  
43 nolo contendere in an agreement with the court to enter a  
44 pretrial intervention or drug diversion program, the department  
45 may not approve or deny the application for a license,  
46 certificate, or registration until the final resolution of the  
47 case;

48 (b) Has been convicted of, or entered a plea of guilty or  
49 nolo contendere to, regardless of adjudication, a felony under  
50 21 U.S.C. ss. 801-970, or 42 U.S.C. ss. 1395-1396, unless the  
51 sentence and any subsequent period of probation for such  
52 conviction or plea ended more than 15 years before the date of  
53 the application;

54 (c) ~~(b)~~ Has been terminated for cause from the Florida  
55 Medicaid program pursuant to s. 409.913, unless the applicant  
56 has been in good standing with the Florida Medicaid program for  
57 the most recent 5 years;

58 (d) ~~(c)~~ Has been terminated for cause, pursuant to the

18-00963-11

20111226

59 appeals procedures established by the state ~~or Federal~~  
 60 ~~Government~~, from any other state Medicaid program ~~or the federal~~  
 61 ~~Medicare program~~, unless the applicant has been in good standing  
 62 with a state Medicaid program ~~or the federal Medicare program~~  
 63 for the most recent 5 years and the termination occurred at  
 64 least 20 years before ~~prior to~~ the date of the application; ~~or-~~

65 (e) Is currently listed on the United States Department of  
 66 Health and Human Services Office of Inspector General's List of  
 67 Excluded Individuals and Entities.

68  
 69 This subsection does not apply to applicants for initial  
 70 licensure or certification who were enrolled in an educational  
 71 or training program on or before July 1, 2010, which was  
 72 recognized by a board or, if there is no board, recognized by  
 73 the department, and who applied for licensure after July 1,  
 74 2010.

75 (3) Each board within the jurisdiction of the department,  
 76 or the department if there is no board, shall refuse to renew a  
 77 license, certificate, or registration of any applicant if the  
 78 candidate or applicant or any principal, officer, agent,  
 79 managing employee, or affiliated person of the applicant:

80 (a) Has been convicted of, or entered a plea of guilty or  
 81 nolo contendere to, regardless of adjudication, a felony under:  
 82 chapter 409, chapter 817, or chapter 893, or a similar felony  
 83 offense committed in another state or jurisdiction since July 1,  
 84 2010.

85 (b) Has been convicted of, or entered a plea of guilty or  
 86 nolo contendere to, regardless of adjudication, a felony under  
 87 21 U.S.C. ss. 801-970, or 42 U.S.C. ss. 1395-1396 since July 1,

18-00963-11

20111226\_\_

88 2010.

89 (c) Has been terminated for cause from the Florida Medicaid  
90 program pursuant to s. 409.913, unless the applicant has been in  
91 good standing with the Florida Medicaid program for the most  
92 recent 5 years.

93 (d) Has been terminated for cause, pursuant to the appeals  
94 procedures established by the state, from any other state  
95 Medicaid program, unless the applicant has been in good standing  
96 with a state Medicaid program for the most recent 5 years and  
97 the termination occurred at least 20 years before the date of  
98 the application.

99 (e) Is currently listed on the United States Department of  
100 Health and Human Services Office of Inspector General's List of  
101 Excluded Individuals and Entities.

102  
103 For felonies in which the defendant entered a plea of guilty or  
104 nolo contendere in an agreement with the court to enter a  
105 pretrial intervention or drug diversion program, the department  
106 may not approve or deny the application for a renewal of a  
107 license, certificate, or registration until the final resolution  
108 of the case.

109 (4)-(3) Licensed health care practitioners shall report  
110 allegations of health care ~~Medicaid~~ fraud to the department,  
111 regardless of the practice setting in which the alleged Medicaid  
112 fraud occurred.

113 (5)-(4) The acceptance by a licensing authority of a  
114 candidate's relinquishment of a license which is offered in  
115 response to or anticipation of the filing of administrative  
116 charges alleging health care ~~Medicaid~~ fraud or similar charges

18-00963-11

20111226\_\_

117 constitutes the permanent revocation of the license.

118 (6) The department shall adopt rules to administer the  
119 provisions of this section related to denial of licensure  
120 renewal.

121 Section 2. This act shall take effect July 1, 2011.