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LEGISLATIVE ACTION

Senate

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House

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Senator Joyner moved the following:

**Senate Amendment (with title amendment)**

Between lines 3593 and 3594

insert:

Section 90. Section 456.0635, Florida Statutes, is amended to read:

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

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

(2) Each board within the jurisdiction of the department, or the department if there is no board, shall refuse to admit a candidate to any examination and refuse to issue ~~or renew~~ a



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14 license, certificate, or registration to any applicant if the  
15 candidate or applicant or any principal, officer, agent,  
16 managing employee, or affiliated person of the applicant, ~~has~~  
17 ~~been:~~

18 (a) Has been convicted of, or entered a plea of guilty or  
19 nolo contendere to, regardless of adjudication, a felony under  
20 chapter 409, chapter 817, or chapter 893, or a similar felony  
21 offense committed in another state or jurisdiction 21 U.S.C. ss.  
22 801-970, or 42 U.S.C. ss. 1395-1396, unless the sentence and any  
23 subsequent period of probation for such conviction or plea pleas  
24 ended: more than 15 years prior to the date of the application;

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

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

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

32  
33 Notwithstanding s. 120.60, for felonies in which the defendant  
34 entered a plea of guilty or nolo contendere in an agreement with  
35 the court to enter a pretrial intervention or drug diversion  
36 program, the board, or the department if there is no board, may  
37 not approve or deny the application for a license, certificate,  
38 or registration until the final resolution of the case;

39 (b) Has been convicted of, or entered a plea of guilty or  
40 nolo contendere to, regardless of adjudication, a felony under  
41 21 U.S.C. ss. 801-970, or 42 U.S.C. ss. 1395-1396, unless the  
42 sentence and any subsequent period of probation for such



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43 conviction or plea ended more than 15 years before the date of  
44 the application;

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

49 (d) ~~(e)~~ Has been terminated for cause, pursuant to the  
50 appeals procedures established by the state ~~or Federal~~  
51 ~~Government~~, from any other state Medicaid program ~~or the federal~~  
52 ~~Medicare program~~, unless the applicant has been in good standing  
53 with a state Medicaid program ~~or the federal Medicare program~~  
54 for the most recent 5 years and the termination occurred at  
55 least 20 years before ~~prior to~~ the date of the application; ~~or-~~

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

59  
60 This subsection does not apply to applicants for initial  
61 licensure or certification who were enrolled in an educational  
62 or training program on or before July 1, 2010, which was  
63 recognized by a board or, if there is no board, recognized by  
64 the department, and who applied for licensure after July 1,  
65 2010.

66 (3) The department shall refuse to renew a license,  
67 certificate, or registration of any applicant if the candidate  
68 or applicant or any principal, officer, agent, managing  
69 employee, or affiliated person of the applicant:

70 (a) Has been convicted of, or entered a plea of guilty or  
71 nolo contendere to, regardless of adjudication, a felony under:



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72 chapter 409, chapter 817, or chapter 893, or a similar felony  
73 offense committed in another state or jurisdiction since July 1,  
74 2010.

75 (b) Has been convicted of, or entered a plea of guilty or  
76 nolo contendere to, regardless of adjudication, a felony under  
77 21 U.S.C. ss. 801-970, or 42 U.S.C. ss. 1395-1396 since July 1,  
78 2010.

79 (c) Has been terminated for cause from the Florida Medicaid  
80 program pursuant to s. 409.913, unless the applicant has been in  
81 good standing with the Florida Medicaid program for the most  
82 recent 5 years.

83 (d) Has been terminated for cause, pursuant to the appeals  
84 procedures established by the state, from any other state  
85 Medicaid program, unless the applicant has been in good standing  
86 with a state Medicaid program for the most recent 5 years and  
87 the termination occurred at least 20 years before the date of  
88 the application.

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

92  
93 For felonies in which the defendant entered a plea of guilty or  
94 nolo contendere in an agreement with the court to enter a  
95 pretrial intervention or drug diversion program, the department  
96 may not approve or deny the application for a renewal of a  
97 license, certificate, or registration until the final resolution  
98 of the case.

99 (4)(3) Licensed health care practitioners shall report  
100 allegations of health care Medicaid fraud to the department,



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101 regardless of the practice setting in which the alleged Medicaid  
102 fraud occurred.

103 ~~(5)~~(4) The acceptance by a licensing authority of a  
104 candidate's relinquishment of a license which is offered in  
105 response to or anticipation of the filing of administrative  
106 charges alleging health care Medicaid fraud or similar charges  
107 constitutes the permanent revocation of the license.

108 Section 91. Subsection (6) of section 456.036, Florida  
109 Statutes, is amended to read:

110 456.036 Licenses; active and inactive status; delinquency.-

111 (6)(a) Except as provided in paragraph (b), a delinquent  
112 licensee must affirmatively apply with a complete application,  
113 as defined by rule of the board, or the department if there is  
114 no board, for active or inactive status during the licensure  
115 cycle in which a licensee becomes delinquent. Failure by a  
116 delinquent licensee to become active or inactive before the  
117 expiration of the current licensure cycle renders the license  
118 null without any further action by the board or the department.  
119 Any subsequent licensure shall be as a result of applying for  
120 and meeting all requirements imposed on an applicant for new  
121 licensure.

122 (b) A delinquent licensee whose license becomes delinquent  
123 before the final resolution of a case under s. 456.0635(3) must  
124 affirmatively apply by submitting a complete application, as  
125 defined by rule of the board, or the department if there is no  
126 board, for active or inactive status during the licensure cycle  
127 in which the case achieves final resolution by order of the  
128 court. Failure by a delinquent licensee to become active or  
129 inactive before the expiration of that licensure cycle renders



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130 the license null without any further action by the board or the  
131 department. Any subsequent licensure shall be as a result of  
132 applying for and meeting all requirements imposed on an  
133 applicant for new licensure.

134  
135 ===== T I T L E A M E N D M E N T =====

136 And the title is amended as follows:

137       Delete line 309

138 and insert:

139       applicants; amending s. 456.0635, F.S.; revising the  
140       grounds under which the Department of Health or  
141       corresponding board is required to refuse to admit a  
142       candidate to an examination and to refuse to issue or  
143       renew a license, certificate, or registration of a  
144       health care practitioner; providing an exception;  
145       amending s. 456.036, F.S.; requiring a delinquent  
146       licensee whose license becomes delinquent before the  
147       final resolution of a case regarding Medicaid fraud to  
148       affirmatively apply by submitting a complete  
149       application for active or inactive status during the  
150       licensure cycle in which the case achieves final  
151       resolution by order of the court; providing that  
152       failure by a delinquent licensee to become active or  
153       inactive before the expiration of that licensure cycle  
154       renders the license null; requiring that any  
155       subsequent licensure be as a result of applying for  
156       and meeting all requirements imposed on an applicant  
157       for new licensure; amending s. 483.035, F.S.;

158       providing for a