



539006

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
11/03/2011	.	
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The Committee on Health Regulation (Sobel) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

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

(1) ~~Medicaid~~ Health care 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



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13 candidate to any examination and refuse to issue ~~or renew~~ a
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, ~~21 U.S.C. ss. 801-970,~~
21 ~~or 42 U.S.C. ss. 1395-1396,~~ or a similar felony offense
22 committed in another state or jurisdiction, unless the candidate
23 or applicant has successfully completed a pretrial intervention
24 or drug diversion program for that felony. Any such conviction
25 or plea shall exclude the applicant or candidate from licensure,
26 examination, certification, or registration unless the sentence
27 and any subsequent period of probation for such conviction or
28 pleas plea ended more than 15 years prior to the date of the
29 application;:

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

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

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

37 (b) Has been convicted of, or entered a plea of guilty or
38 nolo contendere to, regardless of adjudication, a felony under
39 21 U.S.C. ss. 801-970, or 42 U.S.C. ss. 1395-1396, unless the
40 sentence and any subsequent period of probation for such
41 conviction or plea ended more than 15 years before the date of



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42 the application;

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

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

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

58
59 This subsection does not apply to candidates or applicants for
60 initial licensure or certification who were enrolled in an
61 educational or training program on or before July 1, 2009, which
62 was recognized by a board or, if there is no board, recognized
63 by the department, and who applied for licensure after July 1,
64 2012.

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

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



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71 chapter 409, chapter 817, or chapter 893, or a similar felony
72 offense committed in another state or jurisdiction since July 1,
73 2009, unless the applicant is currently enrolled in or has
74 successfully completed a pretrial intervention or drug diversion
75 program for that felony. Any such conviction or plea shall
76 exclude the applicant from renewal of licensure, certification,
77 or registration unless the sentence and any subsequent period of
78 probation for such conviction or plea ended:

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

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

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

86 (b) Has been convicted of, or entered a plea of guilty or
87 nolo contendere to, regardless of adjudication, a felony under
88 21 U.S.C. ss. 801-970, or 42 U.S.C. ss. 1395-1396 since July 1,
89 2009, unless the sentence and any subsequent period of probation
90 for such conviction or plea ended more than 15 years before the
91 date of the application.

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

96 (d) Has been terminated for cause, pursuant to the appeals
97 procedures established by the state, from any other state
98 Medicaid program, unless the applicant has been in good standing
99 with a state Medicaid program for the most recent 5 years and



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100 the termination occurred at least 20 years before the date of
101 the application.

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

105 ~~(3)~~(4) Licensed health care practitioners shall report
106 allegations of ~~Medicaid~~ health care fraud to the department,
107 regardless of the practice setting in which the alleged ~~Medicaid~~
108 health care fraud occurred.

109 ~~(4)~~(5) The acceptance by a licensing authority of a
110 ~~candidate's~~ licensee's relinquishment of a license which is
111 offered in response to or anticipation of the filing of
112 administrative charges alleging ~~Medicaid~~ health care fraud or
113 similar charges constitutes the permanent revocation of the
114 license.

115 Section 2. Subsections (14) and (15) of section 456.036,
116 Florida Statutes, are renumbered as subsections (15) and (16),
117 respectively, and subsection (14) is added to that section, to
118 read:

119 456.036 Licenses; active and inactive status; delinquency.—

120 (14) A person who has been denied renewal of licensure,
121 certification, or registration under s. 456.0635(3) may only
122 regain licensure, certification, or registration by meeting the
123 qualifications and completing the application process for
124 initial licensure as defined by the board, or the department if
125 there is no board. However, a person who was denied renewal of
126 licensure, certification, or registration under s. 24 of ch.
127 2009-223, Laws of Florida, between July 1, 2009 and June 30,
128 2012, is not required to retake and pass examinations applicable



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129 for initial licensure, certification, or registration.

130 Section 3. This act shall take effect July 1, 2012.

131

132 ===== T I T L E A M E N D M E N T =====

133 And the title is amended as follows:

134 Delete everything before the enacting clause

135 and insert:

136 A bill to be entitled

137 An act relating to health care fraud; amending s.

138 456.0635, F.S.; revising the grounds under which the

139 Department of Health or corresponding board is

140 required to refuse to admit a candidate to an

141 examination and refuse to issue or renew a license,

142 certificate, or registration of a health care

143 practitioner; providing an exception; amending s.

144 456.036, F.S.; providing that all persons who were

145 denied renewal of licensure, certification, or

146 registration under s. 456.0635(3) may only regain

147 licensure, certification, or registration by

148 completing the application process for initial

149 licensure; providing an exception; providing an

150 effective date.