

By Senator Joyner

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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; amending s.
 9 456.036, F.S.; requiring a delinquent licensee whose
 10 license becomes delinquent before the final resolution
 11 of a case regarding Medicaid fraud to affirmatively
 12 apply by submitting a complete application for active
 13 or inactive status during the licensure cycle in which
 14 the case achieves final resolution by order of the
 15 court; providing that failure by a delinquent licensee
 16 to apply for an active or inactive license before the
 17 expiration of that licensure cycle renders the license
 18 null; requiring that any subsequent licensure be as a
 19 result of applying for and meeting all requirements
 20 imposed on an applicant for new licensure; providing
 21 an effective date.

22
 23 Be It Enacted by the Legislature of the State of Florida:

24
 25 Section 1. Section 456.0635, Florida Statutes, is amended
 26 to read:

27 456.0635 Health care ~~Medicaid~~ fraud; disqualification for
 28 license, certificate, or registration.—

29 (1) ~~Medicaid~~ Fraud in the practice of a health care

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30 profession is prohibited.

31 (2) Each board within the jurisdiction of the department,
32 or the department if there is no board, shall refuse to admit a
33 candidate to any examination and refuse to issue ~~or renew~~ a
34 license, certificate, or registration to any applicant if the
35 candidate or applicant or any principal, officer, agent,
36 managing employee, or affiliated person of the applicant, ~~has~~
37 ~~been:~~

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

45 1. For a felony of the first or second degree, more than 15
46 years before the date of application.

47 2. For a felony of the third degree, more than 10 years
48 before the date of application, except for a felony of the third
49 degree under s. 893.13(6)(a).

50 3. For a felony of the third degree under s. 893.13(6)(a),
51 more than 5 years before the date of application.

52
53 Notwithstanding s. 120.60, for a felony in which the defendant
54 entered a plea of guilty or nolo contendere in an agreement with
55 the court to enter a pretrial intervention or drug diversion
56 program, the board, or the department if there is no board, may
57 not approve or deny the application for a license, certificate,
58 or registration until the final resolution of the case;

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59 (b) Has been convicted of, or entered a plea of guilty or
60 nolo contendere to, regardless of adjudication, a felony under
61 21 U.S.C. ss. 801-970, or 42 U.S.C. ss. 1395-1396, unless the
62 sentence and any subsequent period of probation for such
63 conviction or plea ended more than 15 years before the date of
64 the application;

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

69 (d) ~~(e)~~ Has been terminated for cause, pursuant to the
70 appeals procedures established by the state ~~or Federal~~
71 Government, from any other state Medicaid program ~~or the federal~~
72 Medicare program, unless the applicant has been in good standing
73 with a state Medicaid program ~~or the federal Medicare program~~
74 for the most recent 5 years and the termination occurred at
75 least 20 years ~~before~~ prior to the date of the application; ~~or-~~

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

79
80 This subsection does not apply to an applicant for initial
81 licensure or certification who was enrolled in an educational or
82 training program on or before July 1, 2011, which was recognized
83 by a board or, if there is no board, recognized by the
84 department, and who applied for licensure after July 1, 2011.

85 (3) The department shall refuse to renew a license,
86 certificate, or registration of any applicant if the candidate
87 or applicant or any principal, officer, agent, managing

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88 employee, or affiliated person of the applicant:

89 (a) Has been convicted of, or entered a plea of guilty or
90 nolo contendere to, regardless of adjudication, a felony under
91 chapter 409, chapter 817, or chapter 893, or a similar felony
92 offense committed in another state or jurisdiction since July 1,
93 2010.

94 (b) Has been convicted of, or entered a plea of guilty or
95 nolo contendere to, regardless of adjudication, a felony under
96 21 U.S.C. ss. 801-970, or 42 U.S.C. ss. 1395-1396, since July 1,
97 2011.

98 (c) Has been terminated for cause from the Florida Medicaid
99 program pursuant to s. 409.913, unless the applicant has been in
100 good standing with the Florida Medicaid program for the most
101 recent 5 years.

102 (d) Has been terminated for cause, pursuant to the appeals
103 procedures established by the state, from any other state
104 Medicaid program, unless the applicant has been in good standing
105 with a state Medicaid program for the most recent 5 years and
106 the termination occurred at least 20 years before the date of
107 the application.

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

111
112 For a felony in which the defendant entered a plea of guilty or
113 nolo contendere in an agreement with the court to enter a
114 pretrial intervention or drug diversion program, the department
115 may not approve or deny the application for a renewal of a
116 license, certificate, or registration until the final resolution

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117 of the case.

118 ~~(4)-(3)~~ Licensed health care practitioners shall report
119 allegations of health care ~~Medicaid~~ fraud to the department,
120 regardless of the practice setting in which the alleged Medicaid
121 fraud occurred.

122 ~~(5)-(4)~~ The acceptance by a licensing authority of a
123 candidate's relinquishment of a license which is offered in
124 response to or anticipation of the filing of administrative
125 charges alleging health care ~~Medicaid~~ fraud or similar charges
126 constitutes the permanent revocation of the license.

127 Section 2. Subsection (6) of section 456.036, Florida
128 Statutes, is amended to read:

129 456.036 Licenses; active and inactive status; delinquency.-

130 (6) (a) Except as provided in paragraph (b), a delinquent
131 licensee must affirmatively apply with a complete application,
132 as defined by rule of the board, or the department if there is
133 no board, for active or inactive status during the licensure
134 cycle in which a licensee becomes delinquent. Failure by a
135 delinquent licensee to become active or inactive before the
136 expiration of the current licensure cycle renders the license
137 null without any further action by the board or the department.
138 Any subsequent licensure shall be as a result of applying for
139 and meeting all requirements imposed on an applicant for new
140 licensure.

141 (b) A delinquent licensee whose license becomes delinquent
142 before the final resolution of a case under s. 456.0635(3) must
143 affirmatively apply by submitting a complete application, as
144 defined by rule of the board, or the department if there is no
145 board, for active or inactive status during the licensure cycle

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146 in which the case achieves final resolution by order of the
147 court. Failure by a delinquent licensee to apply for an active
148 or inactive license before the expiration of that licensure
149 cycle renders the license null without any further action by the
150 board or the department. Any subsequent licensure shall be as a
151 result of applying for and meeting all requirements imposed on
152 an applicant for new licensure.

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