

By the Committee on Health Regulation; and 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.; providing that all persons who were
10 denied renewal of licensure, certification, or
11 registration under s. 456.0635(3), F.S., may regain
12 licensure, certification, or registration only by
13 completing the application process for initial
14 licensure; providing an exception; providing an
15 effective date.

16
17 Be It Enacted by the Legislature of the State of Florida:

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

21 456.0635 Health care ~~Medicaid~~ fraud; disqualification for
22 license, certificate, or registration.—

23 (1) Health care ~~Medicaid~~ fraud in the practice of a health
24 care profession is prohibited.

25 (2) Each board within the jurisdiction of the department,
26 or the department if there is no board, shall refuse to admit a
27 candidate to any examination and refuse to issue ~~or renew~~ a
28 license, certificate, or registration to any applicant if the
29 candidate or applicant or any principal, officer, agent,

588-00842A-12

2012208c1

30 managing employee, or affiliated person of the applicant, ~~has~~
31 ~~been:~~

32 (a) Has been convicted of, or entered a plea of guilty or
33 nolo contendere to, regardless of adjudication, a felony under
34 chapter 409, chapter 817, or chapter 893, or a similar felony
35 offense committed in another state or jurisdiction, unless the
36 candidate or applicant has successfully completed a pretrial
37 intervention or drug diversion program for that felony. Any such
38 conviction or plea shall exclude the applicant or candidate from
39 licensure, examination, certification, or registration 21 U.S.C.
40 ss. 801-970, or 42 U.S.C. ss. 1395-1396, unless the sentence and
41 any subsequent period of probation for such conviction or plea
42 pleas ended: more than 15 years prior to the date of the
43 application;

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

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

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

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

57 (c) ~~(b)~~ Has been terminated for cause from the Florida
58 Medicaid program pursuant to s. 409.913, unless the candidate or

588-00842A-12

2012208c1

59 applicant has been in good standing with the Florida Medicaid
60 program for the most recent 5 years;

61 (d) ~~(e)~~ Has been terminated for cause, pursuant to the
62 appeals procedures established by the state ~~or Federal~~
63 Government, from any other state Medicaid program ~~or the federal~~
64 Medicare program, unless the candidate or applicant has been in
65 good standing with a state Medicaid program ~~or the federal~~
66 Medicare program for the most recent 5 years and the termination
67 occurred at least 20 years before ~~prior to~~ the date of the
68 application; or-

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

72
73 This subsection does not apply to candidates or applicants for
74 initial licensure or certification who were enrolled in an
75 educational or training program on or before July 1, 2009, which
76 was recognized by a board or, if there is no board, recognized
77 by the department, and who applied for licensure after July 1,
78 2012.

79 (3) The department shall refuse to renew a license,
80 certificate, or registration of any applicant if the applicant
81 or any principal, officer, agent, managing employee, or
82 affiliated person of the applicant:

83 (a) Has been convicted of, or entered a plea of guilty or
84 nolo contendere to, regardless of adjudication, a felony under
85 chapter 409, chapter 817, or chapter 893, or a similar felony
86 offense committed in another state or jurisdiction since July 1,
87 2009, unless the applicant is currently enrolled in or has

588-00842A-12

2012208c1

88 successfully completed a pretrial intervention or drug diversion
89 program for that felony. Any such conviction or plea shall
90 exclude the applicant from renewal of licensure, certification,
91 or registration unless the sentence and any subsequent period of
92 probation for such conviction or plea ended:

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

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

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

100 (b) Has been convicted of, or entered a plea of guilty or
101 nolo contendere to, regardless of adjudication, a felony under
102 21 U.S.C. ss. 801-970, or 42 U.S.C. ss. 1395-1396 since July 1,
103 2009, unless the sentence and any subsequent period of probation
104 for such conviction or plea ended more than 15 years before the
105 date of the application.

106 (c) Has been terminated for cause from the Florida Medicaid
107 program pursuant to s. 409.913, unless the applicant has been in
108 good standing with the Florida Medicaid program for the most
109 recent 5 years.

110 (d) Has been terminated for cause, pursuant to the appeals
111 procedures established by the state, from any other state
112 Medicaid program, unless the applicant has been in good standing
113 with a state Medicaid program for the most recent 5 years and
114 the termination occurred at least 20 years before the date of
115 the application.

116 (e) Is currently listed on the United States Department of

588-00842A-12

2012208c1

117 Health and Human Services Office of Inspector General's List of
118 Excluded Individuals and Entities.

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

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

129 Section 2. Present subsections (14) and (15) of section
130 456.036, Florida Statutes, are renumbered as subsections (15)
131 and (16), respectively, and a new subsection (14) is added to
132 that section, to read:

133 456.036 Licenses; active and inactive status; delinquency.—

134 (14) A person who has been denied renewal of licensure,
135 certification, or registration under s. 456.0635(3) may regain
136 licensure, certification, or registration only by meeting the
137 qualifications and completing the application process for
138 initial licensure as defined by the board, or the department if
139 there is no board. However, a person who was denied renewal of
140 licensure, certification, or registration under s. 24 of chapter
141 2009-223, Laws of Florida, between July 1, 2009, and June 30,
142 2012, is not required to retake and pass examinations applicable
143 for initial licensure, certification, or registration.

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