

By the Committees on Criminal Justice; and Health Regulation;
and Senator Joyner

591-01857-12

2012208c2

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:

18
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,

591-01857-12

2012208c2

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 drug court
37 program for that felony and provides proof that the plea has
38 been withdrawn or the charges have been dismissed. Any such
39 conviction or plea shall exclude the applicant or candidate from
40 licensure, examination, certification, or registration 21 U.S.C.
41 ss. 801-970, or 42 U.S.C. ss. 1395-1396, unless the sentence and
42 any subsequent period of probation for such conviction or plea
43 ended: more than 15 years prior to the date of the
44 application;

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

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

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

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

58 (c) ~~(b)~~ Has been terminated for cause from the Florida

591-01857-12

2012208c2

59 Medicaid program pursuant to s. 409.913, unless the candidate or
60 applicant has been in good standing with the Florida Medicaid
61 program for the most recent 5 years;

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

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

73
74 This subsection does not apply to candidates or applicants for
75 initial licensure or certification who were enrolled in an
76 educational or training program on or before July 1, 2009, which
77 was recognized by a board or, if there is no board, recognized
78 by the department, and who applied for licensure after July 1,
79 2012.

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

84 (a) Has been convicted of, or entered a plea of guilty or
85 nolo contendere to, regardless of adjudication, a felony under
86 chapter 409, chapter 817, or chapter 893, or a similar felony
87 offense committed in another state or jurisdiction, unless the

591-01857-12

2012208c2

88 applicant is currently enrolled in a drug court program that
89 allows the withdrawal of the plea for that felony upon
90 successful completion of that program. Any such conviction or
91 plea excludes the applicant or candidate from licensure,
92 examination, certification, or registration unless the sentence
93 and any subsequent period of probation for such conviction or
94 plea ended:

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

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

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

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

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

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

591-01857-12

2012208c2

117 the application.

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

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

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

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

135 456.036 Licenses; active and inactive status; delinquency.-

136 (14) A person who has been denied renewal of licensure,
137 certification, or registration under s. 456.0635(3) may regain
138 licensure, certification, or registration only by meeting the
139 qualifications and completing the application process for
140 initial licensure as defined by the board, or the department if
141 there is no board. However, a person who was denied renewal of
142 licensure, certification, or registration under s. 24 of chapter
143 2009-223, Laws of Florida, between July 1, 2009, and June 30,
144 2012, is not required to retake and pass examinations applicable
145 for initial licensure, certification, or registration.

591-01857-12

2012208c2

146

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