

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED (Y/N)
ADOPTED AS AMENDED (Y/N)
ADOPTED W/O OBJECTION (Y/N)
FAILED TO ADOPT (Y/N)
WITHDRAWN (Y/N)
OTHER

1 Committee/Subcommittee hearing bill: Health & Human Services
2 Quality Subcommittee
3 Representative Cruz offered the following:
4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:
7 Section 1. Section 456.0635, Florida Statutes, is amended to
8 read:

9 456.0635 Health care ~~Medicaid~~ fraud; disqualification for
10 license, certificate, or registration.—

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

13 (2) Each board within the jurisdiction of the department,
14 or the department if there is no board, shall refuse to admit a
15 candidate to any examination and refuse to issue ~~or renew~~ a
16 license, certificate, or registration to any applicant if the
17 candidate or applicant or any principal, officer, agent,
18 managing employee, or affiliated person of the applicant, ~~has~~
19 ~~been~~:

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20 (a) Has been convicted of, or entered a plea of guilty or
21 nolo contendere to, regardless of adjudication, a felony under
22 chapter 409, chapter 817, or chapter 893, or a similar felony
23 offense committed in another state or jurisdiction, unless the
24 candidate or applicant has successfully completed a drug court
25 program for that felony and provides proof that the plea has
26 been withdrawn or the charges have been dismissed. Any such
27 conviction or plea shall exclude the applicant or candidate from
28 licensure, examination, certification, or registration 21 U.S.C.
29 ss. 801-970, or 42 U.S.C. ss. 1395-1396, unless the sentence and
30 any subsequent period of probation for such conviction or plea
31 ended: more than 15 years prior to the date of the
32 application;

33 1. For felonies of the first or second degree, more than
34 15 years before the date of application.

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

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

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

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

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

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

61
62 This subsection does not apply to candidates or applicants for
63 initial licensure or certification who were enrolled in an
64 educational or training program on or before July 1, 2009, which
65 was recognized by a board or, if there is no board, recognized
66 by the department, and who applied for licensure after July 1,
67 2012.

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

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

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76 applicant is currently enrolled in a drug court program that
77 allows the withdrawal of the plea for that felony upon
78 successful completion of that program. Any such conviction or
79 plea excludes the applicant or candidate from licensure,
80 examination, certification, or registration unless the sentence
81 and any subsequent period of probation for such conviction or
82 plea ended:

83 1. For felonies of the first or second degree, more than
84 15 years before the date of application.

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

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

90 (b) Has been convicted of, or entered a plea of guilty or
91 nolo contendere to, regardless of adjudication, a felony under
92 21 U.S.C. ss. 801-970, or 42 U.S.C. ss. 1395-1396 since July 1,
93 2009, unless the sentence and any subsequent period of probation
94 for such conviction or plea ended more than 15 years before the
95 date of the application.

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

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

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104 the termination occurred at least 20 years before the date of
105 the application.

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

109 (4)(3) Licensed health care practitioners shall report
110 allegations of health care ~~Medicaid~~ fraud to the department,
111 regardless of the practice setting in which the alleged health
112 care ~~Medicaid~~ fraud occurred.

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

119 Section 2. Present subsections (14) and (15) of section
120 456.036, Florida Statutes, are renumbered as subsections (15)
121 and (16), respectively, and a new subsection (14) is added to
122 that section, to read:

123 456.036 Licenses; active and inactive status;
124 delinquency.—

125 (14) A person who has been denied renewal of licensure,
126 certification, or registration under s. 456.0635(3) may regain
127 licensure, certification, or registration only by meeting the
128 qualifications and completing the application process for
129 initial licensure as defined by the board, or the department if
130 there is no board. However, a person who was denied renewal of
131 licensure, certification, or registration under s. 24 of chapter

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132 2009-223, Laws of Florida, between July 1, 2009, and June 30,
133 2012, is not required to retake and pass examinations applicable
134 for initial licensure, certification, or registration.

135 Section 3. This act shall take effect July 1, 2012.
136
137

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139 **T I T L E A M E N D M E N T**

140 Remove the entire title and insert:

141 A bill to be entitled

142 An act relating to health care fraud; amending s. 456.0635,
143 F.S.; revising the grounds under which the Department of Health
144 or corresponding board is required to refuse to admit a
145 candidate to an examination and refuse to issue or renew a
146 license, certificate, or registration of a health care
147 practitioner; providing an exception; amending s. 456.036, F.S.;
148 providing that all persons who were denied renewal of licensure,
149 certification, or registration under s. 456.0635(3), F.S., may
150 regain licensure, certification, or registration only by
151 completing the application process for initial licensure;
152 providing an exception; providing an effective date.