

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Brodeur offered the following:

2  
3 **Amendment (with title amendment)**

4 Between lines 225 and 226, insert:

5 Section 5. Subsections (2) and (3) of section 456.0635,  
6 Florida Statutes, are amended to read:

7 456.0635 Health care fraud; disqualification for license,  
8 certificate, or registration.—

9 (2) Each board within the jurisdiction of the department,  
10 or the department if there is no board, shall refuse to admit a  
11 candidate to any examination and refuse to issue a license,  
12 certificate, or registration to any applicant if the candidate

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13 or applicant or any principal, officer, agent, managing  
14 employee, or affiliated person of the candidate or applicant:

15 (a) Has been convicted of, or entered a plea of guilty or  
16 nolo contendere to, regardless of adjudication, a felony under  
17 chapter 409, chapter 817, or chapter 893, or a similar felony  
18 offense committed in another state or jurisdiction, unless the  
19 candidate or applicant has successfully completed a pretrial  
20 diversion or drug court program for that felony and provides  
21 proof that the plea has been withdrawn or the charges have been  
22 dismissed. Any such conviction or plea shall exclude the  
23 applicant or candidate from licensure, examination,  
24 certification, or registration unless the sentence and any  
25 subsequent period of probation for such conviction or plea  
26 ended:

27 1. For felonies of the first or second degree, more than  
28 15 years before the date of application.

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

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

34 (b) Has been convicted of, or entered a plea of guilty or  
35 nolo contendere to, regardless of adjudication, a felony under  
36 21 U.S.C. ss. 801-970, or 42 U.S.C. ss. 1395-1396, unless the  
37 sentence and any subsequent period of probation for such

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38 conviction or plea ended more than 15 years before the date of  
39 the application;

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

44 (d) Has been terminated for cause, pursuant to the appeals  
45 procedures established by the state, from any other state  
46 Medicaid program, unless the candidate or applicant has been in  
47 good standing with a state Medicaid program for the most recent  
48 5 years and the termination occurred at least 20 years before  
49 the date of the application; or

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

53 (f) This subsection does not apply to an applicant for  
54 initial licensure, certification, or registration who was  
55 arrested or charged with a felony specified in paragraph (a) or  
56 paragraph (b) before July 1, 2009.

57 (3) The department shall refuse to renew a license,  
58 certificate, or registration of any applicant if the applicant  
59 or any principal, officer, agent, managing employee, or  
60 affiliated person of the applicant:

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

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63 chapter 409, chapter 817, or chapter 893, or a similar felony  
64 offense committed in another state or jurisdiction, unless the  
65 applicant is currently enrolled in a pretrial diversion or drug  
66 court program that allows the withdrawal of the plea for that  
67 felony upon successful completion of that program. Any such  
68 conviction or plea excludes the applicant from licensure renewal  
69 unless the sentence and any subsequent period of probation for  
70 such conviction or plea ended:

71 1. For felonies of the first or second degree, more than  
72 15 years before the date of application.

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

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

78 (b) Has been convicted of, or entered a plea of guilty or  
79 nolo contendere to, regardless of adjudication, a felony under  
80 21 U.S.C. ss. 801-970, or 42 U.S.C. ss. 1395-1396 since July 1,  
81 2009, unless the sentence and any subsequent period of probation  
82 for such conviction or plea ended more than 15 years before the  
83 date of the application.

84 (c) Has been terminated for cause from the Florida  
85 Medicaid program pursuant to s. 409.913, unless the applicant  
86 has been in good standing with the Florida Medicaid program for  
87 the most recent 5 years.

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88 (d) Has been terminated for cause, pursuant to the appeals  
89 procedures established by the state, from any other state  
90 Medicaid program, unless the applicant has been in good standing  
91 with a state Medicaid program for the most recent 5 years and  
92 the termination occurred at least 20 years before the date of  
93 the application.

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

97 (f) This subsection does not apply to an applicant for  
98 renewal of licensure, certification, or registration who was  
99 arrested or charged with a felony specified in paragraph (a) or  
100 paragraph (b) before July 1, 2009.

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

104 Remove line 21 and insert:  
105 conditions; amending s. 456.0635, F.S.; revising  
106 grounds for refusing to issue or renew a license,  
107 certificate, or registration in a health care  
108 profession; providing applicability; amending s.  
109 456.065, F.S.; authorizing a

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