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LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
03/14/2017	.	
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The Committee on Health Policy (Young) recommended the following:

Senate Amendment (with title amendment)

Between lines 546 and 547
insert:

Section 4. Subsections (2) and (3) of section 456.0635, Florida Statutes, are amended to read:

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

(2) Each board within the jurisdiction of the department, or the department if there is no board, shall refuse to admit a



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11 candidate to any examination and refuse to issue a license,
12 certificate, or registration to any applicant if the candidate
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21 proof that the plea has been withdrawn or the charges have been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 15
28 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
38 conviction or plea ended more than 15 years before the date of
39 the application;



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40 (c) Has been terminated for cause from the Florida Medicaid
41 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
54 This subsection does not apply to an applicant for initial
55 licensure, certification, or registration who was enrolled on or
56 before July 1, 2009, in an educational or training program that
57 was recognized by a board or, if there is no board, recognized
58 by the department and who applied for licensure, certification,
59 or registration after July 1, 2012.

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

64 (a) Has been convicted of, or entered a plea of guilty or
65 nolo contendere to, regardless of adjudication, a felony under
66 chapter 409, chapter 817, or chapter 893, or a similar felony
67 offense committed in another state or jurisdiction, unless the
68 applicant is currently enrolled in a pretrial diversion or drug



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69 court program that allows the withdrawal of the plea for that
70 felony upon successful completion of that program. Any such
71 conviction or plea excludes the applicant from licensure renewal
72 unless the sentence and any subsequent period of probation for
73 such conviction or plea ended:

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

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

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

81 (b) Has been convicted of, or entered a plea of guilty or
82 nolo contendere to, regardless of adjudication, a felony under
83 21 U.S.C. ss. 801-970, or 42 U.S.C. ss. 1395-1396 since July 1,
84 2009, unless the sentence and any subsequent period of probation
85 for such conviction or plea ended more than 15 years before the
86 date of the application. However, if the applicant was arrested
87 or charged with such felony before July 1, 2009, he or she is
88 not excluded from licensure renewal under this paragraph.

89 (c) Has been terminated for cause from the Florida Medicaid
90 program pursuant to s. 409.913, unless the applicant has been in
91 good standing with the Florida Medicaid program for the most
92 recent 5 years.

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



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98 the application.

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

102

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

104 And the title is amended as follows:

105 Delete line 47

106 and insert:

107 changes made by the act; amending s. 456.0635, F.S.;

108 providing that a specified board or the department is

109 not required, under certain circumstances, to refuse

110 to admit a candidate to an examination, to issue a

111 license, certificate, or registration to an applicant,

112 and to renew a license, certificate, or registration

113 of an applicant if the candidate or applicant has

114 successfully completed a pretrial diversion program;

115 providing applicability; amending ss. 456.072,