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CS/CS/HB 653

2012 Legislature

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

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

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

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

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

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

ENROLLED
CS/CS/HB 653

2012 Legislature

29 candidate or applicant or any principal, officer, agent,
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38 been withdrawn or the charges have been dismissed.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 pleas 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
46 15 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

ENROLLED
CS/CS/HB 653

2012 Legislature

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
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:

ENROLLED
CS/CS/HB 653

2012 Legislature

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
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 from licensure renewal unless the
92 sentence and any subsequent period of probation for such
93 conviction or plea ended:

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

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

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

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

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

ENROLLED
CS/CS/HB 653

2012 Legislature

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

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

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

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

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

134 456.036 Licenses; active and inactive status;
 135 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

ENROLLED
CS/CS/HB 653

2012 Legislature

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.

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