

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Rouson offered the following:

2
3 **Amendment to Amendment (355772) (with title amendment)**

4 Between lines 30 and 31, insert:

5 Section 99. Section 456.0635, Florida Statutes, is amended
6 to read:

7 456.0635 Health care ~~Medicaid~~ fraud; disqualification for
8 license, certificate, or registration.-

9 (1) ~~Medicaid~~ Fraud in the practice of a health care
10 profession is prohibited.

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

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16 managing employee, or affiliated person of the applicant, ~~has~~
17 ~~been:~~

18 (a) Has been convicted of, or entered a plea of guilty or
19 nolo contendere to, regardless of adjudication, a felony under
20 chapter 409, chapter 817, chapter 893, or a similar felony
21 offense committed in another state or jurisdiction 21 U.S.C. ss.
22 801-970, or 42 U.S.C. ss. 1395-1396, unless the sentence and any
23 subsequent period of probation for such conviction or plea pleas
24 ended: more than 15 years prior to the date of the application;

25 1. For felonies of the first or second degree more than 15
26 years before the date of application.

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

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

32 4. For felonies in which the defendant entered a plea of
33 guilty or nolo contendere in an agreement with the court to
34 enter a pretrial intervention or drug diversion program, the
35 department shall not approve or deny the application for a
36 license, certificate, or registration until the final resolution
37 of the case.

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

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

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

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

58 (f) This subsection does not apply to applicants for
59 initial licensure or certification who were enrolled in an
60 educational or training program on or before July 1, 2009, which
61 was recognized by a board or, if there is no board, recognized
62 by the department, and who applied for licensure after July 1,
63 2009.

64 (3) Each board within the jurisdiction of the department,
65 or the department if there is no board, shall refuse to renew a
66 license, certificate, or registration of any applicant if the
67 candidate or applicant or any principal, officer, agent,
68 managing employee, or affiliated person of the applicant:

69 (a) Has been convicted of, or entered a plea of guilty or
70 nolo contendere to, regardless of adjudication, a felony under:
71 chapter 409, chapter 817, chapter 893, or a similar felony

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72 offense committed in another state or jurisdiction since July 1,
73 2009.

74 (b) Has been convicted of, or entered a plea of guilty or
75 nolo contendere to, regardless of adjudication, a felony under
76 21 U.S.C. ss. 801-970, or 42 U.S.C. ss. 1395-1396 since July 1,
77 2009.

78 (c) Has been terminated for cause from the Florida
79 Medicaid program pursuant to s. 409.913, unless the applicant
80 has been in good standing with the Florida Medicaid program for
81 the most recent 5 years.

82 (d) Has been terminated for cause, pursuant to the appeals
83 procedures established by the state, from any other state
84 Medicaid program, unless the applicant has been in good standing
85 with a state Medicaid program for the most recent 5 years and
86 the termination occurred at least 20 years before the date of
87 the application.

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

91 (f) For felonies in which the defendant entered a plea of
92 guilty or nolo contendere in an agreement with the court to
93 enter a pretrial intervention or drug diversion program, the
94 department shall not approve or deny the application for a
95 renewal of a license, certificate, or registration until the
96 final resolution of the case.

97 (4)~~(3)~~ Licensed health care practitioners shall report
98 allegations of Medicaid fraud to the department, regardless of

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99 the practice setting in which the alleged Medicaid fraud
100 occurred.

101 ~~(5)-(4)~~ The acceptance by a licensing authority of a
102 candidate's relinquishment of a license which is offered in
103 response to or anticipation of the filing of administrative
104 charges alleging Medicaid fraud or similar charges constitutes
105 the permanent revocation of the license.

106 (6) The department shall adopt rules to administer the
107 provisions of this section related to denial of licensure
108 renewal.

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110 -----

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

111 Remove line 44 and insert:

112 certain persons; amending s. 456.0635, F.S.; revising the
113 grounds under which the Department of Health or
114 corresponding board is required to refuse to admit a
115 candidate to an examination and refuse to issue or renew a
116 license, certificate, or registration of a health care
117 practitioner; providing an exception; providing an
118 effective
119