

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

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WITHDRAWN	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

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1 Committee/Subcommittee hearing bill: Health & Human Services  
2 Committee

3 Representative Brodeur offered the following:

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5 **Amendment (with title amendment)**

6 Between lines 708 and 709, insert:

7 Section 1. Subsections (2) and (3) of section 456.0635,  
8 Florida Statutes, are amended to read:

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

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 a license,  
14 certificate, or registration to any applicant if the candidate  
15 or applicant or any principal, officer, agent, managing  
16 employee, or affiliated person of the candidate or applicant:

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23 proof that the plea has been withdrawn or the charges have been  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

29 1. For felonies of the first or second degree, more than  
30 15 years before the date of application.

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

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

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

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

46 (d) Has been terminated for cause, pursuant to the appeals  
47 procedures established by the state, from any other state  
48 Medicaid program, unless the candidate or applicant has been in  
49 good standing with a state Medicaid program for the most recent  
50 5 years and the termination occurred at least 20 years before  
51 the date of the application; or

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

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

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

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67 offense committed in another state or jurisdiction, unless the  
68 applicant is currently enrolled in a pretrial diversion or drug  
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  
75 15 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.

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

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

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

100

101 This subsection does not apply to an applicant for renewal of  
102 licensure, certification, or registration who was arrested or  
103 charged with a felony specified in paragraph (a) or paragraph  
104 (b) before July 1, 2009.

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

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Remove line 41 and insert:

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appropriation and authorizing positions; amending s. 456.0635,

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F.S.; revising grounds for refusing to issue or renew a license,

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certificate, or registration in a health care profession;

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providing applicability; amending s.