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LEGISLATIVE ACTION

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

1 **Senate Substitute for Amendment (493956) (with title**
2 **amendment)**

3
4 Between lines 546 and 547
5 insert:

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

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



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

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22 proof that the plea has been withdrawn or the charges have been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

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

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

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

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



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

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

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

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

54
55 This subsection does not apply to an applicant for initial
56 licensure, certification, or registration who was enrolled on or
57 before July 1, 2009, in an educational or training program that
58 was recognized by a board or, if there was no board, recognized
59 by the department, and was arrested or charged with a felony
60 specified in paragraph (a) or paragraph (b) before July 1, 2009.

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

65 (a) Has been convicted of, or entered a plea of guilty or
66 nolo contendere to, regardless of adjudication, a felony under
67 chapter 409, chapter 817, or chapter 893, or a similar felony



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68 offense committed in another state or jurisdiction, unless the
69 applicant is currently enrolled in a pretrial diversion or drug
70 court program that allows the withdrawal of the plea for that
71 felony upon successful completion of that program. Any such
72 conviction or plea excludes the applicant from licensure renewal
73 unless the sentence and any subsequent period of probation for
74 such conviction or plea ended:

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

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

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

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

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

94 (d) Has been terminated for cause, pursuant to the appeals
95 procedures established by the state, from any other state
96 Medicaid program, unless the applicant has been in good standing



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97 with a state Medicaid program for the most recent 5 years and
98 the termination occurred at least 20 years before the date of
99 the application.

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

103

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

105 And the title is amended as follows:

106 Delete line 47

107 and insert:

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

109 providing that, under certain circumstances, a board

110 or, if there is no board, the department, is not

111 required to refuse to admit certain candidates to an

112 examination, to issue a license, certificate, or

113 registration to certain applicants, or to renew a

114 license, certificate, or registration of certain

115 applicants if they have successfully completed a

116 pretrial diversion program; providing applicability;

117 amending ss. 456.072,