

## **ALERT**

### **NEW LAW – LICENSURE AND RENEWALS**

Senate Bill 1986, now section 456.0635, Florida Statutes (2009), was passed during the 2009 Florida legislative session. This law became effective July 1, 2009 and affects any licensee that was licensed on July 1, 2009 and licensee renewals.

The statutes listed in s. 456.0635, F.S., are:

- Chapter 409, Florida Statutes, Social and Economic Assistance
- Chapter 817, Florida Statutes, Fraudulent Practices
- Chapter 893, Florida Statutes, Drug Abuse Prevention and Control

The link to the Florida Statutes is: <http://www.leg.state.fl.us/statutes/>

The United States Codes referenced are federal crimes and are:

- 21 USC ss. 801-970 pertains to controlled substances
- 42 USC ss. 1395-1396 pertains to public health and welfare, Medicare, etc.

This is the link to the United States Code: <http://uscode.house.gov/search/criteria.shtml>

If you have any questions regarding whether this law applies to you as an applicant, a licensee, or a, please consult an attorney.

Please note the underlined portion indicates a license shall be denied for a felony conviction for a drug charge. Chapter 893, Florida Statutes, encompasses all the drug charges in the state.

#### **456.0635 Medicaid fraud; disqualification for license, certificate, or registration.--**

(1) 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 candidate or applicant or any principal, officer, agent, managing employee, or affiliated person of the applicant, has been:

(a) Convicted of, or entered a plea of guilty or nolo contendere to, regardless of adjudication, a felony under chapter 409, chapter 817, chapter 893, 21 U.S.C. ss. 801-970, or 42 U.S.C. ss. 1395-1396, unless the sentence and any subsequent period of probation for such conviction or pleas ended more than 15 years prior to the date of the application;

(b) Terminated for cause from the Florida Medicaid program pursuant to s. 409.913, unless the applicant has been in good standing with the Florida Medicaid program for the most recent 5 years;

(c) Terminated for cause, pursuant to the appeals procedures established by the state or Federal Government, from any other state Medicaid program or the federal Medicare program, unless the applicant has been in good standing with a state Medicaid program or the federal Medicare program for the most recent 5 years and the termination occurred at least 20 years prior to the date of the application.

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

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

**History.**--s. 24, ch. 2009-223.