

## **Important Notice for Initial Licensure Applicants and Renewals:**

During the 2009 Florida Legislative Session, Senate Bill 1986 was passed changing Florida Statute (FS), [Section 546.0635](#). This change in law became effective July 1, 2009. The new law requires the Florida Department of Health or the Florida Board of Respiratory Care to refuse to issue a license if the applicant has been:

1. Convicted, plead guilty or plead nolo contendere ('no contest'), regardless of settlement, to a felony violation of fraud of social and economic assistance ([FS Chapter 409](#)), felony violation of general false pretenses or fraud ([FS Chapter 817](#)), or felony violation of drug abuse ([FS Chapter 893](#)); or felony violation of Drug Abuse Prevention and Control (21 U.S.C. ss. 801-970); or felony prohibition against any Federal interference of the Health Insurance for the Aged Act or the Grants to States for Medical Assistance Programs (42 U.S.C. ss 1395-1396), unless the sentence and any probation or pleas ended more than 15 years prior to the application.
2. Terminated for cause from Florida Medicaid Program (unless the applicant has been in good standing for the most recent 5 years).
3. Terminated for cause by any other State Medicaid Program or the Medicare Program (unless the termination was at least 20 years prior to the date of the application and the applicant has been in good standing with the program for the most recent 5 years).

The Department of Health and the Board of Respiratory Care are in the process of developing business procedures to fully implement the provisions of this law. Please continue to use the applications, as they currently appear online, until rules are adopted that will replace these applications with updated versions.

For license renewal, this law applies to offenses occurring after July 1, 2009. Since it takes some time to establish the business process, you may be allowed to renew at this time, even if you have committed a disqualifying offense. However, when the Department of Health and Board of Respiratory Care completes the implementation of this law, if you meet one of the disqualifying requirements above, you will be asked to return your license.

It is important for licensed respiratory therapists, respiratory therapists and students petitioning the state of Florida for licensure, and those considering entering a respiratory therapy education program to be aware of the implementation of [Section 546.0635 FS](#).

The Florida Society for Respiratory Care (FSRC) encourages licensees, students, potential students, hospital administrators, and respiratory therapy educators to be aware of the implications of SB 1986 as it relates to licensure. The FSRC is actively working to determine options for filing an amendment with the Florida Legislature to consider bolstering the intent of SB 1986 (decreasing Medicaid fraud) while lessening the impact on healthcare workforce.

The FSRC encourages those affected by SB 1986 to cooperate with the Florida Board of Respiratory Care for resolution. The FSRC also encourages licensed therapists and applicants to exhibit professional responsibility by accurately self-reporting any violations of the law pertaining to this change in statute or other offences described in Florida's [respiratory care practice act](#). Information about the Florida Board of Respiratory Care can be found at: <http://www.doh.state.fl.us/mqa/respiratory/>. The Florida Board of Respiratory Care can be contacted by email at [MQA\\_RespiratoryTherapy@doh.state.fl.us](mailto:MQA_RespiratoryTherapy@doh.state.fl.us) or by calling (850) 488-0595.

Thank you.