

Agency for Health Care Administration
Background Screening

June 30, 2014

To: All Licensed or Registered Providers, Health Care Contractors,
and Background Screening Users

Re: New Background Screening Requirements Effective July 1, 2014
Background Screening Reminders

Dear Administrator/Operator:

The Care Provider Background Screening Clearinghouse (Clearinghouse) has been in effect since January 1, 2013. Currently, the Agency for Health Care Administration (Agency), the Department of Health (DOH), the Division of Vocational Rehabilitation (DOEVR), and Managed Care Health Plans are participating.

The Clearinghouse allows the results of criminal history checks to be shared among specified state agencies, thereby reducing duplicative screenings. Additionally, applicant's fingerprints are now retained. The retention of fingerprints enables a provider to be notified of an arrest of their employee (rapback) as soon as the information is reported to the Agency by the Florida Department of Law Enforcement. The retention of fingerprints will also provide a cost savings for those employees that are in the Clearinghouse but have had a lapse in employment greater than 90 days. After a 90 day lapse in employment, these applicants would only be required to pay for a new national criminal history check (currently \$16.50).

The Clearinghouse has provided a cost savings of over \$1.4 million to Agency providers and DOH licensees since its inception.

Changes Effective July 1, 2014

The following is a summary of Chapter 2014-84, Laws of Florida, (SB 674) that apply to employees and contractors of health care providers licensed through the Agency for Health Care Administration and other employees subject to Chapter 435. The changes to section 408.809 and Chapter 435, Florida Statutes, (F.S.) *take effect July 1, 2014*:

- Screenings handled through the Clearinghouse must now be initiated and registered through the Clearinghouse prior to referring the employee or potential employee for fingerprinting. "Initiating screening" requires the employer register the employee or potential employee through the AHCA Background Screening website before sending the person to a Livescan Vendor for screening. For guidance on how to initiate a screening please review the Clearinghouse Results Website Guide located at http://ahca.myflorida.com/MCHQ/Central_Services/Background_Screening/BGS_results.shtml. An added benefit for initiating a screening is that you will receive a copy of the applicant's Florida criminal history report. The bill also allows the submission of an individual taxpayer identification number (ITIN) when initiating a screening if a social security number cannot be obtained.

The bill amends s. 408.809, and s. 435.04(2), F.S., to add to the list of crimes which disqualify an applicant subject to a background check from employment with a health care facility. The added crimes include:

- Attempts, solicitation, and conspiracy to commit an offense listed in s. 408.809(4), and s. 435.04(2) F.S.;
- Felonies involving the use of false or expired credit cards;
- Fraudulently obtaining goods or services from a health care provider;
- Crimes related to racketeering and the collection of illegal debts; and
- Violating the provisions in the Florida Money Laundering Act.
 - The bill permits a person, if previously screened and qualified under the applicable statutes but has a disqualifying offense that became effective July 1, 2014, to continue to work upon rescreening if agreed to by the employer, while applying for an exemption and waiting for a determination as long as the employee is eligible to apply for an exemption and the application is received by the appropriate agency within 30 days after receipt of the rescreening results.
 - The 3-year waiting period after payment of court-ordered monetary amounts required to be eligible for an exemption from disqualification for certain felony convictions is eliminated. However, all court-ordered fees, fines, or other monetary requirements relating to a disqualifying felony or misdemeanor must be paid in full as a condition of eligibility for an exemption from disqualification of employment.

Background Screening Reminders

All persons subject to screening will be required to be rescreened every five years. Initial rescreening must be conducted according to the following schedule:

- Individuals for whom the last screening was conducted on or before December 31, 2004, must be rescreened by July 31, 2013.
- **Individuals for whom the last screening conducted was between January 1, 2005, and December 31, 2008, must be rescreened by July 31, 2014.**
- Individuals for whom the last screening conducted was between January 1, 2009, and July 31, 2011, must be rescreened by July 31, 2015.

According to section 435.12(2)(c), F.S., an employer of persons subject to screening by a specified agency must register with the Clearinghouse and maintain the employment status of all employees/contractors within the Clearinghouse. Initial employment /contract status and any changes in status **must be reported within 10 business days**. The requirement of adding an employee/contractor to your employee/contractor roster allows for you to receive important arrest and criminal registration notifications. For guidance on how to add an employee/contractor to the employee contractor roster please review the Clearinghouse Results Website Guide located at http://ahca.myflorida.com/MCHQ/Central_Services/Background_Screening/BGS_results.shtml.

Failure to initiate all screenings and/or add an employee/contractor to the employee/contractor roster may result in enforcement action. For information and guidance on these processes please visit our website at <http://ahca.myflorida.com/backgroundscreening>.

If you have any questions please contact the Background Screening Unit at 850-412-4503 or email bgscreen@ahca.myflorida.com.

Sincerely,
 Molly McKinstry, Deputy Secretary
 Division of Health Quality Assurance