

2010 LEGISLATIVE SESSION
House Bill 7069 Regarding Background Screening Signed by Governor

Changes in law to create uniform background screening requirements significantly modify the screening and hiring process for health care providers licensed under Chapter 408, Part II, Florida Statutes.

The following is a summary of changes to section 408.809 and Chapter 435, Florida Statutes. These changes take effect *August 1, 2010*.

- **Elevates all Level 1 background screening to Level 2 screenings**
 - ❖ All persons seeking employment with a health care provider must **undergo a Level 2 screening** if they are expected to provide direct care or services or have access to client property, funds or living areas; *and* all contractors must have a Level 2 screening if they are expected to provide personal care or personal services directly to clients. Requires Level 2 background screening for employees of **Prescribed Pediatric Extended Care Centers, Transitional Living Facilities and Homes for Special Services**. For more information regarding positions that require screening see: "Who is Required to be Screened".

- **Adds additional disqualifying criminal offenses** (includes luring and enticing a child; voyeurism, video voyeurism; and unlawful sexual activity with certain minors)

- **All Level 2 screening requests must be submitted electronically. *This means:***
 - ❖ All Level 2 screening requests must be submitted through a **LiveScan vendor** approved to submit fingerprint requests through the Florida Department of Law Enforcement (FDLE). ***More information is forthcoming. A letter will be sent to all licensees concerning LiveScan Vendors and the new screening process.***
 - ❖ All screening results will be sent to the **Agency for Health Care Administration** (Agency) for review and employment determinations.
 - ❖ Providers may access the screening results through the Agency's secure website at: http://ahca.myflorida.com/MCHQ/Long_Term_Care/Background_Screening/logon.shtml. Notifications by mail will no longer be available.

NOTE: Any Level 1 or Level 2 screening request and fees submitted to the Agency's Background Screening Section after July 31, 2010 will be returned to the sender unprocessed.

- A health care provider *may not hire* a new employee until a final screening determination of "Eligible" or "Not Eligible" (with an exemption) has been made.
- **Requires Level 2 rescreening every 5 years.** Health care providers have until *July 31, 2015* to conduct Level 2 rescreening on employees hired prior to August 1, 2010.
- **Contractors** providing direct care services or employees that have access to client property, funds or living areas must now have a Level 2 screening done. Evidence of contractor screening may be retained by the contractor's employer or the licensee.
- Requires individuals *to attest upon hiring* that they meet the requirements for employment and they **agree to inform the employer immediately if arrested for any disqualifying offense.**
- If an employee has an *arrest for a disqualifying offense* and is awaiting sentencing he/she is **Not Eligible** to work until there is a final court disposition and the individual is determined by the Agency to be eligible.
- A person is *not eligible* to apply for an Exemption from Disqualification until **3 years after** he/she has completed or been lawfully released from confinement, probation or other sanction for the disqualifying criminal offense.
- Persons designated as sexual predators, sexual offenders or career offenders *are not eligible* for an Exemption from Disqualification.