

All Licensed or Registered Providers and Health Care Contractors

Re: New Background Screening Requirements

Dear Administrator/Operator:

Changes in law passed during the 2012 legislative session significantly modify background screening for many service providers regulated by a variety of state agencies including health care providers licensed by the Agency for Health Care Administration (Agency) under Chapter 408, Part II, Florida Statutes (F.S.).

House Bill 943 created a “Care Provider Background Screening Clearinghouse” or “Clearinghouse.” The purpose of the Clearinghouse is to provide a single data source for background screening results of persons required to be screened by law for employment in positions that provide services to children, the elderly, and disabled individuals. The Clearinghouse shall allow the results of criminal history checks to be shared among specified agencies when a person has applied to volunteer, be employed, be licensed, or enter into a contract that requires a state and national fingerprint-based criminal history check. (Section 435.12, Florida Statutes).

To be entered into the Clearinghouse, a person screened must:

- Undergo Level 2 screening and have fingerprints retained by the Florida Department of Law Enforcement (FDLE), *and*
- Have a photograph taken at time of fingerprinting, *and*
- Sign a privacy policy

The Clearinghouse is scheduled to go live for all Agency regulated providers on **January 1, 2013**. Please be aware that to be entered into the Clearinghouse a **photograph must be taken** of the applicant at the time the fingerprints are submitted. If a photograph is not submitted at the time the fingerprints are processed, the applicant will not be entered into the Clearinghouse and the screening will not be able to be shared among the specified state agencies. This also may lead to added costs incurred if the applicant needs an additional screening from another state agency. Photo-capable Livescan Service Providers will be listed on the Background Screening Results website.

It is very important for all screenings to be initiated through the Background Screening Results website prior to sending an applicant for fingerprinting. ***Initiating a screening online will provide the privacy policy required for the employee to be included in the Clearinghouse.*** Initiating a screening will also supply a view the Florida Public Rap Sheet, the ability to track a screening through the process, and email updates when an employee’s status has been changed or updated. To register and begin initiating screenings please visit our website at <https://apps.ahca.myflorida.com/SingleSignOnPortal>.

Once the Clearinghouse is implemented, all screenings requested and processed will be retained. The retention of fingerprints enables a provider to be notified of an arrest of their employee as soon as the information is reported to the FDLE. The fee for retaining fingerprints is \$24.00 for a retention period of 5 years. This fee is in addition to the screening fee and the Livescan Service Provider processing fee which is required at the time of screening. ***However, the retention of fingerprints eliminates the need for subsequent fingerprinting and state rescreening, providing future cost savings.***

*Please note, for those providers that process and transmit their own Livescan fingerprint submissions to the FDLE, the Originating Agency Identifier (ORI) will change January 1, 2013. Please contact the Background Screening Unit at bgscreen@ahca.myflorida.com for more information.

Specific state agencies that may participate in the Clearinghouse include the following:

- Department of Children and Families
- Department of Health
- Agency for Health Care Administration
- Department of Elder Affairs
- Department of Juvenile Justice
- Agency for Persons with Disabilities
- Vocational Rehabilitation

The Agency for Health Care Administration will be responsible for maintaining the Clearinghouse and will be working with the other agencies to become part of the Clearinghouse over time. The law specifies that the Clearinghouse must be implemented to the full extent practicable no later than September 30, 2013, subject to each agencies funding and ability to participate.

For more information concerning background screening 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](tel:850-412-4503) or email bgscreen@ahca.myflorida.com.

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