

Frequently Asked Questions (FAQs): Exemption from Disqualification Process

Frequently asked questions for applicants applying for an exemption from disqualification for: AHCA employment, facility licensure, Medicaid enrollment or for a Managed Health Care Plan.

1. Who is required to have an exemption from AHCA?

The Agency reviews applications and makes decisions on Exemptions for:

- Unlicensed personnel working for a health care provider
- Facility owners, administrators or Chief Financial Officers
- Medicaid Provider Enrollment
- Medicaid Managed Care Health Plan

This may include licensed personnel not working within the scope of their license (for example: a CNA working as a HHA).

2. Who is required to have an exemption from the Florida Department of Health?

The Florida Department of Health reviews applications and makes decisions for **licensed and certified health care professionals, as long as that person is working in the scope of his or her license or certification (for example: CNA, LPN, RN)**. For more information regarding the exemption process for licensed or certified individuals with the Department of Health, visit <http://www.floridahealth.gov/>, or call 850-245-4444.

3. If I am a Risk Manager, what is the process to apply for an exemption?

As a Risk Manager you are considered your own entity, therefore, you are an AHCA provider. If you have a disqualifying offense requiring an exemption, you would **check box number 2 on the exemption application** that states: "I am an owner, administrator or Chief Financial Officer for a health care provider that is currently licensed or seeking licensure by the Agency."

For questions on how to conduct a screening or view results, please view information guides and videos on our website available here:

http://ahca.myflorida.com/MCHQ/Central_Services/Background_Screening/BGS_results.shtml.

4. Who needs to apply for a Medicaid exemption?

An individual or principal of a provider entity that is enrolled or is applying to enroll as a Medicaid Provider must apply for an exemption if they have a disqualifying offense on their background. Principals of the provider entity include any officer, director, billing agent, managing employee, or affiliated person, or any partner or shareholder who has an ownership interest equal to 5 percent or more in the provider. These individuals will need to check box 3 if they are applying for Medicaid Provider enrollment or re-enrollment while individuals who are trying to obtain employment with a Managed Care Plan/Medicaid Health Plan will need to check box 4. An exemption that was granted by Department of Health for purposes of employment under a license or certification or an AHCA exemption granted solely for employment purposes do not cover Medicaid.

5. **Is there an application fee?**

There is no application fee for the Application for Exemption from Disqualification.

6. **Where do I send the exemption application and other documentation?** As long as the documents are legible, you may:

- Scan and email all documents to BGScreen@ahca.myflorida.com
- Fax to 850-487-0470 or
- U.S. Mail to BGS Unit, 2727 Mahan Dr. MS#40, Tallahassee, FL 32308.

7. **How long does the process take for a decision to be made?**

The Agency has 30 days to make a decision **once all required or relevant** documentation has been received deeming the application complete.

8. **Why does the “not eligible” letter only list my disqualifying offense(s)?**

The “not eligible” letter will only list the offense(s) that disqualifies an individual.

However, to be considered for an exemption, information for all offenses on your criminal history is required.

9. **What is the 30-day timeframe mentioned in the “not eligible” letter?**

Only those applicants who meet the following criteria must apply for an exemption within 30 days of receipt of their “not eligible” letters to be able to keep working through the process; this only applies to individuals seeking employment in an AHCA licensed facility and does not apply to individuals needing a status for “Medicaid Provider Enrollment”. All other applicants may apply at any time.

If you were screened and hired by your current employer on or before June 30, 2014, and this disqualification was due to a rescreening by the same employer, you may continue working if you meet all of the following criteria:

- You are eligible to apply for an exemption (see Exemption criteria on the website at: ahca.myflorida.com/backgroundscreening);
- Your disqualifying offense(s) identified in this letter was not disqualifying at the time of your last screening, but is now disqualifying and was committed before the date of your last screening;
- Your employer agrees that you may continue working; and
- You submit an Application for Exemption from Disqualification to the appropriate agency within 30 days of receipt of this letter.

10. **Is a Level II screening the same as a criminal history report?**

Yes, they both contain state and national checks for offenses. All employees required by law to be screened pursuant to this section must undergo security background investigations as a condition of employment and continued employment which includes, but need not be limited to, fingerprinting for statewide criminal history records checks through the Department of Law Enforcement, and national criminal history records checks through the Federal Bureau of Investigation, and may include local criminal records checks through local law enforcement agencies.

11. What if I cannot obtain all of the arrest reports, court dispositions, probation information and/or other information required?

You must make an attempt to obtain this documentation from the Clerk of Courts office, probation office or arresting agency. Documentation from the Clerk of Court and/or the arresting agency must be provided on their letterhead indicating the document(s) are no longer available. You must also provide a **signed statement** explaining the details of the arrest and the outcome, to include probation or sentencing information, court fees/fines and restitution for each offense for which you are unable to obtain complete documentation.

12. What is rehabilitation?

Rehabilitation includes successful completion of court-ordered treatment, counseling program, education, and training certificates; proof of participation in community activities; and special recognition or awards received. Rehabilitation can also be demonstrated by voluntary participation, as well.

13. Are there criteria or things in particular that needs to be included in the Letter of Recommendation?

One reference letter must be from a current or most recent employer on the employer's letterhead. Other letters must be from individuals you have known for at least two years through contact at the workplace, community activities, education or training centers. Individuals providing a Letter of Recommendation should include their name, address and telephone number for verification or possible interview. In addition, each letter of recommendation must be signed and dated within 6 months of your application submission.

14. What is a resubmission?

A resubmission is like a new screening, but the applicant does not have to go to a LiveScan vendor to have their prints taken. The resubmission uses the person's retained prints and resubmits them to obtain a new, up-to-date criminal history report. This provides a cost savings for applicants in the Clearinghouse that have had a lapse in employment greater than 90 days. Resubmissions are initiated through our Background Screening website by an AHCA, Medicaid, or Managed Care provider.

15. How do I appeal if I am denied the exemption?

A certified letter is mailed to the address on the exemption application. You have 21 days from the date you sign for the certified letter to request an appeal.

- Pursuant to Section 120.569, F.S., you have the right to request an administrative hearing within 21 days of your receipt of this letter. In order to obtain a formal proceeding before the Division of Administrative Hearings under Section 120.57(1), F.S., your request for an administrative hearing must conform to the requirements in Section 28-106.201, Florida Administrative Code, and must state the material facts you dispute.
- Pursuant to Florida law, you have the right to re-apply for an exemption at any time. There are no limits as to the number of times you may apply for an exemption.

16. Can an exemption from another Florida state agency be considered?

Each agency makes their own decisions regarding exemptions. If you have received an exemption from another state agency you may submit a copy with your application.