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GOVERNOR

MARY C. MAYHEW
SECRETARY

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

Re: Health Care Provider Background Screening

To address the ability of facilities to hire staff at this critical time and recognizing the inability to obtain timely fingerprints for background screening, the Agency has issued [Emergency Order AHCA No. 20-001](#), which expires 30 days from the date of the order. This order establishes the following guidelines for health care providers, Medicaid providers, and health care contractors all hereby referred to as “provider.”

When a criminal background check is required, a provider must first review the Clearinghouse Results Website to verify if the candidate has a current Level 2 screening.

If the candidate does not have a current Level 2 screening or the provider is not able to initiate an Agency Review or Resubmission on the candidate in the Clearinghouse Results Website, then the provider must make every effort to find a Livescan Service Provider that will process fingerprints for a Level 2 screening.

If the candidate is not in the Clearinghouse and they are unable to initiate Level 2 screening due to the inability to access a Livescan site to be fingerprinted, then the provider should follow the steps below:

1. Conduct a Level 1 / State of Florida Criminal History Record Check through the Florida Department of Law Enforcement’s website, <http://www.fdle.state.fl.us/Criminal-History-Records/Florida-Checks> and print a screenshot of the findings. Ensure that results do not include any offenses pursuant to Sections 408.809(4) and 435.04(2), Florida Statutes;
2. Conduct a search for each candidate through the FDLE Career Offender Search database, <http://www.fdle.state.fl.us/coflyer/home.asp> and print a screenshot of the findings. Ensure that no results are found;
3. Conduct a search for each candidate through the Dru Sjodin National Sex Offender Public Website, <https://www.nsopw.gov/> and print a screenshot of the findings. Ensure that no results are found;
4. Comply with the attestation requirements, as set forth in Section 435.05(2), Florida Statutes;
5. Place all of the above-mentioned documentation into the candidate’s HR file; and
6. Once the Livescan Vendors resume normal business hours, a Level 2 screening must be initiated through the Care Provider Background Screening Clearinghouse as soon as Livescan services are available.

Questions may be submitted to BGScreen@ahca.myflorida.com.



435.03 Level 1 screening standards.—

(1) All employees required by law to be screened pursuant to this section must undergo background screening as a condition of employment and continued employment which includes, but need not be limited to, employment history checks and statewide criminal correspondence checks through the Department of Law Enforcement, and a check of the Dru Sjodin National Sex Offender Public Website, and may include local criminal records checks through local law enforcement agencies.

(2) Any person required by law to be screened pursuant to this section must not have an arrest awaiting final disposition, must not have been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, and must not have been adjudicated delinquent and the record has not been sealed or expunged for, any offense prohibited under s. 435.04(2) or similar law of another jurisdiction.

(3) The security background investigations under this section must ensure that no person subject to this section has been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense that constitutes domestic violence as defined in s. 741.28, whether such act was committed in this state or in another jurisdiction.

Agency resources related to COVID-19 can be accessed on the Agency's COVID-19 alerts for facilities and Medicaid providers website:

http://ahca.myflorida.com/covid-19_alerts.shtml