

STATE OF FLORIDA
AGENCY FOR HEALTH CARE ADMINISTRATION

In Re:

TEMPORARY SUSPENSION OF
STATUTES AND RULES PERTAINING TO
LEVEL 2 BACKGROUND SCREENING MADE
NECESSARY BY HURRICANE IAN

AHCA NO. 22- 001

EMERGENCY ORDER

WHEREAS, on September 23, 2022, Governor Ron DeSantis issued Executive Order 22-218 regarding Tropical Depression Nine and declared a state of emergency in 24 counties; and

WHEREAS, on September 24, 2022, Tropical Depression Nine strengthened into Tropical Storm Ian and Governor Ron DeSantis issued Executive Order 22-219 reaffirming his previous order and declaring a state-wide emergency; and

WHEREAS, on September 26, 2022, Tropical Storm Ian strengthened to a Hurricane with maximum sustained winds of 85 miles per hour; and

WHEREAS, on September 27, 2022, Hurricane Ian continued to strengthen, increasing its maximum sustained winds to 125 miles per hour; and

WHEREAS, on September 28, 2022, Hurricane Ian made landfall in Florida as a category 4 hurricane with sustained winds over 140 miles per hour; and

WHEREAS, Hurricane Ian poses a risk of dangerous storm surge, heavy rainfall,

flash flooding, strong winds, hazardous seas, and the potential for isolated tornadic activity for the Florida Keys and much of Florida's Peninsula; and

WHEREAS, the threat posed by Hurricane Ian requires supplemental deployment of licensed health care professionals from neighboring jurisdictions to prevent interruption in the delivery of critical health care services, including services delivered in health care facilities regulated by the Agency for Health Care Administration; and

WHEREAS, Section 4 of Executive Order 22-218 allows state agencies to suspend the provisions of any regulatory statute, order, or rule, if strict compliance with the provisions of the statute, order, or rule would prevent, hinder, or delay necessary action in coping with the emergency; and

NOW, THEREFORE, I, Simone Marstiller, as Secretary of the Agency for Health Care Administration, pursuant to section 4.B. of Executive Order No. 22-218, find that strict compliance with the provisions of certain regulatory statutes and rules prescribing the procedures for conduct of state business by the Florida Agency for Health Care Administration will prevent, hinder, or delay necessary action in coping with the emergency caused by Hurricane Ian. In order to effectively respond to the threat posed by Hurricane Ian it is necessary to promulgate the following:

1. Section 408.809(1), Florida Statutes, is hereby temporarily suspended for anyone who is unable to obtain a Level 2 Background Screening due to the state-wide emergency associated with Hurricane Ian. This suspension shall expire 30 days from the date of this order, unless extended.

2. Every effort shall be made to comply with the requirements of section

408.809(1), Florida Statutes. However, for candidates who require background screenings but are unable to obtain a Level 2 Background Screening due to the state-wide emergency associated with Hurricane Ian, each provider must instead use a Level 1 employee screening as defined in Section 435.03, Florida Statutes, if the candidate is not already retained in the Care Provider Background Screening Clearinghouse.

3. In any case where a Level 2 Background Screening cannot be obtained, documentation for the Level 1 employee screening must be placed in the candidate's human resources file.

4. Once this Emergency order expires, employers, within 30 days, must obtain a Level 2 Background Screening for all employees hired under the provisions of this order which were screened only under a Level 1 employee screening.

5. All other provisions of section 408.809, Florida Statutes, shall remain in effect.

Executed this 29th day of September 2022, in Agency for Health Care Administration Offices, Tallahassee, Leon County, Florida.



Simone Marstiller

Secretary

Agency for Health Care Administration