

59A-35.090 Background Screening.

(1) Definitions:

(a) through (c) No change.

(d) "Exemption from Disqualification" means an exemption granted by the Agency following a review of the Background Screening Application for Exemption, AHCA Form 3110-0019, ~~July 2024 January 2017~~, hereby incorporated by reference, and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>, ~~in and an informal teleconference, during~~ which the individual must present clear and convincing evidence to support a reasonable belief that he or she has been rehabilitated and does not present a danger to the health, safety, and welfare of the patient or individual as described in Section 435.07, F.S.

(e) through (h) No change.

(2) Processing Screening Requests, Required Documents and Fees.

(a) Providers subject to the screening standards outlined in Section 408.809, F.S., must follow the requirements specified in Section 435.12, F.S. Care Provider Background Screening Clearinghouse and must register and initiate all criminal history checks through the Care Provider Background Screening Clearinghouse before referring an employee or potential employee for electronic fingerprint submission to the Department of Law Enforcement. Providers can access the Care Provider Background Screening Clearinghouse at: <https://ahca.myflorida.com/backgroundscreening>
http://ahca.myflorida.com/MCHQ/Central_Services/Background_Screening/index.shtml.

(b) Persons required to undergo Level 2 background screening must submit fingerprints electronically through a Livescan Service Provider(s) contracted through the Agency or approved through the Florida Department of Law Enforcement. Payment for screening services must be made to the Livescan Service Provider at the time of services or through a payment arrangement with the Livescan Service Provider.

(c) If the individual's fingerprints are rejected by the FBI due to illegible prints, the requesting provider will be notified through the Agency's secure website. The individual must return to the same Livescan Service Provider and submit a second set of fingerprints in accordance with the guidelines established by the FBI. ~~If the fingerprints are not resubmitted within 14 days, the individual will be notified by letter from the Agency. The second set of prints must be submitted within 21 days of the Agency's request or the screening request will be considered withdrawn. If withdrawn, the individual must submit a new set of electronic fingerprints through a Livescan Service Provider accompanied by the required fee.~~

(d) ~~An~~ Attestation of Compliance with Background Screening Requirements, AHCA Form 3100-0008, ~~July 2024 January 2017~~, herein incorporated by reference, available at http://www.flrules.org/Gateway/reference.asp?No=Ref_09106, and available from the Agency for Health Care Administration at: http://ahca.myflorida.com/MCHQ/Central_Services/Background_Screening/Regulations_Forms.shtml. This form must be completed by the individual and retained by the provider upon hire to attest that they meet the requirements for qualifying for employment, they have not been unemployed for more than 90 days from a position that requires Level 2 screening, and they agree to inform the employer immediately if arrested for any disqualifying offense. The Attestation of Compliance is available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-XXX>, and available from the Agency for Health Care Administration's website at: <https://ahca.myflorida.com/health-care-policy-and-oversight/bureau-of-central-services/background-screening/additional-information/regulations>.

(e) No change.

(3) Results of Screening and Notification.

(a) No change.

(b) If a Level 2 criminal history is incomplete, correspondence ~~a certified letter~~ will be sent to the individual being screened requesting the arrest report and court disposition information. ~~If the letter is returned unclaimed, a copy of the letter will be sent by regular mail.~~ Pursuant to Section 435.05(1)(d), F.S., the missing information must be filed with the Agency within 30 days of the Agency's request or the individual is subject to disqualification in accordance with Section 435.06(3), F.S.

(c) No change.

(4) Exemption from Disqualification.

(a) Requests for an exemption from disqualification shall be submitted in writing to the Agency using the Background Screening Application for Exemption, AHCA Form 3110-0019, ~~July 2024 January 2017~~.

(b) through (c) No change.

(d) An “Application for Exemption” will not be ~~considered reviewed~~ until all required documents are obtained. If the application is deemed incomplete after 30 days of receipt by the Agency, the application ~~may~~ **will** be closed. An Application for Exemption will not be considered if the applicant has not had a Level 2 Screening as defined in 59A-35.090(1)(g), F.A.C., within 6 months from their application date.

(e) through (g) No change.

(5) No change.

Rulemaking Authority 408.809, 408.819, 435.01 FS. Law Implemented 408.809, 408.810, 435.07 FS. History—New 7-14-10, Amended 12-16-13, 6-15-15, 2-13-18, _____.

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