

# **Appendix E**

## **Background Screening Clearinghouse Instructions**

### ***Introduction***

- **All** Candidates who are Direct Service Providers per Section 430.0402 (1) (b), F.S., are required to complete a Level 2 background screening with an attached photograph through the Care Provider Background Screening Clearinghouse (Clearinghouse).
- **All** Direct Service Providers (Candidates/Employees) of any service provider agency, subcontractor, or vendor of the Department of Elder Affairs (Department/DOEA) are required to have a *DOEA-Aging Network* eligibility determination in the Clearinghouse.
- **All** Providers of Department programs are required to enter all eligible participating Candidates/Employees within the *Specified Agency* “Employee/Contractor Roster” tab of the Clearinghouse.
- An Employer may hire a Candidate into a position that requires background screening prior to the Candidate/Employee completing the screening process. This period is for training and orientation purposes only, and the Employee shall not provide direct service until the screening process is finalized and the Employee’s status is “Eligible” within the *DOEA-Aging Network* Clearinghouse.
- Use of the Clearinghouse must be limited to Direct Service Providers as defined by 430.0402 (1) (b), F.S.
- Failure to comply with any background screening requirement is a violation of Section 430.0402, F.S.

Per Section 435.12 F.S., the Agency for Health Care Administration (AHCA), in consultation with the Department of Law Enforcement, created the 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 allows 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.

**DEPARTMENT OF ELDER AFFAIRS PROGRAMS AND SERVICES HANDBOOK**  
**Appendix E: Background Screening Clearinghouse Instructions**

**Introduction/Requirements**

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Specified agencies include:

- Agency for Health Care Administration (AHCA);
- Agency for Persons with Disabilities (APD);
- Department of Children and Families (DCF);
- Department of Elder Affairs (DOEA);
- Department of Health (DOH);
- Department of Juvenile Justice (DJJ);
- Division of Vocational Rehabilitation within the Department of Education (DOEVR); and
- Local licensing agencies approved pursuant to Section 402.307, F.S.

Specified agencies of the Clearinghouse are identified through registration in the Clearinghouse, based upon statutory screening authority.

***Registration in the Clearinghouse:***

All agency-connected service provider agencies, subcontractors, and vendors must create a user account under the appropriate agency, generate a user agreement in the Background Screening Clearinghouse, and email a scanned copy of the user registration agreement and driver's license to the appropriate agency email address for processing. All DOEA service provider agencies, subcontractors, and vendors must send registration information to [doeanetwork@elderaffairs.org](mailto:doeanetwork@elderaffairs.org) for processing.

***Utilizing the Clearinghouse:***

Once processed, the service provider agency, subcontractor, or vendor may begin the process of fingerprinting Candidates/Employees, and adding or updating the employee roster. However, it is necessary for service provider agencies, subcontractors, and vendors to initiate a search to determine whether the Candidate/Employee is already in the Clearinghouse before initiating a new screening.

As the specified agencies are human services governmental entities, responsible for administration of similar services to authorized service populations, it is common for Direct Service Providers to provide services across corresponding agency provider networks; however, Direct Service Provider Candidates/Employees of DOEA programs must have a *DOEA-Aging Network* eligibility determination in the Clearinghouse.

***DOEA Agency Review:***

If a Direct Service Provider Candidate/Employee is already in the Clearinghouse with an “eligibility statement” from another specified agency, other than DOEA, then the DOEA-funded service provider agency, subcontractor, or vendor must initiate a DOEA Agency Review.

The DOEA Agency Review is necessary for information sharing between specified agencies. The Agency Review allows Direct Service Providers to be identified in the Clearinghouse under DOEA, and DOEA-funded service provider agencies, subcontractors, or vendors can access employment history records, including subsequent arrest notifications and expiring fingerprint notifications. Initiating the DOEA Agency Review allows background screening information for a Direct Service Provider, e.g., in-home worker to be accessible by DOEA.

AAAs must inform lead agencies, OAA-funded direct contractors, and other direct AAA contractors, that upon subcontracting with a service provider/vendor, the provider must obtain proof of eligibility (background screening result displaying DOEA as the specified agency) for a Candidate/Employee that will serve clients enrolled in DOEA programs.

### ***Rules in the Clearinghouse***

Each User must access the Clearinghouse website and abide by the following rules:

- **Create a unique account.** (There is no limit on the number of Users per program Provider).
- **Do not disclose or lend your USER ID AND/OR PASSWORD to anyone.** Your User ID and Password serve as your "electronic signature." This means that you are responsible for the consequences of unauthorized or illegal transactions. Copies of all User Registrations and supporting documents are required for monitoring purposes.
  - **Failure to comply:** Sharing a User ID and Password will result in immediate suspension of access to the Clearinghouse.
  - Providers cannot regain access to the Clearinghouse Portal until a Corrective Action Plan is in place.
  - All User Registration Violation information and a Corrective Action Plan must be submitted to the AHCA for further review.
- **Do not browse or use Clearinghouse information for unauthorized or illegal purposes.**
  - Per Section 435.11(1)(b), F.S., it is a misdemeanor of the first degree to use records information for purposes other than screening for employment or to release records information to other persons for purposes other than screening for employment.
  - **Do not** make any disclosure of Clearinghouse data that is not specifically authorized.
  - **Do not** intentionally cause corruption or disruption of data files.
- **Edit your user information (i.e., email address, phone number), as needed.**

It is important that you maintain a current email address. Your email address will be required should you need to have your password reset.

Also, important notifications are sent to the email address on file within the Portal, such as background screening updates, Employee arrest notifications, account registration notices, and portal updates.

Passwords must be updated every 90 days. Failure to do so will result in being locked out of the system. If you have been locked out of the system or forgotten your password, please go to the "Reset Password Instructions" under the Portal Log-In, and follow all prompts.

Instructions: Account Registration and Generating a User Agreement

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***First Time Portal User Requirements***

First-time Users are required to create a log-in and a password to access the Clearinghouse. These credentials can be established by visiting the AHCA web portal at <https://apps.ahca.myflorida.com/SingleSignOnPortal>

Once on the website:

- A. Select **[“New User Registration.”](#)**
- B. Check the confirmation box and select continue.
- C. Complete the Account registration by entering all required information indicated by the red asterisk (\*) and select **“Register”** to continue.
- D. Select **“Return to Login”** to request access to the Clearinghouse results website.

***Portal Users Requirements***

The Portal Login page will provide authorized user access to external systems maintained by AHCA. To view and maintain information:

- A. Enter the User ID and Password created in the previous steps. Select **“Log In.”**
- B. From the drop-down list, select **“Department of Elder Affairs”** (DOEA) under Background Screening Clearinghouse.
- C. Select **“Request Program Access”** to continue.
- D. A role is necessary to obtain proper access. Select **“Provider”** from the drop-down list.
- E. Select the **“Provider Type.”**
- F. Start typing the **“Provider Name”** associated with your DOEA account.
- G. Select your provider from the list when it appears. Select **“Add Provider.”**
  - o If your Provider information is not located in the drop-down selection, please contact the Department for instructions using the contact information provided below:

Contact – Background Screening Unit

Email Address – [doeanetwork@elderaffairs.org](mailto:doeanetwork@elderaffairs.org)

Subject Line – BGS User Registration

Body of Email – Require Template for User Registration.

**DEPARTMENT OF ELDER AFFAIRS PROGRAMS AND SERVICES HANDBOOK**  
**Appendix E: Background Screening Clearinghouse Instructions**

**Instructions: Using the Clearinghouse Results Website**

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- H. If the requested Provider is correct, select “Submit Request and Generate User Agreement.”
- If it is incorrect, select Delete and choose the appropriate “**Provider Name.**” “**Submit Request and Generate User Agreement with a copy of Driver’s License.**”
- I. Select the link in the upper right corner and print the document. Both, the signature of the User and the Provider are required prior to sending the agreement to the Department for approval.
- J. Send, via encrypted email, the scanned copy of the “User Registration Agreement” with a copy of Applicant’s driver’s license to [doeanetwork@elderaffairs.org](mailto:doeanetwork@elderaffairs.org).

*Note: Your request for access to the Clearinghouse Results Website will be in ‘Pending’ status until the DOEA Coordinator receives and processes your “User Registration Agreement.” Only after the approval occurs, will the User have access to the Clearinghouse.*

**Clearinghouse Results Website Overview:**

The Clearinghouse Results Website allows users to initiate a screening, search for screening results, connect to specified agencies’ screenings, select a LiveScan service provider, and connect to the service provider’s website to schedule appointments. Utilizing the Clearinghouse website to initiate screening requests provides the user the following benefits:

- Ability to share results of criminal history checks among specified agencies;
- Ability to view subsequent arrest information for employees with retained fingerprints (only available to current employers of the individual);
- Ability to track screenings from the time the screening request is initiated in the Clearinghouse until a determination is made;
- Ability to receive email notifications regarding status updates to requests initiated;
- Ability to search for LiveScan service providers by certain criteria (county, name, etc.). Provides information and ability to connect to the fingerprint service provider’s website to make appointments;

**DEPARTMENT OF ELDER AFFAIRS PROGRAMS AND SERVICES HANDBOOK**  
**Appendix E: Background Screening Clearinghouse Instructions**

**Instructions: Using the Clearinghouse Results Website**

---

- Ability to receive the Transaction Control Reference Number (TCR#) needed for sending an applicant to be rescreened for rejected prints;
- Ability to access Public Record version of state criminal history record (RAP sheet) for review by the **provider requesting the original screening**;
- Ability to connect to a screening request in process for notification when results are available (reduces duplicative screening);
- Ability to create a “status” report and a “completed screening listing” report of screenings requested by the User eliminating the need to search for each screening result individually;
- Ability to maintain an employee roster by entering hire and separation dates for each employee. This facilitates a notification to the employer if the eligibility status of an employee changes; and
  - Section 435.12(2)(c) requires an employer of persons subject to screening by a specified agency to register with the Clearinghouse and maintain the employment status of all employees within the Clearinghouse. Initial employment status and any changes in status must be reported within **10 business days**.
- Ability to access the Redesigned Individual Profile Page that includes:
  - Eligibility results;
  - Photograph, if the individual is in the Clearinghouse;
  - Department of Health professional licensure status;
  - Screenings in process;
  - State criminal history report viewable for the provider initiating the screening; and
  - Employment history.



### **Clearinghouse Results Website Portal Access:**

- A. Log in at <https://apps.ahca.myflorida.com/SingleSignOnPortal>.
- B. On the “Portal Landing,” select Background Screening Clearinghouse- DOEA;
- C. From the Program Access, select the Background Screening Clearinghouse link to access the Clearinghouse results website.

### **Candidate Search**

Prior to sending any Candidate to the LiveScan Vendor (Fingerprint Provider), Clearinghouse Users are required to initiate a search to determine whether the Candidate is already within the Clearinghouse to avoid replication of Candidate information within the system.

### **Search for Screening Results**

The “Search Page” allows the User to review the eligibility status of a Candidate, if the Candidate has undergone a screening or has a screening in-process with the Clearinghouse. Search by social security number and last name or social security number and date of birth. If the Candidate does not have a screening, the User must initiate a screening.

If the Candidate has a screening, the Candidate’s “Profile Page” will appear. If screened by another specified agency and entered in the Clearinghouse, the eligibility status will be “agency review required.”

If a Candidate/Employee possesses an “Eligibility Statement” from another *Specified Agency* within the Clearinghouse, a Provider is required to request a DOEA Agency Review at no cost. The DOEA Agency Review is possible if a photograph is attached to the Profile Page. However, if no photograph is attached to the Profile Page, a DOEA Agency Review will not be available, and the Provider will have to “Initiate a New Screening.”

The DOEA Agency Review allows the Specified Agency to make an eligibility determination for employment purposes. Benefits of requesting a DOEA Agency Review include the following:

- “Agency Review” requests are FREE to the Provider and Candidate/Employee.
- The Candidate/Employee does NOT need to visit a LiveScan location to submit new fingerprints.

**DEPARTMENT OF ELDER AFFAIRS PROGRAMS AND SERVICES HANDBOOK**  
**Appendix E: Background Screening Clearinghouse Instructions**

**Clearinghouse Results**  
**Applicant Profile**

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- The Provider will receive a copy of the public rap sheet after initiating a DOEA Agency Review.

Prior to initiating an Agency Review for a Candidate/Employee, the user must complete the following actions:

- A. Ensure the “Clearinghouse Screening Available” indicator states “Yes”;
- B. Ensure the “Privacy Policy” has been signed and acknowledged;
- C. Ensure the “Office of Inspector General (OIG) List of Excluded Individuals and Entities” has been searched and acknowledged;
- D. Ensure the “National Nurse Aide Registry (NNAR)” search has been completed;
- E. Ensure the demographic portion of the profile page is completed;
- F. Ensure the correct Social Security Number is on the “LiveScan Request Form”;
- G. Complete the “Requesting Provider” field within the Clearinghouse;
- H. Provide Candidate with a “LiveScan Request Form,” **before** the fingerprinting process;
- I. Instruct the Candidate to request a photograph from the LiveScan Vendor at the time of LiveScan fingerprinting and ensure correct photograph has been uploaded to Candidate/Employee Profile Page;
- J. Return to the Clearinghouse Website upon receipt of email notification to check the Candidate’s status.

***Initiating an Agency Review:***

To ensure the appropriate criteria is applied during the screening review, the position type and reason for screening the individual must be entered.

- Select the “Initiate Agency Review” button.
- Select the **provider** that the individual has applied to work for from the drop-down list.
  - Please note the provider drop-down will only display if you are accessing the website on behalf of multiple providers.
- Select the **position** that the individual is applying for from the drop-down list.
- Select the “**Privacy Policy**” link to view and print the privacy policy. Check the affirmation box to confirm that the Candidate/Employee has signed and agreed to the Privacy Policy.
  - If a candidate already has a signed Privacy Policy on file, they do NOT have to resign the updated Privacy Policy.

**Initiate New Screening:** To initiate a new screening for a Candidate, select “Initiate Screening,” and follow prompts.

**Initiate Resubmission:** The retention of fingerprints in the Clearinghouse provides cost savings for Candidates that have had a lapse in employment greater than 90 days.

If there is a lapse in employment, a new national criminal history check (including the resubmission of the retained fingerprints) is required. A new state criminal history search will also be conducted at no additional charge.

To initiate a resubmission for a Candidate, select “Initiate Resubmission,” and follow prompts.

**Initiate Clearinghouse Renewal:** A Clearinghouse Renewal is completed from the Users Home page of the “Portal Landing” at <https://apps.ahca.myflorida.com/SingleSignOnPortal>.

A welcome message and your provider information will appear on the Clearinghouse Results Website Home page. This page will also display the **Employees with Expiring Retained Prints** table and bulletin messages.

If an employee is on your Employee/Contractor roster and their retained prints expiration date is within the renewal window, their information will display in the **Employees with Expiring Retained Prints** table. You can renew an employee by selecting **Renew**, their **Last Name**, or from the **Person Profile** page.

Providers may initiate a Clearinghouse Renewal **60 days** before the “Retained Prints Expiration Date” is reached.

If the Clearinghouse Renewal is not initiated 14-days before the “Retained Prints Expiration date,” a new screening will need to be initiated.

**Benefits of Initiating a Clearinghouse Renewal:**

- The request and payment for screening renewal occurs in one system resulting in cost savings.
  - The current cost for a Clearinghouse Renewal is \$42.00, a cost-saving of over \$30; the average cost for a new screening is \$75.00.
- The processing time is faster since the request is immediately sent to the Clearinghouse; no need to wait for the employee to be fingerprinted at a LiveScan Service Provider location.

**DEPARTMENT OF ELDER AFFAIRS PROGRAMS AND SERVICES HANDBOOK**  
**Appendix E: Background Screening Clearinghouse Instructions**

**Clearinghouse Results**  
**Applicant Profile**

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- An updated criminal history is completed to ensure compliance with background screening requirements.
- The print retention time is extended an additional five years.

To initiate a Clearinghouse Renewal, select the **Initiate Renewal** button from the Person Profile Page and follow the prompts.

**For the Clearinghouse Renewal Instruction Guide, log in at**  
[http://elderaffairs.state.fl.us/doea/bs/Clearinghouse Renewals User Guide.pdf](http://elderaffairs.state.fl.us/doea/bs/Clearinghouse_Renewals_User_Guide.pdf)

***Required Provider Procedures:***

***DOEA is a participant of the Privacy Policy Form, OIG LEIE, and NNAR website lists.***

***Privacy Policy:***

The privacy policy requires an acknowledgment that the Candidate/Employee has received a copy of the privacy policies from the Florida Department of Law Enforcement and the Federal Bureau of Investigation, which describes the exchange of information where criminal record results will become part of the Care Provider Background Screening Clearinghouse.

The Candidate/Employee must indicate understanding and agreement that they have read and complied with guidelines contained in the privacy policies prior to the Level 2 screening being initiated.

**Check Department of Health and Human Services Office of Inspector General (OIG) List:**

Search Medicare/Medicaid Exclusions

Individuals who do not have a prior screening must be manually checked in the OIG List of Excluded Individuals and Entities (LEIE), upon initial screening. Once an individual has a record in the Clearinghouse system, an automated review of the OIG LEIE will occur when the list is updated every 30 days.

To employ or contract with any individual participating within any DOEA Program all service providers, subcontractors, and vendors are required to complete an online search of the OIG LEIE and a Level 2 Criminal History Screening.

The OIG LEIE website lists individuals and entities excluded from federally-funded health care programs pursuant to sections 1128 and 1156 of the Social Security Act. There is no fee associated with conducting a search on the OIG LEIE website.

When you **select the “OIG Search”** button, you will be redirected to the OIG’s website. Follow the instructions to search for the individual and complete the OIG LEIE search. Close the OIG website and return to the Clearinghouse OIG Search page.

**Check the affirmation box** to confirm the search was conducted and **select “Initiate Screening”** to continue or “Cancel” if you do not wish to proceed with the screening.

**Note: Health care providers that receive federal funding and employ an individual on the LEIE may be subject to civil monetary penalties (CMP). Individuals on the Exclusion List are not eligible for employment with providers of Medicare and/or Medicaid services.**

### **National Nurse Aide Registry (NNAR) Search**

The NNAR is a web service that allows providers to check multiple state Nurse Aide Registries at once. These are auto-match results based on personal identification information provided by the candidate of states that participated in the NNAR. The states currently participating in the NNAR are Florida, Georgia, New Mexico, Ohio, Oregon, Utah, Washington D.C., and West Virginia. When you initiate a new screening, resubmission or agency review, a NNAR search will be performed and display as a separate step in the initiation process.

If a match of the applicant is found on a participating state's registry, to confirm the results, use the provided hyperlink on the registry research page to perform a manual search of the registry.

**The registry check and its results are provided for informational purposes only and have no bearing on Agency eligibility determinations.**

Select **Initiate Screening** to continue.

### ***Required Forms***

All approved *DOEA-Aging Network* Employee/Volunteers and all approved SHINE Volunteers are required to sign the "Affidavit of Compliance Employee Form, Effective April 2016," and attach the "Eligibility Statement."

These documents remain within the personnel records; however, for SHINE Volunteers, a copy of the "Eligibility Statement" is required to be sent to the DOEA SHINE Contract Manager. Email transmission of the Required Forms must be encrypted.

The following forms are a requirement for monitoring purposes:

- Signed and dated Privacy Policy;
  - If a candidate already has a signed Privacy Policy on file, they do NOT have to resign the updated Privacy Policy.

**DEPARTMENT OF ELDER AFFAIRS PROGRAMS AND SERVICES HANDBOOK**  
**Appendix E: Background Screening Clearinghouse Instructions**

**Clearinghouse Results**  
**Applicant Profile**

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- “Eligibility Statement” with proof of Employment History from DOEA;
  - This **is not a screenshot** of the Profile Page. Each Provider must scroll down to the bottom of the Profile Page, and select the “View/Print Version Tab.”
  - This will give you the “Eligibility Statement” with Provider instructions and the *Specified Agency* statute for Background Screening.
- Signed and dated Affidavit of Compliance Employee Form, Effective April 2016.
  - The Candidate **should not sign** the DOEA Affidavit Compliance Employee Form prior to the receipt of the Eligibility Determination Notification.

**Note:** The Affidavit of Compliance Employee Form, Effective April 2016 is included as [Attachment 1](#).

### ***Employee/Contractor Roster***

The employment history records are vital to receiving necessary information from the Clearinghouse, or another *Specified Agency*, and receiving updates such as follows:

- Subsequent arrest notifications; and
- Expiring retained fingerprint notifications;
  - The Florida Department of Law Enforcement removes all screenings that do not have an active link to a Provider in the Retention Data Base.

### Add Employment/Contractor Record

Per Section 435.12(2) (c) F.S., an Employer of persons, subject to screening by a *Specified Agency* is required to register with the Clearinghouse and maintain the employment status of all Employees within the Clearinghouse. Initial employment status and any changes in employment status are required to be entered within 10 business days.

### Add employment history:

- A. Open the “Candidate Profile Page” and select “Add Employment/Contractor Record.”
- B. Enter the required information and select “Save.” This will bring you back to the “Candidate Profile Page.”
- C. View the new employment record displayed in the “Employment/Contractor History” section.

### Edit Employment Record

You may edit an Employee record from the “Employment/Contractor History” section on the “Applicant Profile Page,” or from the “Employee/Contractor Roster Tab” as follows:

- A. Select the “Edit” link under the action column for the Candidate record you wish to update and enter the required information and select “Save.”
- B. Enter an end date for the employment record by selecting the calendar icon in the “End Date” column.
- C. Enter the required information and select “Save.”



Computing Devices, Electronic Mail, and Physical Documentation

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***Computing Devices, Electronic Mail, and Physical Documentation***

The purpose of this section is to outline the responsibilities associated with the safeguarding of Candidates/Employees. Personally Identifiable Information (PII) and Criminal Justice Information (CJI). These responsibilities are applicable to DOEA employees and DOEA – Aging Network Clearinghouse participants. Detailed guidance regarding the operational compliance of processing and maintaining PII and CJI can be found in the following documents:

- Criminal Justice Information Services (CJIS) Security Policy – Version 5.6, Dated June 5, 2017
  - Link: <http://www.fdle.state.fl.us/NCJA-CSP-Compliance/Resources>
- Federal Information Processing Standards Publication 140-2, Security Requirements for Cryptographic Modules – Dated December 3, 2002
  - Link: <https://www.nist.gov/publications/security-requirements-cryptographic-modules-includes-change-notice-1232002>

**Computing Devices and Physical Documentation**

Computing devices used and the storing of physical documentation involved in the Candidate/Employee background screening/eligibility process shall at a minimum:

- 1) Adhere to CJIS Security Policy – Version 5.6, Dated June 5, 2017, Section 5.9.2 – *Controlled Area*.
- 2) Adhere to CJIS Security Policy – Version 5.6, Dated June 5, 2017, Section 5.10.1.2.1 – *Encryption for CJI in Transit*.
- 3) Adhere to Section 5.10.1.2.2 – *Encryption for CJI at Rest*.

**Electronic Mail**

All electronic mail messages containing PII, CJI, and information and/or document(s) related to the Candidate/Employee background screening/eligibility process shall be encrypted. Electronic mail encryption shall be utilized by both DOEA employees and DOEA – Aging Network Clearinghouse participants.

**Request Assistance**

Requests for assistance, clarification, or general questions regarding the responsibilities related to PII and CJI should be sent to the DOEA Background Screening Coordinator.

**Concerns**

The Agency for Health Care Administration (AHCA) requires each agency to handle its unique Clearinghouse problems and concerns appropriately.

All *DOEA- Aging Network* Clearinghouse concerns are to be addressed within an encrypted email:

Notification to the Background Screening Coordinator – Valerie Brinkley (850) 414-2093

Email Address: [doeanetwork@elderaffairs.org](mailto:doeanetwork@elderaffairs.org)

Subject Line: BGS Clearinghouse Concern

Body of Email; State the exact problem and include a screenshot (if possible.) When inquiring about a Candidate/Employee, the following information is required:

- Full Name
- DOB

***Clearinghouse Informational Page:***

The additional resources listed below are located on the Clearinghouse informational page at the following Website:

[http://ahca.myflorida.com/MCHQ/Central\\_Services/Background\\_Screening/CH\\_Instructions\\_Guides.shtml](http://ahca.myflorida.com/MCHQ/Central_Services/Background_Screening/CH_Instructions_Guides.shtml).

**User Registration Training:**

- User Registration Training Video
- User Registration Guide

**Clearinghouse Results Training Videos:**

- Introduction and Tabs
- User Registration Guide
- Search and Profile Page
- Adding Employment
- Initiating an Agency Review
- Initiating a Resubmission

**Clearinghouse Results Website Guide:**

- Department of Elder Affairs

**FORMS:**

- Additional Information: (last bullet on left)

**Regulations and Forms:**

1. Clearinghouse Applicant Request Form
2. Privacy Policy



## BACKGROUND SCREENING

### Affidavit of Compliance - Employee

**AUTHORITY:** This form is required of all employees who are direct service providers when claiming an exception to Level 2 background screening set forth in sections 430.0402(2) and (3), Florida Statutes, or to comply with the attestation requirements set forth in section 435.05(2), Florida Statutes.

This form may be used by all employees to comply with:

- The attestation requirement of section 435.05(2), Florida Statutes, which states that "every employee required to undergo Level 2 background screening must attest, subject to penalty of perjury, to meeting the requirements for qualifying for employment pursuant to this chapter and agreeing to inform the employer immediately if arrested for any of the disqualifying offenses while employed by the employer;" **AND**
- The proof of screening within the previous 5 years in section 408.809(2), Florida Statutes, which requires proof of compliance with Level 2 screening standards that have been screened through the *Care Provider Background Screening Clearinghouse* created under section 435.12, Florida Statutes, or screened within the previous 5 years by the Agency, Department of Health, Department of Elder Affairs, the Agency for Persons with Disabilities, Department of Children and Families, or the Department of Financial Services for an applicant for a certificate of authority to operate a continuing Care retirement community under Chapter 651, Florida Statutes, if that agency is not currently implemented in the Care Provider Background Screening Clearinghouse.

*This form must be maintained in the employee's personnel file.* If this form is used as proof of screening for an administrator or chief financial officer to satisfy the requirements of an application for a health care provider license, please attach a copy of the screening results and submit the licensure application.

The term "employee" as used herein refers collectively to *all persons* required by law to undergo background screening. This includes, but is not limited to, persons who are determined to be a direct service provider. A direct service provider is a person at least 18 years of age who, pursuant to a program to provide services to the elderly, has direct face-to-face contact with a client while providing services and has access to the client's living areas, funds, personal property, or personal identification information as defined in F.S. 817.568, Florida Statutes. A direct service provider also includes coordinators, managers, and supervisors of residential facilities and volunteers.

Personal identification information defined in F.S. 817.568(1)(f), F.S. means “any name or number that may be used, alone or in conjunction with any other information, to identify a specific individual, including any:

1. Name, postal or electronic mail address, telephone number, social security number, date of birth, mother’s maiden name, official state-issued or United States-issued driver’s license or identification number, alien registration number, government passport number, employer or taxpayer identification number, Medicaid or food assistance account number, bank account number, credit or debit card number, or personal identification number or code assigned to the holder of a debit card by the issuer to permit authorized electronic use of such card;
2. Unique biometric data, such as fingerprint, voice print, retina or iris image, or other unique physical representation;
3. Unique electronic identification number, address, or routing code;
4. Medical records;
5. Telecommunication identifying information or access device; or
6. Other number or information that can be used to access a person’s financial resources.”

**EMPLOYER: IF AN EMPLOYEE IS DETERMINED TO BE A DIRECT SERVICE PROVIDER, THIS COMPLETED FORM MUST BE RETAINED IN THE EMPLOYEE’S FILE. IF AN EXCEPTION TO BACKGROUND SCREENING IS CLAIMED, A COPY OF THE REQUIRED EVIDENCE MUST BE ATTACHED TO THIS FORM.**

**STEP ONE: Complete identification information.**

_____	_____
Employee Name	Position Applied For
_____	
Employer	

**STEP TWO: The employee must review the following list of disqualifying offenses set forth in Chapters 430 and 435, Florida Statutes.**

You must attest to meeting the requirements for employment and you may not have been arrested for and awaiting final disposition of, have been found guilty of, regardless of adjudication, or have entered a plea of nolo contendere (no contest) or guilty to, or have been adjudicated delinquent and the record has not been sealed or expunged for, any offense prohibited under any of the following provisions of state law or similar law of another jurisdiction:

Criminal offenses listed in section 435.04, F.S.

- (a) Section 393.135, relating to sexual misconduct with certain developmentally disabled clients and reporting of such sexual misconduct.
- (b) Section 394.4593, relating to sexual misconduct with certain mental health patients and reporting of such sexual misconduct.
- (c) Section 415.111, relating to adult abuse, neglect, or exploitation of aged persons or disabled adults.
- (d) Section 782.04, relating to murder.
- (e) Section 782.07, relating to manslaughter, aggravated manslaughter of an elderly person or disabled adult, or aggravated manslaughter of a child.
- (f) Section 782.071, relating to vehicular homicide.
- (g) Section 782.09, relating to killing of an unborn quick child by injury to the mother.
- (h) Chapter 784, relating to assault, battery, and culpable negligence, if the offense was a felony.
- (i) Section 784.011, relating to assault, if the victim of the offense was a minor.
- (j) Section 784.03, relating to battery, if the victim of the offense was a minor.
- (k) Section 787.01, relating to kidnapping.
- (l) Section 787.02, relating to false imprisonment.
- (m) Section 787.025, relating to luring or enticing a child.
- (n) Section 787.04(2), relating to taking, enticing, or removing a child beyond the state limits with criminal intent pending custody proceedings.
- (o) Section 787.04(3), relating to carrying a child beyond the state lines with criminal intent to avoid producing a child at a custody hearing or delivering the child to the designated person.
- (p) Section 790.115(1), relating to exhibiting firearms or weapons within 1,000 feet of a school.
- (q) Section 790.115(2)(b), relating to possessing an electric weapon or device, destructive device, or other weapon on school property.
- (r) Section 794.011, relating to sexual battery.
- (s) Former s. 794.041, relating to prohibited acts of persons in familial or custodial authority.
- (t) Section 794.05, relating to unlawful sexual activity with certain minors.
- (u) Chapter 796, relating to prostitution.
- (v) Section 798.02, relating to lewd and lascivious behavior.
- (w) Chapter 800, relating to lewdness and indecent exposure.
- (x) Section 806.01, relating to arson.
- (y) Section 810.02, relating to burglary.
- (z) Section 810.14, relating to voyeurism, if the offense is a felony.
- (aa) Section 810.145, relating to video voyeurism, if the offense is a felony.
- (bb) Chapter 812, relating to theft, robbery, and related crimes, if the offense is a felony.
- (cc) Section 817.563, relating to fraudulent sale of controlled substances, only if the offense was a felony.
- (dd) Section 825.102, relating to abuse, aggravated abuse, or neglect of an elderly person or disabled adult.

(ee) Section 825.1025, relating to lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled adult.

(ff) Section 825.103, relating to exploitation of an elderly person or disabled adult, if the offense was a felony.

(gg) Section 826.04, relating to incest.

(hh) Section 827.03, relating to child abuse, aggravated child abuse, or neglect of a child.

(ii) Section 827.04, relating to contributing to the delinquency or dependency of a child.

(jj) Former s. 827.05, relating to negligent treatment of children.

(kk) Section 827.071, relating to sexual performance by a child.

(ll) Section 843.01, relating to resisting arrest with violence.

(mm) Section 843.025, relating to depriving a law enforcement, correctional, or correctional probation officer means of protection or communication.

(nn) Section 843.12, relating to aiding in an escape.

(oo) Section 843.13, relating to aiding in the escape of juvenile inmates in correctional institutions.

(pp) Chapter 847, relating to obscene literature.

(qq) Section 874.05(1), relating to encouraging or recruiting another to join a criminal gang.

(rr) Chapter 893, relating to drug abuse prevention and control to include the use, possession, sale, or manufacturing of illegal drugs, only if the offense was a felony or if any other person involved in the offense was a minor.

(ss) Section 916.1075, relating to sexual misconduct with certain forensic clients and reporting of such sexual misconduct.

(tt) Section 944.35(3), relating to inflicting cruel or inhuman treatment on an inmate resulting in great bodily harm.

(uu) Section 944.40, relating to escape.

(vv) Section 944.46, relating to harboring, concealing, or aiding an escaped prisoner.

(ww) Section 944.47, relating to introduction of contraband into a correctional facility.

(xx) Section 985.701, relating to sexual misconduct in juvenile justice programs.

(yy) Section 985.711, relating to contraband introduced into detention facilities.

(ZZ) Section 741.28 relating to domestic violence.

Criminal offenses found in section 430.0402, F.S.

(a) Section 409.920, relating to Medicaid provider fraud.

(b) Section 409.9201, relating to Medicaid fraud.

(c) Section 741.28, relating to domestic violence.

(d) Section 817.034, relating to fraudulent acts through mail, wire, radio, electromagnetic, photoelectronic, or photooptical systems.

(e) Section 817.234, relating to false and fraudulent insurance claims.

(f) Section 817.505, relating to patient brokering.

(g) Section 817.568, relating to criminal use of personal identification information.

(h) Section 817.60, relating to obtaining a credit card through fraudulent means.

(i) Section 817.61, relating to fraudulent use of credit cards, if the offense was a felony.

(j) Section 831.01, relating to forgery.

(k) Section 831.02, relating to uttering forged instruments.

(l) Section 831.07, relating to forging bank bills, checks, drafts, or promissory notes.

(m) Section 831.09, relating to uttering forged bank bills, checks, drafts, or promissory notes.

Criminal offenses found in other sections.

(n) Section 775.21, sexual predator.

(o) Section 775.261, Career offender.

(p) Section 943.0435, Sexual offender; unless the requirement to register as a sexual offender has been removed pursuant to section 943.04354.

I have been granted an Exemption from Disqualification through the Agency for Healthcare Administration (AHCA)

*Date of Decision:* \_\_\_\_\_

I have been granted an Exemption from Disqualification through the Florida Department of Health.

*Date of Decision:* \_\_\_\_\_

**\*\* A copy of the Exemption from Disqualification decision letter must be attached\*\***

If you are also using this form to provide evidence of prior Level 2 screening (fingerprinting) in the last 5 years and have not been unemployed for more than 90 days, please provide the following information. A copy of the prior screening results must be attached.

Purpose of Prior Screening: \_\_\_\_\_

Screening Conducted by: \_\_\_\_\_ Date of Prior Screening: \_\_\_\_\_

<input type="checkbox"/> Agency for Healthcare Administration	<input type="checkbox"/> Department of Elder Affairs
<input type="checkbox"/> Department of Health	<input type="checkbox"/> Department of Financial Services
<input type="checkbox"/> Agency for Persons with Disabilities	<input type="checkbox"/> Department of Children and Family Services



**STEP THREE:** The employee must complete this section if claiming an exception to level 2 background screening conducted by the Department of Elder Affairs. If not claiming an exception, then skip to Step Four.

If you are claiming that you qualify for an exception to level 2 background screening pursuant to sections 430.0402(2) or (3), Florida Statutes, and thereby, you are not required to undergo background screening through the Department of Elder Affairs, please indicate the type of exception and attach the required evidence.

EXCEPTION:

- Attorney - \_\_\_\_\_ (initials) An attorney in good standing with the Florida Bar if you are providing a service within the scope of your licensed practice.  
Evidence: A copy of the screen shot of your membership in good standing with the Florida Bar.
- Relative - \_\_\_\_\_ (initials) A relative of the client.  
Evidence: Circle your relationship to the client: husband, wife, father, mother, son, daughter, brother, sister, grandmother, grandfather, great-grandmother, great-grandfather, grandson, granddaughter, uncle, aunt, first cousin, nephew, niece, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.
- Volunteer - \_\_\_\_\_ (initials) A volunteer who assists for less than 20 hours per month and you are not listed on the FDLE Career Offender Search database or the Dru Sjodin National Sex Offender Public Website.  
Evidence: A copy of your search results screen shot from each criminal database showing no records were found.

**EMPLOYER: IT IS THE EMPLOYER'S RESPONSIBILITY TO VERIFY THE AUTHENTICITY AND ACCURACY OF ANY DOCUMENTATION REQUIRED AS EVIDENCE OF AN EMPLOYEE'S QUALIFICATION FOR AN EXCEPTION.**

**STEP FOUR:** Each employee determined to be a direct service provider must complete the required attestation below.

**Claiming an Exception:** If you are claiming that you qualify for an exception to level 2 background screening, you are not required to undergo background screening through the Department, and you must sign the attestation below.

**Not Claiming an Exception:** If you are *not* claiming one of the exceptions to level 2 background screening listed in Step Three, you must complete level 2 background screening through the Department. Once you have been determined qualified for service by the Department, you must sign the attestation below.

**ATTESTATION**

Under penalty of perjury, I \_\_\_\_\_, hereby swear or affirm that I meet the requirements for qualifying for employment pursuant to the background screening standards set forth in Chapter 435 and section 430.0402, Florida Statutes. In addition, I agree to immediately inform my employer if arrested or convicted of any of the disqualifying offenses while employed by my employer.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

**EMPLOYER: ONCE THE ATTESTATION IS SIGNED, KEEP THIS COMPLETED FORM IN THE EMPLOYEE'S FILE.**