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## **FHCA Position Statement Regarding Employee Background Screenings**

Florida is home to nearly 700 nursing homes that provide skilled nursing and long term care, short-term rehab and other valuable services to almost 80,000 frail elders and citizens with disabilities.

In 1998, Florida's government required state and federal criminal history screenings for employees working in skilled nursing facilities. These individuals include owners and administrators, financial officers, direct care staff and staff with access to resident living areas, funds or personal property. Under current law, nursing home employees who will work directly with residents must complete a Level 1 criminal background screening, which consists of a query of the Florida Department of Law Enforcement statewide database. Facility owners, administrators, financial officers and certain direct care staff must complete a Level 2 background screening, which includes a search of the FDLE statewide database and the Federal Bureau of Investigation via the Agency for Health Care Administration.

Through an exemption process, Florida's government has tried to make allowances for those persons who may have made a mistake followed by years of good conduct and citizenship. Currently, the Agency for Health Care Administration handles these exemption requests for individuals who may want to work in a nursing home.

***The Florida Health Care Association supports background screening legislation and looks forward to working with legislators, the Attorney General and other stakeholders to continue ensuring a safe and secure environment for our state's vulnerable citizens who are cared for in long term care facilities.***

***Any background screening legislation must factor in the privacy and rights of health care employees, potential costs to the state's Medicaid program and employers' access to a qualified workforce.***

- Proposed legislation increases background screening requirements from a statewide check to a Level 2, nationwide FBI check for all employees who provide personal care or services directly to residents or have access to resident living areas, resident funds or property. **This will result in a more accurate screening system; however, increased costs will be passed on to employers and the Medicaid program.**
- Proposed legislation should ensure that **contractors who provide personal care or services directly to residents must be screened by their employers prior to entering the nursing home or assisted living facility.**
- Electronic fingerprints provide the most complete and accurate means of background screening; however, **legislators must assure that employees have convenient and timely access to the equipment necessary to submit electronic fingerprints to the Florida Department of Law Enforcement.**

For more information about FHCA or criminal background screenings in Florida nursing homes, please contact Peggy Rigsby at FHCA, (850) 224-3907 or [prigsby@fhca.org](mailto:prigsby@fhca.org).

*Representing the Florida Long Term Care Community*

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