

## PROVIDER ADVISORY #2019-001

### Existing Background Screening Requirements

Effective Date: January 15, 2019

This advisory is intended to remind all APD Waiver providers and APD licensed residential facilities of the existing requirements related to Background Screening of applicants/employees.

In accordance with Chapter 393.0655 Florida Statutes (F.S.), all direct service providers are required to complete a level 2 background screening pursuant to Chapter 435 F.S., and a local criminal record check through local law enforcement agencies. All persons required to be screened must be free of any disqualifying offenses before they are eligible to work in a position that provides direct care service to vulnerable persons. §435.06(2)(a) Fla. Stat.

An employer may hire an employee for a position that requires background screening before the employee completes the screening process for training and orientation purposes only. The employee may not have direct contact with vulnerable persons until the screening process is completed and the employee is free of disqualifying offenses (or has been granted an employment exemption by APD) that warrant the denial or termination of employment. §435.06(2)(d) Fla. Stat.)

All applicants must complete the following:

- **Level 2 Background Screening (FDLE/FBI)** - The Clearinghouse Results Website is used to initiate screenings, search approved LiveScan vendors, check/print screening results, and maintain an employee roster. \*\*  
A determination that an employee is "**Eligible**" to be hired only confirms that the employee is not disqualified from employment pursuant to 435.04, F.S.
- **Local Criminal Records Check** – The applicant must provide a local criminal records check, check of local criminal records must be conducted directly with and certified by a law enforcement agency in the jurisdiction where the person resides. Internet search results are not acceptable. The Provider must review the records for offenses not listed on Level 2 background screening and the final employment decision is based on this information. \*\*
- **APD Attestation of Good Moral Character** – The Attestation is a list of all disqualifying offenses under the APD General Program. All personnel must acknowledge and sign; Affidavits from other Agencies will not be accepted. \*\*

(\*\*Must be completed every 5-years OR when screening is up for renewal)

State law requires background screening requirements per section 393.0655 and Chapter 435 Florida Statutes. Any cases where providers are found to be out of compliance with this statutory mandate, APD will take immediate action.

Please visit the APD Background Screening Regional Contacts website, <http://apdcares.org/background-screening/contacts>, to find your local Regional staff for assistance with additional questions or technical assistance regarding the Clearinghouse.