

**STATE OF FLORIDA
AGENCY FOR HEALTH CARE
ADMINISTRATION**

In Re:

SUSPENSION OF STATUTES AND RULES
PERTAINING TO LEVEL 2 BACKGROUND
SCREENING MADE NECESSARY BY COVID-19.

AHCA No. 20-001

EMERGENCY ORDER

Pursuant to the authority granted by Executive Order No. 20-52, I find that strict compliance with the provisions of certain regulatory statutes and rules prescribing the procedures for conduct of state business by the Agency for Health Care Administration will prevent, hinder, or delay necessary action in coping with the emergency caused by COVID-19.

Due to COVID-19, the state is experiencing a shortage of health care workers at the facility level. These workers are essential to staff long-term care facilities and elder care facilities in order to attend to the health and welfare of the residents. Further, due to the outbreak of COVID-19, Livescan fingerprinting locations are closing and health care workers are unable to obtain the necessary Level 2 Background Screenings.

In order to effectively respond to the threat posed by COVID-19, I deem it necessary to promulgate the following:

1. For purposes of preparing for, responding to, and mitigating any effect of COVID-19, section 408.809(1), Florida Statutes, is hereby temporarily suspended for anyone who is unable to obtain a Level 2 Background Screening as the result of closures of Livescan fingerprinting

vendors. 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 of emergency, 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.

Because section 252.36(5)(a), Florida Statutes, allows the Governor to suspend the provisions of “any regulatory statute prescribing the procedures for [the] conduct of state business,” and because Section 4. B. of Executive Order No. 20-52 provides the Secretary of the Agency for Health Care Administration with the authority to issue this Emergency Order, the requirements of sections 252.46 and 120.54(4), Florida Statutes, do not apply to this Order.

Executed this 27th day of March 2020, in Agency for Health Care
Administration Offices, Tallahassee, Leon County, Florida.



Mary C. Mayhew
Secretary
Agency for Health Care Administration