



The New Law Stricter Requirement for Background Checks

When the Fort Lauderdale newspaper, The Sun Sentinel, published an investigative report in Spring 2009 exposing that one in five applicants for positions in nursing homes and adult care facilities have felony criminal histories, the Florida legislature swung into action with a comprehensive rewrite of the background check requirements for caregivers.

Although many assisted livings and residential facilities were against the stricter regulations, Polk Family Caregivers was supportive of the change. At the May 2010 meeting, the Board of Directors voted to submit amendments to congressional representatives regarding several points to be included conducive to family caregiving. The suggested amendments became included as part of the new law.

State Senator Rhonda Storms, Florida 10th District and author of the legislation, sent a personal letter to Polk Caregivers reporting new points covered in the legislation:

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- ▶ Requires all background screening to be completed before an applicant begins work at any facility or agency licensed under the State of Florida Agency for Health Care Administration;
- ▶ Increases screening from Level 1 to Level 2, for a more in-depth background check, for caregivers working with vulnerable populations;
- ▶ Adds additional serious crimes to the list of disqualifying offenses;
- ▶ Authorizes agencies to request retention of fingerprints by the Florida Department of Law Enforcement;
- ▶ Requires exemptions from disqualification be granted only by the head of an agency, not a supervisor or human resources representative;
- ▶ Requires random drug test of foster parents and other caregivers.

These and many other new and updated requirements were put into effect on August 1, 2010 when the new law became effective.