



518878

CHAMBER ACTION

| <u>Senate</u> | . | <u>House</u> |
|---------------|---|--------------|
| Comm: RCS     | . |              |
| 3/19/2008     | . |              |
|               | . |              |
|               | . |              |

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1 The Committee on Health Regulation (Alexander) recommended the  
2 following **amendment to amendment (754484)**:

3  
4 **Senate Amendment**

5 Delete line(s) 685-739

6 insert:

7 Section 13. Section 429.174, Florida Statutes, is amended  
8 to read:

9 429.174 Background screening; exemptions.--

10 (1) The owner or administrator of an assisted living  
11 facility must conduct level 1 ~~background~~ screening, as set forth  
12 in chapter 435, on all employees ~~hired on or after October 1,~~  
13 ~~1998,~~ who perform personal services or who have access to  
14 resident living areas as defined in s. 429.02(16). The agency may  
15 exempt an individual from ~~employment~~ disqualification as set  
16 forth in s. 435.07 chapter 435. However, such person may not be  
17 employed or resume employment pending the granting of an



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18 exemption or until all appeals have been resolved in favor of the  
19 person screened. A person employed before October 1, 1998, who is  
20 determined to have a disqualifying offense may continue  
21 employment pending the outcome of an exemption request if that  
22 request is made by October 1, 2009. Employees ~~Such persons~~ shall  
23 be considered as having met the screening requirements ~~this~~  
24 ~~requirement~~ if:

25 (a)(1) Proof of compliance with level 1 screening  
26 ~~requirements~~ obtained to meet any professional license  
27 requirements in this state is provided and accompanied, under  
28 penalty of perjury, by a copy of the person's current  
29 professional license and an affidavit of current compliance with  
30 the background screening requirements.

31 (b)(2) The person required to be screened has been  
32 continuously employed in the same type of occupation for which  
33 the person is seeking employment without a breach in service  
34 which exceeds 180 days, and proof of compliance with the level 1  
35 screening requirement which is no more than 2 years old is  
36 provided. Proof of compliance shall be provided directly from one  
37 employer or contractor to another, and not from the person  
38 screened. Upon request, a copy of screening results shall be  
39 provided by the employer retaining documentation of the screening  
40 to the person screened.

41 (c)(3) The person required to be screened is employed by a  
42 corporation or business entity or related corporation or business  
43 entity that owns, operates, or manages more than one facility or  
44 agency licensed under this chapter, and for whom a level 1  
45 screening was conducted by the corporation or business entity as  
46 a condition of initial or continued employment.



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47       (2) Level 1 screening as provided in chapter 435 is  
48 required for all contracted workers who are expected to, or whose  
49 responsibilities may require them to, provide personal services  
50 to residents. The facility shall maintain verification that such  
51 contracted workers have been screened pursuant to this section. A  
52 contracted worker who does not provide personal services to  
53 residents is not required to be screened pursuant to this section  
54 but must sign in at the reception desk upon entering the  
55 facility, wear an identification badge while on the premises, and  
56 sign out before leaving the facility. The facility shall maintain  
57 a log containing the information collected.

58       (3) The person being screened is responsible for paying the  
59 fees associated with obtaining the required screening. Payment  
60 for the screening shall be submitted to the agency. The agency  
61 shall establish a schedule of fees to cover the costs of level 1  
62 and level 2 screening. Facilities may reimburse employees or  
63 contracted workers for these costs. The Department of Law  
64 Enforcement shall charge the agency for a level 1 or level 2  
65 screening a rate sufficient to cover the costs of screening  
66 pursuant to s. 943.053(3).