

**The Impact of the Fingerprinting and Screening Law  
On Substance Abuse and Mental Health**  
[www.dcf.state.fl.us/admin/backgroundscreening](http://www.dcf.state.fl.us/admin/backgroundscreening)

	<b>Mental Health (including state mental health treatment Facilities)</b>	<b>Substance Abuse</b>
<b>WHY DO WE SCREEN?</b>	<i>The intent of this law is to protect the safety of individuals we serve, including individuals in substance abuse and/or mental health treatment.</i>	
<b>WHO MUST BE SCREENED?</b>	<p>The fingerprinting and screening requirements for mental health, in s. 394.4572, F.S., were modified in 2010. These changes included reducing volunteer hours from 40 to 10 hours per month and eliminating provisions for teachers and other identified personnel to not be rescreened if the employee had already been screened and then was unemployed for less than 90 days.</p> <p>The Department and the AHCA shall require level 2 background screening pursuant to Ch. 435, F.S., for “Mental Health Personnel*.” This includes all program directors, professional clinicians, staff members, and volunteers working in public or private mental health programs and facilities who have direct contact with individuals held for examination or admitted for mental health treatment.</p> <p><i>*(For mental health service personnel who work in public or private mental health and substance abuse programs review the contract provision for additional requirements).</i></p> <p><b>There are two exceptions:</b></p> <ol style="list-style-type: none"> <li>1. Students in the health care professions who are interning in a mental health facility licensed under chapter 395, where the primary purpose of the facility is not the treatment of minors, are exempt from the fingerprinting and screening requirements if they are under direct supervision in the actual physical presence of a licensed health care professional;</li> <li>2. Volunteers who assists on an intermittent basis for less than <b>10</b> hours per month AND has a person who meets the screening requirements always present and within his or her line of sight is exempt from fingerprinting and screening requirements.</li> </ol> <p>Mental health personnel who self-identify as a mental health “consumer” or “peer” are subject to these fingerprinting and background screening requirements, as all other employees and volunteers. As such, they are entitled to request an exemption in accordance with these provisions.</p>	<p>The requirements for WHO is to be screened in Substance Abuse have not changed. These requirements are described in s. 397.451, F.S.</p> <p>All owners, directors and chief financial officers of substance abuse service providers.</p> <p>All service provider personnel* who have direct contact with children receiving services or with adults <i>who are developmentally disabled</i> receiving services. <i>*(For substance abuse service personnel who work in public or private mental health and substance abuse programs review contract provision for additional requirements).</i></p> <p>Members of a foster family and persons residing with the foster family who are over the age of 18.</p> <p><b>There are two exemptions:</b></p> <ol style="list-style-type: none"> <li>1. A volunteer who assists on an intermittent basis for fewer than <b>40</b> hours per month and is under direct and constant supervision by persons who meet all personnel requirements of this chapter is exempt from fingerprinting and background check requirements. (Note: Substance Abuse volunteer contact hours did not reduce from 40 per month to 10 hours per month as it did in the Mental Health statute).</li> </ol>

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		<p>2. Inmate service providers, and other service providers exempt from licensing provisions of this chapter are exempt from personnel fingerprinting and background check requirements, except as provided in this chapter. A church or nonprofit religious organization exempt from licensure under this chapter IS required to comply with personnel fingerprinting and background check requirements.</p>
<p><b>WHO MUST BE SCREENED?</b> <b>Additional Contract Provision</b></p>	<p>*All Department substance abuse and mental health providers are subject to this additional provision regarding Professional Qualifications of Staff: “For purposes of this contract, “Mental Health Personnel” includes all program directors, professional clinicians, staff members, and volunteers working in public or private mental health <u>and substance abuse programs</u> and facilities who have direct contact with clients of mental health services.”</p> <p>This provision exceeds the statutory requirements for fingerprinting and screening for Department contracted providers who serve individuals with co-occurring substance abuse and mental health disorders.</p>	
<p><b>WHAT ARE THE DIS-QUALIFYING OFFENSES?</b></p>	<p>For mental health, there are two relevant chapters - Chapters 435 and 408, F.S. (<i>refer to DCF affidavit for complete list of disqualifying offenses</i>).</p>	<p>For substance abuse, the one relevant chapter is Chapter 435, F.S. (<i>refer to DCF affidavit for complete list of disqualifying offenses</i>).</p> <p>Substance abuse providers which treat adolescents 13 years and older, and whose background checks indicate crimes under s. 817.563, s. 893.13, or 893.147 may be exempted from disqualification from employment (i.e. Sale of controlled substances, prohibited acts drug abuse, crimes</p>

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		involving drug paraphernalia).
<b>WHAT ARE THE SCREENING CRITERIA?</b>	All individuals to be screened must undergo Level 2 screening (both state (FDLE) and national (Federal Bureau of Investigation) screening. There is no longer Level 1 (FDLE) screening only. The Department may grant to any service provider personnel an exemption from disqualification as provided in s. 435.07, F.S.	
<b>WHAT ARE THE SCREENING CRITERIA IN CH. 408?</b>	If a mental health employee is found to have a disqualifying offense under 408, F.S., they will have up to 30 days to apply for an exemption. With the employer's permission, the employee will be able to continue working in their position until eligibility has been determined. The additional disqualifying offenses contained in Chapter 408, F.S., are listed separately on the Department's affidavit form.	The provision to remain in place after a disqualifying offense does not apply to substance abuse employees due to the fact that this provision is found only in s. 408.809, F.S.
<b>WHAT DOES BACKGROUND SCREENING COST?</b>	The cost of screening varies. It includes the cost of the FDLE and FBI screening, a \$6 FDLE record retention fee, as well as an administrative fee from the live scan vendor. The Department's background screening website post costs of live scan vendors, when available. The law requires the employer to bear the cost of the background screening, or the employer may require their prospective/current employee or volunteer to pay for the screening. The law does not allow the Department to bear the cost of background screening.	
<b>WHAT IS THE EXEMPTION PROCESS?</b>	The Department's exemption process has been streamlined. Exemptions are under the authority of the Regional Director or Hospital Administrator.	
<b>WHERE DO THEY GET SCREENED?</b>	Screenings occur at employer's offices or at designated live scan provider ( <i>refer to list of Florida Department of Law Enforcement live scan vendors on the Department's background screening website</i> ). The Agency for Health Care Administration has indicated that prospective employees/volunteers proposing to work/continue working in an AHCA-licensed facility may get their screening done at AHCA or DCF. Whichever state agency processes the individual's screening is the one that will handle any subsequent exemption requests.	
<b>WHEN ARE THEY</b>	For prospective employees/volunteers, screening must be done and the person cleared <b>prior</b> to beginning work. For current mental health employees rescreening should be done within five (5) years of last screening in a staggered manner and no later than 2015.	

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<b>SCREENED?</b>	Employees/volunteers do not need to review and sign a new Affidavit of Good Moral Character until the time of their normally scheduled rescreening.	
<b>HOW ARE THEY SCREENED?</b>	<ul style="list-style-type: none"> <li>• Prospective/current employees and volunteers will be screened using live scan machines. The use of hard cards for screening has been eliminated. This has greatly reduced the time it takes until the results are back.</li> <li>• The Department has established a standardized background screening process.</li> <li>• The Department has expedited the notification process by developing an electronic notification process. Providers will receive the Department’s clearance for the employee/volunteer to work in certain program areas.</li> <li>• Employees who transfer from one position to another within the same agency, with less than a 90 day break in service, do not need to be rescreened until their regularly scheduled screening date, with one exception. Employees moving from a non-Mental Health program to a position in Mental Health will need to be rescreened to ensure their compliance with Ch. 408, F.S.</li> <li>• Individuals who are cleared by the Department will be cleared to work in designated program areas.</li> <li>• Providers will receive the state (FDLE) public arrest information and only a pass/fail response for the national (FBI) confidential record.</li> </ul>	
<b>HOW DO PROVIDERS OR EMPLOYEES GET HELP?</b>	Providers and employees who need assistance with fingerprinting and screening issues should refer to the Department’s fingerprinting and background screening website for general information and frequently asked questions and answers. For specific concerns, such as delays with a provider receiving results on a employee/volunteer, they should contact their regional background screening unit. The list of these regional contacts is posted on the Department’ website: <a href="http://www.dcf.state.fl.us/admin/backgroundscreening">www.dcf.state.fl.us/admin/backgroundscreening</a>	