

Department of Health and Human Services

**OFFICE OF
INSPECTOR GENERAL**

**FLORIDA ENSURED THAT NURSING
HOMES COMPLIED WITH FEDERAL
BACKGROUND CHECK REQUIREMENTS**

*Inquiries about this report may be addressed to the Office of Public Affairs at
Public.Affairs@oig.hhs.gov.*



**Amy J. Frontz
Deputy Inspector General
for Audit Services**

**April 2024
A-04-23-08100**

Office of Inspector General

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The designation of financial or management practices as questionable, a recommendation for the disallowance of costs incurred or claimed, and any other conclusions and recommendations in this report represent the findings and opinions of OAS. Authorized officials of the HHS operating divisions will make final determination on these matters.

Report in Brief

Date: April 2024

Report No. A-04-23-08100

U.S. DEPARTMENT OF HEALTH & HUMAN SERVICES
OFFICE OF INSPECTOR GENERAL



Why OIG Did This Audit

Background checks for employees in long-term care facilities (nursing homes) are an important safety measure that can help protect some of the most vulnerable populations. Approximately 1.4 million Medicare recipients reside in nursing homes, with more than half of them relying on Medicaid to pay for their long-term care. Oversight and management of nursing homes are crucial to the safety of long-term care residents.

Our objective was to determine whether the Florida Agency for Health Care Administration (State agency) ensured, for the period of January 1, 2021, to June 1, 2023, that selected nursing homes in Florida complied with Federal requirements that prohibit the employment of individuals with disqualifying backgrounds.

How OIG Did This Audit

As of April 11, 2023, 676 nursing homes in Florida are certified by Medicaid. From this group, we selected 30, based on their geographic location and a variety of risk factors.

At each of the selected nursing homes, we reviewed background checks for 30 randomly selected employees per nursing home, for a total of 900. In addition, we judgmentally selected an additional 119 employees for review based on our review of incident reports during our audit period. Our total sample size was 1,019 employees.

Florida Ensured that Nursing Homes Complied with Federal Background Check Requirements

What OIG Found

The State agency complied with Federal requirements that prohibit the employment of individuals with disqualifying backgrounds as defined at 42 CFR § 483.12(a)(3). Specifically, for the 1,019 nursing home employees we sampled, we found all of them had completed a background check by the State agency through the Clearinghouse before working at a nursing home. In addition, we found that the sampled employees who were required to have a license because of their occupation had a current license (as of the time of their employment) and did not have any actions taken against their license related to disqualifying offenses. Finally, none of the sampled employees were listed on the OIG List of Excluded Providers and Entities, which would have precluded them from working in a healthcare setting.

We attribute this compliance with Federal requirements to the State agency's internal controls over the background check screening process for nursing home employees.

Florida Agency for Health Care Administration Comments

The Florida Agency for Healthcare Administration had no recommendations to respond to in this report. However, in its comments it outlined steps it is taking to mitigate the potential risk of other employers hiring an individual who had committed an offense that would disqualify them from employment under 42 CFR §483.12(a)(3).

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INTRODUCTION

WHY WE DID THIS AUDIT

Background checks for employees are an important safety measure that can help protect the approximately 1.4 million recipients who reside in Medicare/Medicaid-certified long-term care facilities (called “nursing homes” in this report).¹ Oversight and management of nursing homes are crucial for the safety of long-term care residents.

As part of its oversight activities, the Office of Inspector General (OIG) is conducting a series of audits nationwide regarding employment in nursing homes of individuals whose criminal background checks identified information or events that should have disqualified those individuals from being hired based on Federal requirements (disqualifying backgrounds).² This report focuses on selected nursing homes in Florida.

Among other things, the Patient Protection and Affordable Care Act (signed into law in 2010) enacted the National Background Check Program for Long-Term-Care Providers, to assist States in developing and improving systems to conduct Federal and State background checks.³ Prior OIG work reported on the states that participate in the program, including Florida.⁴

OBJECTIVE

Our objective was to determine whether the Florida Agency for Health Care Administration (State agency) ensured, for the period of January 1, 2021, to June 1, 2023, that selected nursing homes in Florida complied with Federal requirements that prohibit the employment of individuals with disqualifying backgrounds.

BACKGROUND

Federal Requirements for Long-Term Care Facilities

Nursing homes are required to comply with health and safety requirements in Federal regulations (42 CFR part 483, subpart B) to participate in the Medicare and Medicaid programs. These requirements are the foundation for improving quality and protecting the health and safety of nursing home residents. Surveyors inspect nursing homes an average of every 12 to

¹ More than half of these nursing home recipients depend on Medicaid to pay for their long-term care.

² All references to “background checks” in this report may be understood to refer to “criminal background checks” or level 2 background checks.

³ Section 6201 of The Patient Protection and Affordable Care Act, P.L. No. 111-148 (Mar. 23, 2010).

⁴ See Appendix C for related OIG reports.

15 months (yearly inspections) and certify whether the nursing homes comply with health and safety requirements.

Federal regulations at 42 CFR § 483.12(a)(3) prohibit nursing homes from employing or otherwise engaging individuals who have a history of disqualifying offenses. Specifically, this prohibition applies to individuals who have:

- been found guilty of abuse, neglect, exploitation, mistreatment of residents, or misappropriation of resident property by a court of law;
- had a finding entered into the State nurse aide registry; or
- a disciplinary action in effect against their professional license by a State licensure body as a result of a finding of abuse, neglect, exploitation, mistreatment of residents, or misappropriation of resident property. See Appendix D for definitions of abuse, neglect, exploitation, and related terms.

Although this provision of Federal regulations does not explicitly require that background checks of Federal or State criminal history records be conducted, the regulation's prohibition on the employment in nursing homes of individuals who have disqualifying histories implicitly means that a criminal history check must be performed to ensure that employees are free from disqualifying offenses based on 42 CFR § 483.12(a)(3). Interpretive guidelines for this regulation from the Centers for Medicare & Medicaid Services (CMS) state that "[f]acilities must be thorough in their investigations of the histories of prospective staff."⁵

Florida's Process for Ensuring Nursing Home Employee Background Checks Are Completed

Florida requires background checks to be conducted for any person seeking employment with a licensee or provider who is expected to, or whose responsibilities may require them to, provide personal care services directly to clients or have access to client funds, personal property, or living areas. Background checks are also required for any person, as required by authorizing statutes, contracting with a licensee or provider whose responsibilities require them to provide personal care services directly to clients, or who contracts with a licensee or provider to work 20 hours a week or more and who will have access to client funds, personal property, or living areas. Evidence of contractor screening may be retained by the contractor's employer or the licensee (section 408.809(1)(e), F.S.).

The Federal Conditions of Participation prohibits employment of individuals with disqualifying backgrounds but does not require a time period for rescreening. However, Florida requires nursing home employees to undergo background check rescreening every 5 years following their licensure, employment, or entry into a contract (section 408.809(2), F.S.).

⁵ CMS, State Operations Manual, Appendix PP, F606.

The State agency oversees nursing homes and is responsible for ensuring that nursing homes' background checks comply with Federal and State requirements. To meet this responsibility, the State agency created a secure web-based system known as the Care Provider Background Screening Clearinghouse (Clearinghouse). The Clearinghouse contains the results of criminal background checks for the screening of individuals qualified as care providers when an individual has applied to volunteer, be employed, be licensed, or enter into a contract that requires a state and national fingerprint-based criminal background check (435.12(1), F.S.).

Each nursing home or its contractors must register with the Clearinghouse and initiate all background checks for employees using the system. When a request for a background check is received, the Clearinghouse displays the results of any criminal history found for the employee from the Florida Department of Law Enforcement and the Federal Bureau of Investigation. In addition, the Clearinghouse provides information, known as hot files, about warrants, protective orders, sex offender registry, and individuals who are wanted for crimes. State agency employees then use the criminal history results to determine an applicant's eligibility for employment. These results are communicated to the nursing home or its contractor through notifications sent by the Clearinghouse. The Clearinghouse also provides information on an applicant's licensure status by interfacing with the Florida Department of Health's Medical Quality Assurance licensure system. Furthermore, the Clearinghouse communicates with the OIG List of Excluded Individuals and Entities (LEIE), which is updated monthly. The system will indicate that an individual is not eligible for employment if their name is included on the list.⁶

The State agency, which oversees the State surveyors within the Division of Regulatory Compliance and Provider/Surveyor Education, conducts a standard survey of each nursing home every 12 to 15 months that includes determining if a nursing home followed 42 CFR § 483.12(a)(3). As part of the survey process, State surveyors ensure compliance with section 435.12(2)(c), F.S., which requires nursing homes report initial employment status and any changes in status within 10 business days and maintain the employment status of all employees within the Clearinghouse roster. The State surveyors compare the nursing home's employee roster with the roster the nursing home maintains on file with the Clearinghouse and note any discrepancies (e.g., newly hired employees who are shown as employed by the nursing home but who are not on the Clearinghouse roster or employees who have terminated at the nursing home but are still listed as active in the Clearinghouse). State surveyors routinely check a sample of employees (including contracted employees) for compliance with evidence of a

⁶ Clearinghouse details were obtained from the State agency's Clearinghouse Screening Management System Procedure and Training Manual, version 1.1.1, January 20, 2017.

a successful background check screening,⁷ and evidence of a signed attestation by employees for compliance with background screening requirements.⁸

HOW WE CONDUCTED THIS AUDIT

We reviewed the State agency's background check process to determine whether the State agency ensured that selected nursing homes complied with Federal requirements regarding employing individuals with disqualifying backgrounds.

As of April 11, 2023, 676 nursing homes in Florida are certified by Medicaid.⁹ From this group, we selected 30, based on their geographic location and risk factors, including the number of deficiencies (as determined by F tags¹⁰) related to abuse, neglect, and exploitation as reported by State surveyors. We provided our listing of 30 nursing homes to the State agency and obtained the employee rosters for all nursing homes in our sample as of June 1, 2023.

We randomly selected 30 employees per nursing home using OIG/OAS statistical software¹¹ for an initial sample of 900 employees. We also reviewed incident reports at each selected nursing home for our audit period of January 1, 2021, through June 1, 2023, involving nursing home employees or contracted employees. Incident reports contain self-reported allegations¹² from the nursing home (i.e., the administrator or authorized official). As a result of our review of these reports, we judgmentally selected 119 additional employee files for review of the items listed above, giving us a total sample of 1,019 nursing home employees.

We conducted announced visits at each of the 30 selected nursing homes and verified that each sampled employee completed a background check that met Federal requirements; had a license in good standing, which was clear of emergency actions, disciplinary actions, and public

⁷ Employee personnel files are reviewed for current background check eligibility documentation to ensure compliance with 42 CFR § 483.12(a)(3) and of the State requirements, sections 408.809; 435.02(2); and 435.06, F.S.

⁸ Employee files are reviewed to verify that the file includes a signed affidavit for background screening requirements (Chapter 435.05(2) - (3) F.S.). The State agency recommends that the nursing homes use Form 3100-0008, September 2013, Affidavit of Compliance with Background Screening Requirements. The State agency indicated that it also permits nursing homes to use an attestation similar to the one that is recommended by the State agency.

⁹ We obtained the listing of nursing homes from [Florida Health Finder](#), which is an online resource maintained by the State agency.

¹⁰ F tags are defined by CMS. The F tags for freedom from abuse, neglect, and exploitation are F600–F610.

¹¹ We sorted the employees in each roster by a unique employee number and consecutively numbered the items in each roster. We then generated 30 random numbers for each roster and selected the corresponding employees for review.

¹² An allegation is an assertion of noncompliance with Federal health and safety regulations. This definition also covers allegations of abuse, neglect, and exploitation of nursing home residents (SOM, chapter 5, §5010, 5310).

complaints related to disqualifying offenses; and was not listed on the LEIE. We also reviewed each sampled nursing home's internal controls related to employee background checks, including policies and procedures, and employee files, to determine whether the nursing home properly safeguarded residents from employees who were prohibited from being employed by nursing homes under the provisions of applicable requirements regarding the employment of individuals with disqualifying backgrounds.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

See Appendix A for the details of our audit scope and methodology.

FINDINGS

The State agency complied with Federal requirements that prohibit the employment of individuals with disqualifying backgrounds as defined at 42 CFR § 483.12(a)(3). Specifically, for the 1,019 nursing home employees we sampled, we found all of them had completed a background check by the State agency through the Clearinghouse before working at a nursing home. In addition, we found that the sampled employees who were required to have a license because of their occupation had a current license (as of the time of their employment) and did not have any actions taken against their license related to disqualifying offenses. Finally, none of the sampled employees were listed on the LEIE, which would have precluded them from working in a healthcare setting.

We attribute this compliance with Federal requirements to the State agency's internal controls over the background check screening process for nursing home employees. Florida has made great efforts to ensure that individuals employed in nursing homes across the State meet the minimum Federal requirements and additional State requirements as set forth in Florida statutes.

As a part of their monitoring activities, as mentioned previously, State surveyors ensure compliance with the Federal and State background check requirements in their annual surveys of nursing homes. This is completed by checking a sample of employees (including contracted employees) for compliance with evidence of a successful background check screening, verifying that a signed attestation by employees for compliance with background screening requirements exists, and reviewing the employment status in the Clearinghouse roster.

The State agency, through the Clearinghouse, has enabled nursing home staff to review person-centered data on applicants and current employees. This data includes background check eligibility results with the effective date, expiring electronic fingerprints, professional license

status, and employment history. This information helps to ensure that background checks are conducted and renewed on a timely basis in accordance with State requirements.

At the nursing home level, additional control activities ensure compliance with background check requirements. The 30 nursing homes in our sample check the licensure status and the LEIE status of the sampled employees at a minimum upon hire and whenever a background recheck was due according to their policies and procedures. In addition, the nursing homes communicate requirements to staff by conducting training about abuse, neglect, and exploitation of nursing home residents for newly hired employees at least annually and often when an allegation of abuse or neglect occurs. These controls further seek to protect nursing home residents by educating employees on the mistreatment of residents. See Appendix B for details of our audit findings.

STATE AGENCY COMMENTS AND OFFICE OF INSPECTOR GENERAL RESPONSE

The State Agency had no recommendations to respond to in this report. We would like to thank the State Agency for providing its comments on the Other Matters section (below).

In its comments, the State Agency outlined steps it is taking to mitigate the potential risk of other employers hiring an individual who had committed an offense that would disqualify them from employment under 42 CFR §483.12(a)(3). The State Agency's comments appear in their entirety in Appendix E.

OTHER MATTER

Clearinghouse Rosters Were Not Always Updated Timely

The State requires that an employer of persons subject to screening by a specified agency must register with the Clearinghouse and maintain the employment status of all employees within the Clearinghouse. Initial employment status and any changes in status must be reported within 10 business days (Section 435.12(2)(c), F.S.). Failure by nursing homes to update the Clearinghouse with employment changes in a timely manner puts subsequent employers at risk for future noncompliance with 42 CFR § 483.12(a)(3), which prohibits the employment of individuals with disqualifying backgrounds.

During the course of our audit, we noted delays in the updating of terminated employee's status in the Clearinghouse, which could potentially result in other employers hiring an individual who had committed an offense that would disqualify them from employment under 42 CFR §483.12(a)(3). For 79 of the 1,019 sampled employees, changes in employee status were not updated in the Clearinghouse roster within 10 business days of the employee's

termination date.¹³ Nursing home staff did not update the change in the employment status of employees in the Clearinghouse roster because of human error.

The effect of this untimely update of an employee's status in the Clearinghouse could impact future employer actions. A subsequent employer who hires an employee who appears to have no break in their employment history is not required to rerun the background check if it was passed within the last 5 years (section 408.809(2), F.S.) and there was no more than a 90-day break in employment (Florida Administrative Rule 59A-35.090(2)(d)).

By not updating their rosters in the Clearinghouse with an employee's end date, nursing homes create the risk that individuals who had been employed at other facilities could be hired by subsequent employers without a background check and nursing homes could potentially hire an individual who had committed an offense that would disqualify them from employment under 42 CFR § 483.12(a)(3), potentially putting vulnerable residents at risk for abuse, neglect, and exploitation. However, all of the employees we reviewed in our sample cases met subsequent background check, licensure, or LEIE requirements. See Appendix B for details of our audit findings.

¹³ We determined this by obtaining the Clearinghouse rosters from the State agency as of June 1, 2023, filtering out the employees with an "end date," reviewing and documenting the sampled employee's status in the Clearinghouse while on-site at the nursing homes, and determining if any of the employees had an end date before May 18, 2023. This date is 10 business days before June 1, 2023, which is the date the rosters were pulled by the State agency.

APPENDIX A: AUDIT SCOPE AND METHODOLOGY

SCOPE

We reviewed the State agency's background check process to determine whether the State agency ensured that selected nursing homes complied with Federal requirements regarding employing individuals with disqualifying backgrounds.

As of April 11, 2023, 676 nursing homes in Florida were Medicaid certified.¹⁴ For the 676 nursing homes, we:

- determined the number of healthcare-related deficiencies for each nursing home as reported by State surveyors using Medicare's Nursing Home Care Compare website¹⁵;
- determined the number F tags¹⁶ related to abuse, neglect, and exploitation deficiencies;
- analyzed survey findings to determine the nature of the abuse, neglect, and exploitation deficiencies to focus on those potentially related to nursing home staff malfeasance; and
- considered the geographic location of the nursing homes.

Using the above criteria, we judgmentally selected 30 nursing homes for site visits.

We provided our listing of 30 nursing homes to the State agency to obtain the employee rosters for all nursing homes in our sample as of June 1, 2023.

For each nursing home employee roster, we removed duplicate employee entries. We also removed entries for those not employed at the time or who had a provisional hire date but not an actual hire date. We then randomly selected 30 employees per nursing home using OIG/OAS statistical software¹⁷ for an initial sample of 900 employees. We also reviewed incident reports at each selected nursing home for our audit period of January 1, 2021, through June 1, 2023. As a result of our review of these reports, we judgmentally selected 119

¹⁴ We obtained the listing of nursing homes from Florida Health Finder, which is an online resource, maintained by the State agency, of nursing homes throughout Florida.

¹⁵ Medicare Care Compare.

¹⁶ F tags are defined by CMS. The F tags for freedom from abuse, neglect, and exploitation are F600–F610.

¹⁷ We sorted the employees in each roster by a unique employee number and consecutively numbered the items in each roster. We then generated 30 random numbers for each roster and selected the corresponding employees for review.

additional employee files for review of the items listed above, for a total of 1,019 sampled employees.

We conducted announced visits at each of the 30 selected nursing homes and verified that each sampled employee completed a background check that met Federal requirements; had a license in good standing, which was clear of emergency actions, disciplinary actions, and public complaints related to disqualifying offenses; and was not listed on the LEIE.

We reviewed only those internal controls that were significant to our audit objective. Specifically, we reviewed each sampled nursing home's internal controls related to employee background checks, including policies and procedures, and employee files, to determine whether the nursing home properly safeguarded residents from employees who, under the provisions of applicable requirements regarding the employment of individuals with disqualifying backgrounds, were prohibited from being employed by nursing homes.

We also reviewed the State agency's survey process to determine whether the State agency's oversight ensured nursing home compliance with the federal requirements regarding the employment of individuals with disqualifying offenses.

We conducted our audit work at selected nursing homes throughout Florida and in the Tallahassee Field Office, from May of 2023 to February 2024.

METHODOLOGY

To accomplish our objective, we took the following steps:

- reviewed applicable Federal and State requirements;
- interviewed State agency officials to gain an understanding of the State agency's oversight of nursing homes' background check processes and internal controls;
- interviewed Florida Department of Health officials to gain an understanding of the State's licensure site, and the process for handling complaints against an individual's license;
- obtained a listing of 676 nursing homes in Florida that are Medicaid certified from Florida Health Finder, which we used to judgmentally select the 30 nursing homes for review;
- obtained from the State agency the employee Clearinghouse rosters for each of the selected nursing homes;

- performed filtering on each employee roster and used the results to randomly select a sample of 900 employees (30 per nursing home);
- interviewed administrators and other officials from the selected nursing homes to gain an understanding of each nursing home’s background check policies and procedures;
- reviewed incident reports and, as a result of our review of these reports, judgmentally selected 119 additional employees for review;
- reviewed contracts for staffing companies;
- verified that each of the 1,019 sampled employees (900 randomly selected and 119 judgmentally selected) had proof that they:
 - completed a background check or recheck; and
 - possessed a license in good standing that was clear of emergency actions, disciplinary actions, and public complaints related to disqualifying offenses, and is not listed on the LEIE;¹⁸
- documented any change in the employment status for each of the 1,019 employees by reviewing the applicable dates in the Clearinghouse; and
- discussed the results of our audit with State agency officials.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

¹⁸ Available online at <https://mqa-internet.doh.state.fl.us/MQASearchServices/HealthCareProviders>.

APPENDIX B: SUMMARY OF AUDIT FINDINGS

Nursing Home Sample Count	Number of Employees Selected*	Findings			Other Matters
		Number of employees who did not pass a background check or began working before successful completion of a background check	Number of employees who were required to be licensed, but did not have a current license or had actions against their license related to disqualifying offenses	Number of Employees listed on the LEIE	Number of employees whose employment status was not updated within 10 business days in the Clearinghouse roster
1	32				5
2	35				1
3	35				
4	35				
5	35				7
6	35				
7	32				
8	34				
9	33				
10	34				19
11	35				
12	34				1
13	33				
14	33				
15	35				4
16	32				2
17	35				1
18	35				1
19	35				2
20	31				2
21	35				6
22	35				
23	32				
24	35				
25	34				5
26	35				
27	34				
28	35				4
29	33				
30	33				19
Totals	1,019	0	0	0	79

*Includes contracted employees

APPENDIX C: RELATED OFFICE OF INSPECTOR GENERAL REPORTS

Report Title	Report Number	Date Issued
<i>Louisiana Should Improve Its Oversight of Nursing Homes' Compliance With Requirements That Prohibit Employment of Individuals With Disqualifying Background Checks</i>	<u>A-06-21-02000</u>	11/29/2023
<i>National Background Check Program for Long-Term-Care Providers: An Interim Assessment</i>	<u>OEI-07-20-00181</u>	5/9/2022
<i>National Background Check Program for Long-Term-Care Providers: Assessment of State Programs Concluded in 2019</i>	<u>OEI-07-20-00180</u>	9/4/2020
<i>National Background Check Program for Long-Term-Care Providers: Assessment of State Programs Concluded in 2017 and 2018</i>	<u>OEI-07-18-00290</u>	8/21/2019
<i>National Background Check Program for Long-Term-Care Providers: Assessment of State Programs Concluded Between 2013 and 2016</i>	<u>OEI-07-16-00160</u>	4/22/2019
<i>National Background Check Program for Long-Term-Care Employees: Interim Report</i>	<u>OEI-07-10-00420</u>	1/19/2016

APPENDIX D: GLOSSARY OF DEFINITIONS

The terms “abuse,” “neglect,” “exploitation,” “mistreatment,” and “misappropriation of resident property” are defined under Federal regulations (42 CFR § 483.5) as follows (italics in original):

- *Abuse*. Abuse is the willful infliction of injury, unreasonable confinement, intimidation, or punishment with resulting physical harm, pain, or mental anguish. Abuse also includes the deprivation by an individual, including a caretaker, of goods or services that are necessary to attain or maintain physical, mental, and psychosocial well-being. Instances of abuse of all residents, irrespective of any mental or physical condition, cause physical harm, pain, or mental anguish. It includes verbal abuse, sexual abuse, physical abuse, and mental abuse including abuse facilitated or enabled through the use of technology. *Willful*, as used in this definition of abuse, means the individual must have acted deliberately, not that the individual must have intended to inflict injury or harm.
- *Neglect* is the failure of the [nursing home], its employees or service providers to provide goods and services to a resident that are necessary to avoid physical harm, pain, mental anguish, or emotional distress.
- *Exploitation*. Exploitation means taking advantage of a resident for personal gain through the use of manipulation, intimidation, threats, or coercion.
- *Mistreatment* means inappropriate treatment or exploitation of a resident.
- *Misappropriation of resident property* means the deliberate misplacement, exploitation, or wrongful, temporary, or permanent use of a resident’s belongings or money without the resident’s consent.



APPENDIX E: STATE AGENCY COMMENTS

March 29, 2024

Lori Pilcher
Regional Inspector General for Audit Services
Office of Audit Services, Region IV
61 Forsyth Street SW
Suite 3T41
Atlanta, GA 30303

Report Number: A-04-23-08100.

Dear Ms. Pilcher:

The Agency for Health Care Administration (AHCA) has reviewed the Department of Health and Human Services, Office of Inspector General (OIG), draft report *Florida Ensured That Nursing Homes Complied with Federal Background Check Requirements*. Below is our response to the section 'Other Matter'.

In response to the topic of Clearinghouse rosters, the Clearinghouse project team along with the Florida Department of Law Enforcement is in progress of implementing the national retained print arrest notification program. This program will allow the Clearinghouse to receive arrest notifications from all states and will update the employees' eligibilities as soon as an arrest notification for a disqualifying offense is received. This will eliminate the need to rerun the background check if there was a break in employment for fewer than 90 days and ensure that the employees in the Clearinghouse have the most up-to-date eligibility.

If you have any questions, please do not hesitate to contact me or Kimberly Smoak at (850) 412-4516.

Sincerely,

Jason Weida
Secretary

2727 Mahan Drive • Mail Stop #2
Tallahassee, FL 32308
AHCA.MyFlorida.com



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