**What do Background Screening and ASC License Renewal Have in Common?**

ASCs know that their Administrator and CFO must have Level 2 Background Screening to serve in their capacities. In 2018, Florida Statutes were changed to require that not only these types of people should be screened, but also all Controlling Interests people must be screened. The point at which the Agency for Healthcare Administration (AHCA) is checking for compliance with this screening is primarily done at the license renewal period.

It is important for all ASCs to update their AHCA profile to show that they have provided Level Two Background Screening for all Controlling Interests who are persons. This also applies to management company Controlling Interests when a management company (or General Partner LLC) is contracted to provide the services that would otherwise be provided by an employee of the surgery center.

The definition of a Controlling Interest according to Florida Statutes Chapter 408.803(7) is:

 (a) The applicant or licensee;

(b) A person or entity that serves as an officer of, is on the board of directors of, or has a 5-percent or greater ownership interest in the applicant or licensee; or

(c) A person or entity that serves as an officer of, is on the board of directors of, or has a 5-percent or greater ownership interest in the management company or other entity, related or unrelated, with which the applicant or licensee contracts to manage the provider.

The term does not include a voluntary board member.

To determine who to screen, please refer to the [AHCA renewal application](HealthCareLicensingApplication_Ambulatory_Surgical_Center_AHCAForm3130_2001_September2018.docx). Section 3 identifies the Controlling Interests that must be screened as owners, officers or board of director’s members of the ASC; Section 4 identifies a management company’s Controlling Interests; and Section 5 identifies the Administrator and CFO. Ultimately, the ASC makes the decision of whom or what to list in these sections.

For each person the ASC lists in Section 3, 4 or 5 of the renewal application, AHCA must find a corresponding, current, and complete Level 2 background screening in the ASC’s Roster in the *AHCA Clearinghouse* in order for it to renew the license. ASCs should address this issue well in advance of their renewal date.

For those with physician Controlling Interests who have been screened by another specified agency (i.e. Medicaid or Department of Health) and entered into the Background Screening Clearinghouse, AHCA must provide a specific *Agency Review* prior to associating their screening with the ASC’s roster.

In order to initiate the *Agency Review*, an ASC must login to the AHCA SSO Portal. Click here for instructions. (**Please** **Note**: The SSO Portal is already used to provide data reporting and risk management reports to AHCA, so you are probably already familiar with this site.)

After logging in, follow the instructions to arrive at the AHCA Clearinghouse. From there, refer to page 31 of the [AHCA Clearinghouse Results Website Instruction Guide](Clearinghouse_Results_InstructionGuide_AHCA_Final_05182017%20%28002%29.pdf)*.* **Note:** Once a party is identified in the Clearinghouse, the button to *Initiate Agency Review* may not appear on the screen if the system identifies that a background screening file is incomplete (i.e. missing picture, missing information, out of date). In this case, you will need to review and complete the file in the Clearinghouse or have persons re-screened before requesting *Agency Review*.

Please take this new background screening requirement seriously. Licensees will receive an omission letter, may incur late fees and ultimately may not be able to re-license if background screening is not complete and appearing on the ASC’s roster in the *AHCA Clearinghouse*.

*This article is not a substitute for obtaining legal advice on this matter and other licensure matters. Please seek legal assistance if you have questions.*