

Criminal Background Checks

why, what, when, who, how & what if

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My accomplices

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Why

- ASHA required? NO (but they ask)
- State Licensure required? Maybe (not in New York)
- JCAHO required? NO
- Affiliate required? Maybe

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Why

The AAMC lists four reasons for conducting CBCs:

- Bolster the public's trust in the medical profession
- Enhance the safety and well-being of patients
- Establish qualification for licensure
- Minimize the liability of medical schools and their affiliated clinics

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Why

NACUA describes three events to be avoided:

- Negligent admission
- Negligent placement
- Negligent re-admission

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What (flavor)

- Local
- State
- Federal
- International

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When

- Pre-admission
- Pre-matriculation
- Pre-externship

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Who

- Applicant (self-disclosure)
- Institution
- Affiliate
- Third party

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We need a policy, or, at least, a plan
(the “how” part)

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Some questions in search of a policy

- Does your state have a law that specifically precludes access to patients by individuals with criminal convictions?
- Does your state licensing board deny licenses to individuals with criminal conviction?
- Will you deny admission to applicants with certain convictions? (which ones?)
- Will you dismiss matriculated students for a new conviction or an old conviction discovered subsequently?

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Implementation Details

- Who will administer your CBC P & P?
 - Registrar
 - Campus security
 - Academic affairs
 - Admissions
- Who will pay?
 - Student
 - Institution
 - Affiliate

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Details, Details

- Where will CBC records be kept?
- Who has access to the records?

CBC are considered educational records under FERPA

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And more Details

- Who will evaluate the records?

Individual administrator or committee

- need for:
continuity
consistency
perspective

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What If?

- What is a crime?
- How serious is serious?
- Type of crime?
- Specific circumstances . . .

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Circumstances to consider

- The act . . .

What was the crime?
Was the victim from a vulnerable population?
Was it a crime against property, not persons?

- How many offenses, or convictions?
- How long ago was the crime committed?

Is there a statute of limitations?

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Circumstances to consider

- Was the crime self-disclosed, but documented in a sealed juvenile record?

- Was there an actual conviction?

If a misdemeanor conviction, was the term of probation successfully served?

Was the judgment dismissed?

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Circumstances to consider

- Is there evidence of rehabilitation efforts since the conviction?

- What is past precedent of the institution?

- Is the crime an “automatic disqualifier” – what are these crimes? Who decides?

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