

UNIVERSITY OF DETROIT MERCY
COLLEGE OF HEALTH PROFESSIONS
MCAULEY SCHOOL OF NURSING

Criminal Background Check Policy and Procedure

Approved Aug. 25, 2004, amended (12/5/06, 4/14/09, 3/4/11, 9/7/11, 6/30/2015)

Background

Michigan Public Acts 27, 28 and 29 of 2006 requires that a health facility or agency that is a: Psychiatric facility, Hospital that provides swing bed services, ICF/MR Home for the Aged, Nursing home, Home Health Agency, County Medical Care Facility, Adult Foster Care Facility, Hospice, shall not employ, independently contract with, or grant clinical privileges to an individual who regularly has direct access to or provides direct services to patients or residents in the health or adult foster care facility/agency until the health facility or agency conducts a criminal background check. Students doing clinical training for more than 120 hours in a facility requiring a criminal background check are also required to undergo a criminal background check. Additionally, many clinical sites affiliated with the university for educational purposes have adopted this requirement.

All programs of the University of Detroit Mercy's College of Health Professions (CHP) and McAuley School of Nursing (MSON) require students to participate in the care of patients in various health care settings. Students in all CHP/MSON programs are, therefore, subject to this legislation.

Policy

1. **Applicability and timing:** All students in the CHP and MSON will be required to undergo a criminal background check as determined by the individual program as follows:

PROGRAM	DUE DATE
Physician Assistant	Before matriculation
Nurse Anesthesia	Before matriculation
Undergraduate Nursing	Before Sophomore Year
Health Information Management	Before Sophomore Year
Masters of Health Services Administration	Before Internship
Second Degree Option	Before matriculation
Graduate Nursing	Prior to clinical or internship

A student's past criminal history may affect his/her admission to a program, limit or disallow the number of suitable practice placement sites and/or affect ability to obtain licensure as a registered health care provider.

2. **Cost:** Costs are determined by the CHP/MSON designated screening agency and subject to change and are beyond the control of the CHP/MSON. All expenses associated with criminal background check are the responsibility of the applicant/student.
3. **Review:** The criminal background reports will undergo administrative review by the CHP/MSON Compliance Officer. Certain convictions may be considered a disqualifying factor. (See appendix A, Mandatory Exclusions for Specified Time Periods). Appendix A is

used as a guideline, however final determination is made by the Chairperson of the Program, the Dean of the CHP/MSON and/or requirements of the clinical/internship site.

4. **Use and care of information on a criminal background check:** The CHP/MSON will only use the information provided on a conviction history record to evaluate a potential applicant's qualifications for acceptance into a clinical/internship program or determine if an enrolled student can progress to the clinical/internship component of training. The CHP/MSON may not disclose the information to any person who is not directly involved in evaluating the applicant/student qualifications for their clinical/internship program. Clinical agency/internship personnel are directly involved in evaluating a student's qualification for training and as such may request access to criminal background test results. Reports will be kept electronically, separate from the applicant or student academic files and destroyed once the individual is no longer a student in CHP/MSON programs.

Procedure for All Students

According to the table shown above (Policy, #1) all students will be required to submit and pass a criminal background check by the CHP/MSON designated screening agency. Documents to be completed and returned are a signed Consent to Criminal Background Check and Drug Screening Statement of Acknowledgement, Understanding and Release of Liability Form and Appendix B; a disclosure statement regarding any personal criminal history.

1. Results of the criminal background check
 - The results of the criminal background check will be sent to the CHP/MSON Compliance Officer. The CHP/MSON will use the information provided to evaluate a student's qualifications for clinical/internship placement.
 - The CHP/MSON will not disclose the information to any person who is not directly involved in evaluating the student's qualifications. The results of the background check will be maintained electronically with access limited to approved members of the CHP/MSON and be destroyed if applicant does not matriculate into a CHP/MSON program. If an applicant disputes information supplied by the CHP/MSON designated screening agency, the applicant must contact a service representative of the agency for the appeal process through the agency web site. The applicant will be responsible for any associated cost for the appeal and to making sure any change in results is submitted to the CHP/MSON compliance officer by the program deadline for completion of the background check. The CHP/MSON does not accept responsibility for any student being ineligible for admission or ineligibility for licensure as a health care professional based on failure to pass a criminal background check.
2. All students in the CHP/MSON have a continual obligation to report any criminal conviction that may impact upon their ability to participate in the clinical/internship program to the Compliance Officer of the College of Health Professions within 30 days of its occurrence. Failure to do so, or to comply with any other aspect of this policy, will result in immediate dismissal from the program.
3. Decision, hearing, and appeals:
 - In the event the student does not receive required clearance, the CHP/MSON Compliance Officer will be notified by the CHP/MSON designated screening agency. The Compliance Officer will notify the Chairperson of the student's program regarding

any adverse findings. The Chairperson will determine if there is need for further review. The student will be notified, by the Program Chairperson if further information is required.

- If the Chairperson determines further review is needed, a meeting will be scheduled with the Program Chairperson and student to discuss the information received. The student will be given an opportunity to respond to the information. Based on the outcome of this meeting, a decision will be made by the Program Chairperson regarding the student's continuation in the clinical/internship program. Should the student be allowed to continue in the program, the student will be required to sign a waiver form acknowledging an adverse criminal background report. Students may appeal the Chairperson's decision to the Dean of the CHP/MSON. The appeal must be made in writing within 5 business days of notification of the outcome of meeting with the Program Chairperson. The decision of the Dean regarding the appeal is final and cannot be appealed further. In all cases, the clinical/internship site has the right to deny or accept any student for clinical placement or internship based on criminal background reports.

The student has a continual obligation to report any criminal conviction that may impact upon the student's continued ability to participate in the clinical/internship program to the Compliance Officer of the College of Health Professions within 30 days of its occurrence. Failure to do so, or to comply with any other aspect of this policy, will result in immediate dismissal from the program.

- **Students must be aware that many clinical sites list conviction of any felony as grounds to not accept a student for clinical or administrative training. The College of Health Professions does not accept responsibility for any student eligibility for admission and or continued progression to a clinical/internship program or eligibility for licensure/certification as a health care professional after failure to pass a criminal background check.**