

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)

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.

The clinical 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 the clinical programs are, therefore, subject to this legislation. Accordingly, passing a criminal background check is a condition for admission to the Physician Assistant (PA) and Nurse Anaesthesia (NA) Programs. (See specifics under Procedure for Applicants to the PA and NA Programs) and for progression to the clinical component of the programs for all nursing students (see specifics under Procedure for enrolled students). Students in administrative programs such as Health Services Administration may also be required by a specific site to complete a criminal background and drug screen check before starting an internship.

Policy

Please note for purposes of this document, "applicant" refers to a person applying for the PA or NA Program and "student" means someone already enrolled in a CHP/MSON program.

1. **Applicability and timing:** All applicants in the PA and NA programs of the CHP are required to complete a criminal background check prior to matriculation into the program. For Graduate Nursing Programs, submitting a negative criminal background check will be a requirement prior to the start of clinical courses. For Undergraduate Nursing, submitting a criminal background check will be a requirement prior to entering sophomore nursing courses. All students in administrative programs, including HSA students, may be subject to a criminal background check before beginning an internship. An applicant or 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

for admission into the PA and NA Programs and progression in nursing courses. (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 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 program or determine if an enrolled student can progress to the clinical 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 program. Clinical agency 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 if the student does not matriculate to the PA or NA programs or once the individual is no longer a student in the CHP/MSON.

Procedure for Applicants to the Physician Assistant and Nurse Anesthesia Programs

1. Applicant's responsibilities:

Prior to enrolment in the PA and NA programs, applicants will be required to submit and pass a criminal background check by the CHP/MSON designated screening agency. Information and required documents will be supplied to selected applicants with a deadline for completion of the background check and return of forms to complete matriculation. Required documents include 1) a signed Consent to Criminal Background Check and Drug Screening Statement of Acknowledgement, Understanding and Release of Liability Form and 2) Appendix B; a disclosure statement regarding any personal criminal history.

2. 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 an applicant's qualification for enrollment in the program for the PA and NA Programs.
- The CHP/MSON will not disclose the information to any person who is not directly involved in evaluating the applicant's qualifications. (Applicants that matriculate to the PA or NA program see number 3 below). 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.

3. Obligation of applicant accepted into the PA or NA Program.

- If the applicant matriculates into the PA or NA Program, any information received on the criminal background check will be available to the clinical sites if requested by the site.
- The applicant that is admitted has a continual obligation to report any criminal conviction that may impact upon their ability to participate in the clinical program to the Chair of their

program 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.

Procedure for Students enrolled in CHP/MSON Programs

1 Student's responsibilities:

- Undergraduate Nursing -By mid-term of the semester prior to the sophomore year nursing courses, enrolled students will be required to submit to and pass a criminal background check by the CHP/MSON designated agency. Graduate Nursing – students will be required to complete a background check prior to the start of clinical courses.
- Nursing students must complete, sign and return the Clinical Student Disclosure Statement (Appendix B) to acknowledge any previous criminal findings that would prohibit clinical placement. The CHP/MSON shall retain the signed Clinical Student Disclosure Statement at the school's administrative site for compliance under State policy.
- Nursing students must also sign and return the Consent to Clinical Background Check .Drug Screening and Fingerprinting Statement of Acknowledgement and Understanding, Release of Liability Form.
- **Administrative students in the CHP and all other students in the CHP** are also subject to criminal background check at the request of a clinical site or an administrative internship. All procedures for the CHP/MSON background check of enrolled students apply.

2. 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 only use the information provided to determine if an enrolled student can continue to the clinical component of training. The CHP/MSON will not disclose the information to any person who is not directly involved in evaluating the student's qualifications for progression. Clinical agency personnel are directly involved in evaluating a student's qualification for training and as such may request access to criminal background. The results of the background check will be maintained in a secure electronic file, separate from the student's academic file, with access limited to approved members of the CHP/MSON. The results will be destroyed once the individual is no longer a student in the CHP/MSON.

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 positive findings. The Chairperson will determine if there is need for further review. The student will be notified, by letter from 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 program. Should the student be allowed to

continue in the program, the student will be required to sign a waiver form acknowledging a positive 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 site has the right to deny or accept any student for clinical placement or internship based on criminal background reports.

4. Obligation of students:

- 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 program to the Chair of the program 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 program or eligibility for licensure as a health care professional after failure to pass a criminal background check.**

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Drug Screening Policy and Procedure

Approved: April 27, 2005 Amended 12/5/06, 3/2/2011

Background

The purpose of this policy is to provide a safe working and learning environment for patients, students, clinical and institutional staff and property in the clinical programs of the University of Detroit Mercy's College of Health Professions (CHP) and McAuley School of Nursing (MSON). Healthcare accreditation organizations mandate that hospitals and other health care agencies require students who participate in the care of patients be subject to the same standards as their employees. Accordingly, submitting a negative urine drug screen is a condition for participation in the clinical component of the Physician Assistant (PA), Nurse Anesthesia (NA) and all Nursing (graduate and undergraduate) programs.

Policy

1. **Applicability and timing.** For Physician Assistant (PA) applicants and Nurse Anesthesia (NA) applicants; submitting a negative drug screen is a requirement for admission to those programs. For Graduate Nursing Programs submitting a negative drug screen will be a requirement prior to the start of clinical courses. For Undergraduate Nursing, submitting a negative drug screen will be a requirement prior to entering nursing courses. Repeat testing may also be required for cause or to retest a dilute sample. Failure of the drug test, or refusal to cooperate with any aspect of this policy, or any health system policy on substance abuse, will result in disciplinary action up to and including dismissal, refusal of enrollment or denial of course progression. This policy is subject to change.
2. **Cost** The student shall be responsible for paying any and all associated costs of urine drug screening including necessary retesting for any reason. A College of Health Professions approved testing site will provide testing (see information provided separately).
3. **Use and care of information on drug screening** Test results are confidential with disclosure of results provided electronically only to approved persons involved in evaluating qualifications for clinical programs. Because of the mandate to comply with health system policies, disciplinary actions against students may be imposed without the customary mechanisms of warning and probation. Reports are the property of the CHP/MSON, will not be provided to students and will be kept electronically, separate from the student's academic file. Students who wish to review a copy of their test results should contact the agency providing the drug screening.
4. **Duty to Report** Under section 333.16223 of the Public Health Code, licensed/registered health professionals are required to make good faith reports of suspected violations of the Code to the Department of Community Health, Bureau of Health Profession. However, for purposes of substance abuse or mental illness, a report to the Health Professions Recovery Program (HPRP) meets the legal reporting requirement.

Procedure

1. **Applicants' responsibilities – Physician Assistant and Nurse Anesthesia** Instructions for drug screening will be sent to admitted applicants prior to testing at an approved site (provided separately). Testing must be completed prior to final admission to the programs. **Nursing** - By

midterm of the semester prior to entering sophomore nursing courses, students must complete drug screening process. **Graduate Nursing**, students will be required to complete drug screening process prior to the start of clinicals.

2. **False or misleading statements.** Any false information contained on any forms pertaining to this policy will be grounds for the immediate rejection of the applicant, or immediate dismissal of a current student.
3. **Results.** Students/applicants complete the urine drug screen at a CHP/MSON approved site (see information provided separately). If confirmatory testing is not required (the sample is clearly negative in the screening procedure), a negative report will be sent to the College of Health Professions representative. No further action is required. If the urine drug screen results are inconclusive, retesting will be required which may be at the student's expense as determined by the CHP/MSON. In the case of a positive test, a Medical Review Officer (MRO) will be charged with interpreting the results and contacting the applicant/student to disclose any prescription medications. If determined by the MRO that the further investigation proves a negative result, no further action is required and the negative result will be sent to the College of Health Professions representative. If further interpretation proves the results are positive, the MRO will notify the applicant/student and University of Detroit Mercy, CHP/MSON representative. Current students will not be allowed to continue in the clinical phase of the program. Accepted applicants will not be allowed to matriculate into the program.