Ivy Tech Community College of Indiana

POLICY TITLE
Criminal Background Check and Drug Screening

POLICY NUMBER
ASOM 4.14

PRIMARY RESPONSIBILITY
Office of Academic Affairs
Office of Student Affairs

CREATION / REVISION / EFFECTIVE DATES
Created May 2010/ Revised July 2011/Effective August 2011/Effective October 2013

PURPOSE
Requiring criminal background checks and drug screenings ensures students meet the same standards as health care facility employees. This will also provide consistency for Ivy Tech School of Health Sciences and School of Nursing programs. Health care facilities are obligated to document that any individual authorized to provide such care does not have a criminal history of mistreatment, neglect, violence, defrauding the public, or otherwise taking advantage of another person and has no record of illegal use of pharmaceuticals or use of any illegal substances.

ORGANIZATIONAL SCOPE OR AUDIENCE
This policy applies to all students who will have direct patient contact within a health care facility or laboratory, or other setting where health care is provided, as well as students who do not have direct patient contact but engage in practice-based learning within a setting where health care is provided.

DEFINITIONS
Drug Screening: Technical analysis of a biological specimen - for example urine, hair, blood, sweat, or oral fluid / saliva - to determine the presence or absence of specified parent drugs or their metabolites.

Clinical and Practice-based learning: Any course of study in which the student may be assigned to a healthcare or practice laboratory setting to meet course objectives. This includes, but is not limited to, assignment in any setting where a student provides direct patient care or patient care services, has direct contact with patients or their families in an observational role, has access to patients’ health records, or is performing invasive healthcare procedures in a campus laboratory setting.

POLICY
Completion of a criminal background check and drug screening are required for admission and/or clinical placement in most School of Health Sciences and all Nursing
programs. The criminal background check and drug screening may be done either before enrollment in the professional/technical core courses or just prior to the first day of clinical or externship as specified by the Health and Nursing program. Additional criminal background checks and/or drug screenings will be required in Health and Nursing programs for students enrolled in clinical courses more than 12 months. Convictions are reported to the clinical sites. Criminal charges (a criminal complaint filed in court by a prosecutor) may be reported based on facility request. Any convictions or criminal charges filed against the student prior to or during their enrollment in the Health and Nursing programs may result in a failure to be approved for required clinical placement assignments and may result in inability to progress through or graduate from the programs.

Students who are enrolled in courses for credit or non-credit, but who are not in a degree-seeking program, may be exempt from the drug testing and background check requirements in this policy. These non-degree seeking students may have different or separate requirements for drug testing and/or criminal history background checks.

Students who are not continuously enrolled in a program until completion may be required to complete additional checks upon re-entry to a program or admission to a different program in the School of Health Sciences or School of Nursing. Clinical sites or the College may request additional background checks or drug screenings at their discretion.

Students who are denied clinical placement or who are withdrawn from enrollment in a clinical course due to clinical site refusal to accept students with positive findings on criminal background checks or drug screenings, may reapply to the same or different School of Health Sciences or School of Nursing program the next semester, but will need to comply with additional criminal background checks or drug screenings as required. College program admission and progression policies will apply. If a student is denied placement for clinical at one site, up to two more attempts will be made to place the student at other clinical sites if other sites are available.

**PROCEDURE**

The student is responsible for completing the online processes and other required paperwork, paying for the criminal background check and drug screening, working with the company providing the criminal background check and drug screening for any follow-up information or testing that may be required, and monitoring the results of the criminal background check and drug screening. By participating in the required criminal background check and drug screening, students are giving the College permission to release information as needed to the clinical affiliates. The College will provide clinical sites an assurance that background checks and drug screenings will be completed for every student. The student, the College, and clinical sites will have access to the secure web-based results.

The student will initiate the required background check and drug screening with the company of the College's choice by the due date designated by the program. Students
who refuse to comply with the background check and drug screening will not be eligible to enroll in clinical courses, and therefore will not be eligible to enroll, progress, and/or graduate from the program.

The background check will include the following elements (additional elements may be added if required by the clinical site):

- County, state, and federal criminal record searches of all places of principal residences for the past 7 years (or since age 18, if less than 25 years old). Records will be verified against all known names and addresses as revealed on the social security report.
- National criminal history database that includes 50-state sex offender and Office of Foreign Assets Control (OFAC) List of Specially Designated Nationals (SDN).
- Office of Inspector General (OIG)/General Services Administration (GSA) Sanction Reports, United States Treasury, applicable state exclusion list
- Social security verification and residency report
- Maiden name and alias report

The drug screening will include the following elements (additional elements may be added if required by the clinical site) Note: examples of common names for drugs or illegal substances are listed in parentheses.

- Marijuana (cannabis, weed, hemp)
- Cocaine (coke, snow, blow)
- Opiates (morphine, codeine)
- Amphetamines and methamphetamines (Ritalin, Ecstasy, speed, meth)
- Phencyclidine (PCP, angel dust)
- Propoxyphene (Darvon)
- Barbiturates (Valium, Librium)
- Methadone (oxycodone, hydrocodone, Vicodin)
- Benzodiazepines (Versed, Dalmane, Restoril, Xanax)
- Methaqualone (Quaalude, Sopor)

The student will have access to findings of the criminal background check and drug screening, via the results posted on the secure web site, as required by the Fair Credit and Reporting Act. The student has both the responsibility and the right to challenge any information in the findings that the student believes to be erroneous with the company providing the background check and drug screening. The student is responsible to present documentation of any clarification of the findings to the College, and the College may share that documentation with the clinical site(s).

The student may reapply to the same program or another program in the School of Health Sciences or the School of Nursing the next semester. The student will need to complete the criminal background test again if s/he is readmitted. College program admission and progression policies will apply.

Disclaimers
• Completion of a criminal background check and drug screening for a Health Sciences or Nursing program does not ensure admission to or continued enrollment in any program.
• Completion of a criminal background check and drug screening for a Health Sciences or Nursing program does not ensure eligibility for licensure, credentialing, or future employment. Additional criminal background checks and/or drug screenings may be required for licensure, credentialing, or employment.
• Clinical affiliates can establish more stringent standards for criminal background checks and/or drug screenings than those required by the College, and students will be required to meet those standards.
• Clinical affiliates can conduct additional background checks and drug screenings (including random drug screenings during clinical) at their discretion.
• Completion of background checks and/or drug screenings from other vendors, such as those required by current employers of the students, may not be used in lieu of the College requirements.
• If a student is found to be ineligible for clinical placement at any time during the program, the student will be withdrawn from the clinical course and any co-requisite courses pending resolution of the situation.

Protection of confidential information from the background checks and drug screenings
Information obtained from the result of student background checks and drug screenings will be treated as confidential information, and protected from unauthorized access. Authorization to view the results will be limited to individuals who make clinical assignments and designated individuals at clinical sites requesting the information for students placed at the sites. Release of the results of criminal background checks and drug screenings to clinical sites is given for the purpose of clinical placement. In the event that a student is prevented from enrolling in and/or completing a clinical course or courses due to the results of the drug screen and/or criminal history background check, a printed copy of the results and a memorandum summarizing the rationale and action(s) taken at that time will be maintained in a secure (locked file cabinet) School of Health Sciences and School of Nursing file for seven (7) years.

Procedures for Determining Eligibility for Clinical Placement

1. **Eligibility for Clinical Experiences with Affiliating Clinical Agencies**
   Clinical sites have the right to refuse any student for clinical placement. Policy at clinical sites may vary in whether or not students with particular positive findings on the background check will be allowed to attend clinical. In the event there are positive findings on any portion of the criminal background check, a primary clinical site will be notified and requested to make a decision on whether or not the student will be allowed to complete a rotation at the site, in light of the specific positive findings on the criminal background check. If the clinical site will not allow the student to participate in clinical at that site, the program chair will contact up to two additional clinical sites offering the same type of clinical experience, if available, to attempt to place the student. If these attempts do not
result in a clinical site placement for the student, the student will be notified that s/he may not enroll in clinical courses and any co-requisite courses. In most cases, this will mean that the student will not be able to progress in the program, and will therefore not be able to complete the courses required for graduation.

Ineligibility must be documented.

2. **Eligibility for Clinical Experiences in Campus-Based Clinical Services**

Certain School of Health Sciences and School of Nursing programs, including Dental Assisting, Dental Hygiene, and Therapeutic Massage, may offer services to the general public and/or Ivy Tech students and employees in campus-based laboratories or clinics. In these courses, the Criminal Background Check and Drug Screen results will be reviewed by the Program Chair, and a determination will be made on whether or not each student is able to participate in the patient care activities based on the results. Any recommendation by the Program Chair to not allow a student to participate in patient care activities based on the results of the Criminal Background Check or Drug Screen results will be reviewed and approved by the appropriate School of Health Sciences or School of Nursing Deans and the Vice Chancellor for Academic Affairs.

**Positive Drug Screen:**

Students with any positive result on the drug screen, and not otherwise cleared by the testing company after retesting and/or testing company medical officer review, shall not participate in campus-based direct care activities, including accessing patient health information, providing any type of direct patient care, or assisting another health care worker with patient care.

**Criminal Background Check:**

Students with any criminal conviction or guilty pleas for the following shall not participate in campus-based patient care activities, including accessing patient health information, providing any type of direct patient care, or assisting another health care worker with patient care:

1. Rape
2. Criminal deviate conduct
3. Exploitation of an endangered adult or a child
4. Failure to report battery, neglect, or exploitation of an endangered adult or a child
5. Theft, if the person’s conviction for theft occurred less than ten (10) years before the date of submission by the person of an application for the criminal background check for the purposes of entering or completing an educational program at Ivy Tech Community College
6. Conviction of any crime which requires registration with any state or national Sexual Offender Registry
7. Aggravated murder
8. Murder
9. Voluntary manslaughter
10. Felonious assault
11. Kidnapping
12. Sexual Battery
13. Aggravated arson
14. Aggravated robbery
15. Aggravated burglary
16. Any misdemeanor or felony drug law conviction

Ineligibility must be documented.

REFERENCES
Fair Credit and Reporting Act http://www.ftc.gov/os/statutes/031224fcra.pdf
Documentation of Eligibility for Clinical Placement with Affiliating Agencies – Infonet, under forms
Documentation of Eligibility for Clinical Placement in Campus-Based Clinics or Laboratories – Infonet, under forms

RESOURCE PERSON
Program or Department Chair – School of Health Sciences and School of Nursing
Dean – School of Health Sciences and School of Nursing
Vice Chancellor for Academic Affairs
Vice Chancellor for Student Affairs