

McLennan Community College  
Health Professions

### **Division Policies & Procedures**

**Subject:** Division Criminal Background Check

**Effective date:** 6.25.19

**Responsibility:** Program Directors, Clinical Coordinators

**Review date:** 6.25.19

### **Health Professions Division Criminal Background Check**

#### **Introduction**

The Joint Commission requires verification of competency of all individuals who have direct contact with patients or employees; this includes students doing clinical rotations in the facility. Competency extends beyond technical skills to an individual's criminal history.

#### **Purpose:**

This policy is designed to protect the community of health care consumers from services provided by students who have documented illegal and unethical behaviors. These requirements also allow the Health Professions division to be in compliance with clinical affiliation agreements.

In compliance with HB 1508, students are advised that a criminal background could prevent licensure by the State of Texas. Students are further advised to consult with the program director or faculty member for guidance. Students also have the right to request a criminal history evaluation letter from the applicable licensing agency.

#### **Policy:**

Successful completion of a criminal background check is required for admission and continuation in all Health Professions Programs. Students will be given specific directions from the program about how to obtain the background check.

Background checks may be honored for the duration of the student's enrollment in the clinical program if the participating student has not had a break in the enrollment of a Health Professions class. A break in enrollment is defined as nonattendance of one full semester or more. The above information must be verifiable through the college/school and an attestation will be provided to the clinical agency. Individual programs may require more frequent background checks to meet clinical requirements.

## Nursing Programs:

All students admitted, re-admitted, or transferred into the Associate Degree (ADN) or Vocational Nursing (VN) program, must have a cleared criminal background check from the Texas Board of Nursing by 5:00 pm on the Friday preceding the first day of class. Students are required to pay for the costs. Prior to admission, students will be instructed of the procedure to follow for obtaining a criminal background check. The fingerprint process will initiate a criminal background check with results being sent to the Texas Board of Nursing and will be kept on file at the Texas Board of Nursing for future licensure. The blue clearance background card or the letter stating the person is cleared that is received from the Texas Board of Nursing must be submitted to the ADN or VN admissions office by 5:00pm on the Friday preceding the first day of class. The information received from the criminal background check will determine eligibility for full acceptance status into the nursing program. All students must have clearance of a criminal background check from the Texas Board of Nursing before full admission status is granted. Students must be aware that results of the criminal background check history may bar them from full acceptance status into the nursing program (see examples on [www.bon.state.tx.us](http://www.bon.state.tx.us) and [www.bon.state.tx.us/disciplinaryaction/discp-guide.html](http://www.bon.state.tx.us/disciplinaryaction/discp-guide.html)). Students must report any and all arrests or convictions while enrolled in the program. If a student exits the program for any one long semester before reentering, the criminal background check process and drug screening must be repeated. Students will not be allowed to reenter if they do not have a cleared criminal background check and negative drug screen within the designated timeframe.

Any student admitted on the contingency of a cleared background check and who is not cleared by the Texas Board of Nursing by 5:00pm on the Friday preceding the first day of class will have guaranteed admission only to the next admission class if the following criteria are met:

- 1) another application (no fee required) to the nursing program along with a letter of intent is submitted by the admission deadline date to join the next nursing class
- 2) clearance is obtained by the first day of the next nursing class in which student is applying for
- 3) all other admission criteria are met, including a negative drug screen within 30 days of the first day of the class.

### **Disqualifying Histories**

The following histories will disqualify an individual from consideration for admission because the student would not be eligible for clinical placement: (this includes, but is not limited to):

- Murder
- Capital murder
- Manslaughter
- Criminally negligent homicide

- Hate crimes
- Unlawful restraint
- Kidnapping
- Aggravated kidnapping
- Continuous sexual abuse of a young child or children
- Indecent exposure
- Indecency with a child
- Improper relationship between educator and student
- Improper photography or visual recording
- Sexual assault
- Aggravated assault
- Aggravated sexual assault
- Intentional, knowing, or reckless injury to child, elderly individual, or disabled individual
- Intentional, knowing, or reckless abandonment or endangerment of child
- Deadly conduct
- Terroristic threat
- Aiding suicide
- Prohibited sexual conduct (incest)
- Agreement to abduct child from custody
- Violation of certain order in family violence case
- Violation of protective order preventing hate crime
- Sale or purchase of child
- Arson
- Robbery
- Aggravated robbery
- Burglary
- Online solicitation of minor
- Money laundering
- Fraud
- Identity theft
- Cruelty to animals
- Compelling prostitution
- Causing sexual performance by a child
- Possession or promotion of child pornography
- Any other offense for which registration as a sex offender is required
- Moral turpitude

The following histories will disqualify an individual from consideration for admission if the conviction occurred within the last five (5) full calendar years\*:

- Assault punishable as a Class A misdemeanor or felony.
- Drug related issues
- Theft
- Misapplication of fiduciary property or property of financial institution punishable of Class A misdemeanor or felony
- Securing execution of a document by deception punishable as a Class A misdemeanor or felony (document tampering)
- False identification as a peace officer
- Disorderly conduct

\*Any terms of probation or pretrial diversion programs must be complete prior to admission to a health professions program.

The following histories will disqualify an individual from consideration for admission if the conviction occurred within the last 12 months\*:

- Driving while intoxicated (DWI or DUI)
- Theft by check
- Public intoxication
- Minor in possession

\*Any terms of probation or pretrial diversion programs must be complete prior to admission to a health professions program.

**For students accepted to a clinical program with access to a licensing/registry body review process:**

If an individual does not meet one or more of the aforementioned standards, she/he may pursue a declaratory order process with her/his licensing/registry body. If the licensing/registry body approves the individual to take the licensing/credentialing exam, the individual may be able participate in the clinical rotation, depending on the affiliation agreement.

**Disclaimers**

- **Successful completion of a criminal background check for a Health Professions Program does not ensure eligibility for licensure or future employment.**
- **Individual Health Professions programs may require more frequent or multiple background checks in order to meet clinical requirements.**
- **Clinical agencies can establish more stringent standards, if they so desire, to meet regulatory requirements for their facility.**
- **Clinical agencies can conduct additional background checks at their discretion.**

- **If a student is found to be ineligible for clinical placement any time during the program, the student is unable to meet clinical learning objectives and will be withdrawn pending resolution of the situation.**

### **Costs for Background Checks**

All costs for criminal background checks are the responsibility of the student entering or enrolled in a Health Professions program at McLennan Community College. Students will use the testing agency designated by the College. The student will be responsible for scheduling his or her own time at the agency and will be required to follow all procedures required by that agency for accurate testing.

### **Screening Requirements**

Successful completion of a criminal background check is required for admission and continuation in all Health Professions programs at McLennan Community College. Admission to a Health Professions program is considered conditional until the results of the criminal background check are approved by the program director. Students will be given specific instructions from the program about obtaining the background check.

Drug screens and criminal background checks must also be completed within the thirty (30) days prior to a student's initial entry into the clinical assignment portion of his or her respective health science program. For some programs, clinical assignments begin immediately when classes begin for the semester. For other programs, clinical assignments are scheduled for later in the program. Verification of a negative drug screen and a satisfactory criminal background check must be received prior to the first clinical day in the student's program. The results may be acceptable for all clinical rotations during the student's enrollment in the program unless there is a break during that student's enrollment. A break in enrollment (leaving the program) is defined as nonattendance for a portion of a semester or more. Attendance must be verifiable through the College.

Students who are not disqualified should not assume that their criminal background check shows no criminal activity. The student should report any convictions to the appropriate licensing or registry boards at least three months prior to the examination date.

Each student must report within three business days to the Program Director and the Dean of Health Professions any arrests and/or criminal charges or convictions filed subsequent to the completion of the criminal background check. Failure to report will make the student subject to administrative withdrawal from the program.

Any student who changes programs or stays out of a Health Professions program at McLennan Community College for 12 months will be required to submit a new criminal background check and drug screen upon re-entry to the Health Professions Division.

The Health Professions division will provide an attestation of the background check and drug screen to clinical affiliates prior to each rotation. Clinical facilities may submit a written request for additional information regarding background checks and drug screens for students and faculty participating in clinical rotations.

### **Disclosure**

Students are required to disclose any prior criminal record by accurately answering the following question on the application for admission to the Health Professions program:

*Have you ever been convicted of a crime other than a minor traffic violation? (Circle one)*

**YES NO**

Please note that **Driving Under the Influence (DUI)** and **Driving Under Suspension (DUS)** are NOT considered minor traffic violations. Failure to disclose may result in withdrawal from the program of study.

### **Records of Criminal Background Checks**

Criminal background checks and drug screens are reviewed securely through the provider's website. Any printed records of criminal background checks will be kept in a secured file in the office of the program director of that student's Health Professions program. It will be accessible only to the program director, the program clinical coordinator, the Dean of Health Professions, any of the College Vice Presidents, the President of the College, the college attorneys, and any college judicial panel which may be created to review a student's case.

**Health Professions Division Criminal Background Check**

I have read and understand the Health Professions Division Criminal Background Check policy.  
I understand that I must abide by this policy throughout my enrollment in any Health Professions Program at McLennan Community College.

\_\_\_\_\_  
Student Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Student's Printed Name

\_\_\_\_\_  
Student ID Number