

**University of Texas at El Paso  
College of Health Sciences**

**Policy: Background Checks and Drug Screening for Students**

<b>Audience Students</b>	<p>The information in this policy is intended for all students admitted to majors that include or may include, at a future date, a clinical component at a health care facility or who are registered for a course with a clinical component regardless of their major. The majors at the present time include:</p> <ul style="list-style-type: none"> <li>a. Nursing</li> <li>b. Clinical lab sciences</li> <li>c. Occupational therapy</li> <li>d. Physical therapy</li> <li>e. Speech and Language Pathology</li> <li>f. Pharmacy [Cooperative program]</li> <li>g. Social Work</li> <li>h. Health Promotions</li> <li>i. Kinesiology</li> <li>j. Any student regardless of major who is enrolled in a clinical course</li> </ul>
<b>Policy</b>	<p>Effective Fall semester 2005, background checks and effective Fall Semester 2007 drug screening are required of students as defined above in the <b>Audience Students</b> section. Students who do not pass the background check requirements or drug screening may be unable to complete degree requirements. Therefore, students who fail to obtain clearance may be dismissed from or denied admission into the degree program. The Student Support Center will assist the student in seeking a non-clinical major.</p>
<b>Rationale</b>	<ol style="list-style-type: none"> <li>1. Health care providers are entrusted with the health, safety and welfare of patients, have access to confidential and sensitive information and operate in settings that require the exercise of good judgment and ethical behavior. Thus, an assessment of a student or applicant's suitability to function in a clinical setting is imperative to promote the highest level of integrity in health care services.</li> <li>2. Clinical facilities are increasingly required by its accreditation agency, Joint Commission of Healthcare Organization (JCAHO), to conduct background checks for security purposes on individuals who supervise care, render treatment, and provide services within the facility. In addition, JCAHO is requiring healthcare organizations to provide evidenced that their providers do not have positive drug screens. To facilitate this requirement, educational institutions have agreed to conduct these background checks and drug screening for students and faculty.</li> </ol>

	<p>3. Clinical rotations are an essential element in certain degree programs' curriculum. Students who cannot participate in clinical rotations due to criminal or other adverse activities that are revealed in a background check or through a drug screening are unable to fulfill the requirements of a degree program. Therefore, it is in everyone's interest to resolve these issues prior to a commitment of resources by the College or the student or applicant.</p> <p>4. Additional rationale for extending these requirements include: (a) meeting the contractual obligations contained in affiliation agreements between UTEP and the various health care facilities; (b) due diligence and competency assessment of all individuals who may have contact with patients and/or research participants; (c) ensuring uniform compliance with JCAHO standards and agency regulations pertaining to human resource management; (d) meeting the public demands of greater diligence in light of the national reports on deaths resulting from medical malpractice and medical errors.</p>
<p><b>Timing of the Background Check and Drug Screening</b></p>	<p>Satisfactory completion of a background check and drug screening is a condition to admission into all majors or clinical courses designated above. An offer of admission or enrollment in a clinical course will not be final until the completion of the background check and drug test results are deemed favorable.</p> <p>Applicants to the designated majors must complete the required background check screening and drug screening following the offer of admission but prior to enrollment. A "HOLD" will be placed on student enrollment until clearance documentation is received. For students currently enrolled, a "HOLD" will be placed on registration for courses until a background check clearance and drug screening is obtained or permission is granted by the Dean of the College of Health Sciences or an appropriate designee.</p> <p>Individuals who do not give permission for UTEP to review the results of the background check and drug screening will not be admitted into their major and will be barred from enrollment.</p>
<p><b>Identification of Vendors</b></p>	<p>UTEP will designate a company(ies) approved to do the background checks and drug screenings. Results from any company or government entity other than those designated will not be accepted.</p>
<p><b>Allocation of the Cost</b></p>	<p>Students and applicants will pay the cost of the background checks and drug screenings.</p>
<p><b>Period of Validity</b></p>	<p>The background checks and the drug screening will be honored for a five year period as long as the student has not had a break in enrollment. A break in enrollment is defined as non-attendance of</p>

	<p>one full semester (Fall or Spring) or more. However, a student whose attendance (for those currently matriculated) has been suspended due to the Texas Board of Nursing Examiners (BNE) Declaratory Order process or lack of clinical space availability will not be considered as having a break in enrollment. A student on Leave of Absence is considered to be in continuous enrollment. A student who has a break in enrollment will be required to complete a new background check and drug screening.</p>
<p><b>Scope of Background Check</b></p>	<p>The background check includes the following:</p> <ol style="list-style-type: none"> <li>a. Social security number verification</li> <li>b. Criminal search (7 years or up to 5 county criminal searches)</li> <li>c. Employment verification (for students with a previous professional health care license)</li> <li>d. Violent Sexual Offender and Predator Registry Search</li> <li>e. Office of Inspector General List of excluded Individuals/Entities</li> <li>f. General Services Administration List of Parties Excluded from Federal Programs</li> <li>g. US Treasury, Office of Foreign Assets Control (OFAC), List of Specially Designated Nations (SDN)</li> <li>h. State Exclusion List (<a href="http://www.hhsc.state.tx.us/OIE/exclusionlist/exclusion.asp">http://www.hhsc.state.tx.us/OIE/exclusionlist/exclusion.asp</a>) and Nationwide Healthcare Fraud and Abuse Scan</li> </ol> <p>Deferred adjudications and pending cases are included in the criminal search section of the report.</p>
<p><b><u>Scope of Drug Screening</u></b></p>	<p>The drug screening includes testing for the following drug panels:</p> <ol style="list-style-type: none"> <li>1. Amphetamines</li> <li>2. Barbiturates</li> <li>3. Benzodiazepines</li> <li>4. Cocaine Metabolite</li> <li>5. Opiates</li> <li>6. Phencyclidine (PCP)</li> <li>7. Marijuana (THC) Metabolite</li> <li>8. Methadone</li> <li>9. Methaqualone</li> <li>10. Propoxyphene</li> <li>11. Meperidine</li> </ol>
<p><b>Student/Applicant Access to Background Check and Drug Screening Report</b></p>	<p>The Background Check and Drug Screening report provided by the vendor(s) will be available to the student/applicant online via a secure, individually password protected web page. Under the Fair Credit Reporting Act, the student/applicant will be informed</p>

	<p>if any adverse decision is based on the report and provided with the name and contact information of the company that issued the report. For further information on the Fair Credit Reporting Act you may refer to <a href="http://www.ftc.gov/os/statutes/fcra.htm#606">http://www.ftc.gov/os/statutes/fcra.htm#606</a></p>
<p><b>Significant Findings in Background Check Report</b></p>	<p>Students and applicants have the right to request that the vendor who performed the check re-verify that the background check is correct. Upon review of the background check, a determination will be made in consultation with a campus licensed law enforcement officer as selected by the UTEP Campus Chief of Police, whether to grant or deny the applicant or student continued enrollment or to refer the matter to a review panel appointed by the Dean. The decision is based on the exclusion list provided by the health care facilities and known professional licensing requirements. The appointed panel will review the case and determine whether the applicant or student: 1) is prohibited from matriculating into the degree program; 2) is allowed to matriculate into the degree program; or 3) be interviewed to determine appropriate action. Any person whose case is referred to the review panel may submit information to the panel to contest or explain the negative contents of their background check.</p> <p>In reviewing the background check and any supplementary information submitted, the following factors may be considered: the nature and seriousness of the offense or event, the circumstances surrounding the offense or event, the relationship between the duties to be performed as part of the educational program and the offense committed, the age of the person when the offense or event occurred, whether the offense or event was an isolated or repeated incident, the length of time that has passed since the offense or event, past employment and history of academic or disciplinary misconduct, evidence of successful rehabilitation, and the accuracy of the information provided by the applicant or student in the application materials, Disclosure Form or other materials.</p> <p>If the background check uncovers a question which can be cleared by the applicant, matriculation can be deferred up to one year while the matter is resolved. However, the student may be granted permission to re-enroll in clinical lab(s) section(s) only if space is available.</p> <p>The decision to allow a student and/or applicant who has negative findings in their background check to nonetheless enroll is not a guarantee that every clinical facility will permit the student to participate in the educational program at its facility, or that any</p>

	state will accept the individual as a candidate for registration, permit or licensure.
<b>Appeal of Panel Decision (Not applicable to the Nursing program).</b>	Students or applicants who are denied enrollment may appeal the decision to the Dean of the College of Health Sciences. The decision of the Dean will be final and may not be appealed.
<b>School of Nursing Only</b>	<p>For School of Nursing, applicants and students who have a significant finding on their background check will be referred to the Texas Board of Nurse Examiners (BNE) in order to file a Declaratory Order Petition. Failure to pass the background check may result in dismissal from the respective program until a BNE Declaratory Order has been obtained or reinstatement is authorized by the Dean. The individual may be allowed to enroll if the BNE confirms eligibility to sit for the licensing exam, NCLEX-RN. Re-enrollment however, is also contingent upon the availability of space in clinical lab sections. Matriculation can be deferred up to one year while the matter is resolved.</p> <p>If BNE denies eligibility to sit for the NCLEX-RN, the individual will not be allowed to enroll in the School of Nursing. The decision of the BNE is final and there is no right to appeal to the Dean. A new application will be considered if the BNE ruling is reversed in the future.</p>
<b>Positive Drug Screen</b>	<p>If a student has a positive drug screen, she/he will not be allowed to participate in the clinical component of the course at the assigned clinical agency or any other clinical agency. The student will be required to withdraw from all clinical courses. The student will then be required to complete, at the student's cost, chemical dependency evaluation and treatment, if recommended by the drug assessment.</p> <p>Any student with a positive drug screen shall be suspended for a minimum of one calendar year from all clinical courses with the stipulation the student receive treatment and provide proof of treatment to the CHS Compliance Officer. Students may apply, via the Compliance Officer, to the Dean of the College of Health Sciences for a reinstatement if warranted by individual circumstances. The student may continue in non-clinical courses if proof is provided to the Compliance Officer that the student is currently receiving treatment. The student must meet -prerequisites and co-requisites of any courses taken. Random drug screens will be required as a component of recovering process by the agency providing treatment, with results being conveyed to the Compliance Officer.</p>

	<p>UTEP encourages impaired students to seek assistance voluntarily and assume responsibility for their personal professional conduct. The student will be required to provide documentation of successful treatment, after the minimum one-year suspension prior to being readmitted to courses that have a clinical component. The readmission to the clinical courses will be on a space available basis. If readmitted to clinical courses, the student must be retested in a CHS approved laboratory and have a negative drug screen. All required retesting is at the student's expense.</p>
<b>Falsefication of Information</b>	<p>Falsification of information will result in immediate removal from the accepted student list or from the degree program.</p>
<b>Criminal Activity while in Attendance</b>	<p>Criminal activity that occurs while a student is in attendance at the university may result in disciplinary action, including dismissal, and will be addressed through the university's academic or disciplinary policies.</p>
<b>Confidentiality of records</b>	<p>Background check and drug screening reports and all records pertaining to the results are considered confidential with restricted access. The results and records are subject to the Family Educational Rights and Privacy Act [FERPA] regulations. For additional information on FERPA please see <a href="http://www.ed.gov/policy/gen/guid/fpco/ferpa/index.html">http://www.ed.gov/policy/gen/guid/fpco/ferpa/index.html</a> Access to records and reports outside of the Compliance Coordinator and an employee designated as backup must be approved by the Dean of the College of Health Sciences, or his/her designee, prior to granting access. Information contained in the reports/records will not be shared with facilities participating in the clinical rotations unless a legitimate need is demonstrated and approved by the Dean or his/her designee.</p>
<b>Recordkeeping</b>	<p>Reports and related records (both electronic and paper media) are retained in a secure location and are maintained in the Office of Student Support Services/College of Health Sciences for the duration of the student's enrollment or until the applicant is removed from the accepted student list. The reports and records will be physically destroyed thereafter.</p>