University of Texas at El Paso  
College of Health Sciences  

Policy: Background Checks for Students

**Audience Students**
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:
- Nursing
- Clinical lab sciences
- Occupational therapy
- Physical therapy
- Speech and Language Pathology
- Pharmacy [Cooperative program]
- Social Work

**Policy**
Effective immediately background checks are required of students as defined above in the **Audience Students** section. Students who do not pass the background check requirements 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.

Students majoring in Social Work who do not pass the background check requirements will be ineligible to participate in a field instruction course at a health care facility.

**Rationale**
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.

2. Clinical facilities are increasing required by its accreditation agency, Joint Commission on Accreditation of Healthcare Organization (JCAHO), to conduct background checks for security purposes on individuals who supervise care, render treatment, and provide services within the facility. To facilitate this requirement, educational institutions have
agreed to conduct these background checks for students and faculty.

3. Clinical rotations are an essential element in certain degree programs’ curriculum. Students who are unable to participate in clinical rotations due to criminal or other adverse activities that are revealed in a background check 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.

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 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.

Timing of the Background Check

The Background Check is a requirement 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.

Applicants to the designated majors must complete the required background check 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 is obtained or permission is granted by the Dean of the College of Health Sciences or an appropriate designee.

Individuals who do not give permission for UTEP to review the results of the background check will be barred from enrollment in their major and/or will be removed from the accepted student list.

Identification of Vendors

UTEP will designate a company(ies) approved to do the background checks. Results from any company or government entity other than those designated will not be accepted.

Allocation of the Cost

Students and applicants will pay the cost of the background checks.

Period of Validity

The background checks 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 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.

<table>
<thead>
<tr>
<th>Scope of Background Check</th>
<th>The background check includes the following:</th>
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<tbody>
<tr>
<td></td>
<td>a. Social security number verification</td>
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<td></td>
<td>b. Criminal search (7 years or up to 5 county criminal searches)</td>
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<td></td>
<td>c. Employment verification (for students with a previous professional health care license)</td>
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<td></td>
<td>d. Violent Sexual Offender and Predator Registry Search</td>
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<td></td>
<td>e. Office of Inspector General List of excluded Individuals/Entities</td>
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<td></td>
<td>f. General Services Administration List of Parties Excluded from Federal Programs</td>
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<td></td>
<td>g. US Treasury, Office of Foreign Assets Control (OFAC), List of Specially Designated Nations (SDN)</td>
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<td></td>
<td>h. State Exclusion List (http:www.hhsc.state.tx.us/OIE/exclusionlist/exclusion.asp) and Nationwide Healthcare Fraud and Abuse Scan</td>
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Deferred adjudications and pending cases are included in the Criminal search section of the report.

| Student/Applicant Access to Background Check report | The Background Check report provided by the vendor 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 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 [http://www.ftc.gov/os/statutes/fcra.htm#606](http://www.ftc.gov/os/statutes/fcra.htm#606) |

| Significant Findings in Background Check report | 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 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 has the right to appear before the panel to contest or explain the negative contents of their background check.

In reviewing of 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.

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.

The decision to allow a students and/or applicant who has negative findings in their background check report 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 state will accept the individual as a candidate for registration, permit, or licensure.

Falsification of information will result in immediate removal from the accepted student list or from the degree program.

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.

| Appeal of Panel Decision (Not applicable to the Nursing program). | Students or applicants who are denied enrollment may appeal the decision to the Dean of the College of Health Sciences. The decisions of the Dean will be final and may not be appealed. |
| School of Nursing Only | 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.

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.

**Confidentiality of records**

Background check reports and all records pertaining to the results are considered confidential with restricted limited access. The results and records are subject to the Family Educational Rights and Privacy Act [FERPA] regulations. For additional information on FERPA please see [http://www.ed.gov/policy/gen/guid/fpco/ferpa/index.html](http://www.ed.gov/policy/gen/guid/fpco/ferpa/index.html)

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 to and approved by the Dean or his/her designee.

**Recordkeeping**

Reports and related records (both electronic and paper media) are retained in a secure location. Reports and records 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 maintained and destroyed in accordance with the university’s record retention policy.