

Criminal Background Check/Drug Screen Policy
University of Kentucky College of Pharmacy
July 9, 2008

Applicants

A. Introduction

Criminal background checks (CBC) and drug screens (DS) are becoming standard requirements for employment, especially at health care facilities, in order to enhance the safety and well-being of patients. In addition both may be required prior to granting of licenses or permits to practice by regulatory boards. Such requirements are in place for students who rotate through health care facilities as part of required educational experiences. The College of Pharmacy is being asked to attest that criminal background checks and drug screens, plus other requirements (e.g., CPR, HIPAA compliance, health insurance, immunizations etc.) have been completed prior to students being allowed in clinical education sites. If students are not eligible for entry to clinical education sites required to complete their degree, they are not eligible for admission to the college.

Level one admission CBCs and DSs will therefore be performed on conditionally admitted students to the College of Pharmacy, A conditionally admitted student is one who has been given an initial offer of admission, but who has not yet satisfied all of the requirements for full admission. Subsequent CBCs and DSs may be required prior to participation or continuation in experiential education courses if the most recent CBC and DS is more than one year old (See Below).

The presence of a criminal record does not mean automatic denial of admission. Failure to fully truthfully disclose the details of a criminal record however, can be a basis for denial.

B. Applicability, Expenses, Policy Statement and Disclosure

Conditionally admitted applicants must consent to, and satisfactorily complete, a criminal background check and drug screen prior to final acceptance and matriculation into the College of Pharmacy. Enrollment will not be final until the completion of the admission CBC and DS with results deemed acceptable to the College. All expenses associated with admission CBCs and DSs are the responsibility of the applicant. Applicants who do not consent to the required CBC and/or DS, refuse to provide information necessary to conduct either, or provide false or misleading information or samples in regard to the CBC and/or DS, will be subject to disciplinary action up to, and including, refusal of admission or dismissal from the program if the infraction is discovered after admission.

By accepting admission to the College of Pharmacy the applicant also gives permission to the College of Pharmacy to conduct initial (admission) and subsequent CBCs and DSs as needed, and disclose the results of CBCs and DSs to sites where the student may do experiential education rotations if there is any concern as to whether a student would be acceptable to the site.

Please understand that acceptable CBC and DS by the College of Pharmacy for admission do not guarantee that a student will be eligible to complete the program or obtain a pharmacy license to practice upon graduation. A clinical education site or any regulatory board may interpret CBC and DS information more severely, or uncover new information not revealed in previous checks and/or screens making the student ineligible to complete the program.

C. Procedures and Conditions

As part of the Supplemental Application to the College of Pharmacy applicants will be asked questions regarding their background and possible convictions etc, and given the opportunity to explain any incidents reported. For the purposes of this policy a conviction is considered to be a guilty plea, a guilty verdict, an Alford Plea or a Nolo Contendere (No Contest) plea. Answers to such questions do not necessarily disqualify a student from admission, but failure to truthfully disclose information will be grounds for discipline up to and including withdrawal of conditional acceptance or termination from the program.

Answers to the above questions are kept as confidential as possible and screened by the Director of Admissions. Information will be retained by the college separate from other student educational and academic records and are not shared with the admissions committee but evaluated by a three member CBC/DS Advisory committee separate from the Admissions Committee. The CBC/DS Advisory committee reports to the Dean as to the potential seriousness of the information disclosed and any explanations provided by the student. The CBC/DS Advisory Committee makes a recommendation as to any stipulations or requirements placed on potential conditional admission. The Dean then makes a decision as to whether this information affects the relative ranking among all applicants to the program.

When applicants are given conditional acceptance to the College of Pharmacy they will be provided with information regarding the performance of an admission CBC and DS. Failure to have both the admission CBC and DS performed within the deadlines specified may result in revocation of conditional admission.

Information from the CBCs and DSs are also kept as confidential as possible, are not shared with the admissions committee, and are retained in a file separate from other educational and academic records. Information from CBCs and DSs is evaluated on a case by case basis by the Director of Admissions.

Information disclosed by the criminal background check that was not disclosed by the applicant in the Supplemental Application, as well as information from the drug screen, may also result in revocation of conditional acceptance. Applicants have access to the results of the criminal background check and drug screen, and are responsible for ensuring the accuracy of the information. It is the responsibility of the conditionally admitted applicant to ensure that any misinformation in the initial criminal background check and drug screen report is corrected, and to ensure that a written statement with supporting documentation indicating the correction is submitted to the Director of Admissions within 10 days of results being reported.

Conditional admission may be revoked by the Director of Admissions on the basis of information appearing in the CBC that was not disclosed by the applicant in the Supplemental Application, by the absolute bars to admission described below, or by the results of a DS positive for banned substances or psychoactive substances without a prescription (except for medications available without a prescription). If conditional admission is revoked the applicant may appeal the decision to the CBC/DS Advisory committee through the Director of Admissions within 10 working days of notification, provide any additional information the applicant feels important, and appear in person

before the advisory committee if they wish. The advisory committee will then make a recommendation to the Dean. Applicants may be admitted, admitted with specific stipulations for continuing in the program, or have admission revoked. The decision of the Dean regarding the revocation of the offer of admission, and any stipulations for admission and continuation, is final and cannot be appealed. Applicants who are admitted with stipulations, but who do not follow those stipulations, forfeit their admission and/or are subject to dismissal with due process.

D. Factors affecting decisions from CBCs and DSs

Factors in affecting decisions on applicants may include, but are not limited to;

- the nature, circumstances, and frequency of any reported offense(s)
- the length of time since the offense(s) were committed
- whether the pattern of the offenses indicates a continuing behavior pattern
- available information that addresses efforts at rehabilitation
- the accuracy of the information provided by the applicant in their application materials
- the relationship between the responsibilities of a student pharmacist participating in the educational program and the offense(s) committed.

Absolute bars to admission from information disclosed in CBCs include

- Crimes involving abuse of a dependent person.
- Child sexual offenses.
- Murder conviction.
- Felony drug trafficking.

Absolute bars to admission from DSs include the presence of banned substances or psychoactive medications without a prescription, except for medications available without a prescription.

Continuing Students

A. Introduction

Clinical training sites are increasingly requiring CBCs and/or DSs prior to accepting a student for a clinical rotation or are requiring that the College certify such tests have been performed and the student is acceptable for assignment to the site. Therefore CBCs and/or DSs will be required for students prior to undertaking experiential education courses.

B. Applicability, Expenses and Disclosure

Acceptable CBCs and DSs less than one year old are required for assignment to experiential education sites for all experiential education rotations in the College of Pharmacy. Acceptability is determined by the CBC/DS Advisory Committee using information from consultation with experiential education faculty and staff regarding requirements of clinical education facilities.

All expenses associated with CBCs and DSs for experiential rotations are the responsibility of the student. When accepting admission to the College of Pharmacy, and registering for experiential education courses, the student gives permission to the College of Pharmacy to conduct further CBCs and DSs and to disclose the results of CBCs and

DSs to sites where the student may do experiential education rotations as needed if there is any concern as to whether a student would be acceptable to the site.

C. Procedures and Conditions

Prior to students being allowed to participate in experiential education courses they will be asked to undergo updated CBCs and DSs. Students who:

- a. do not consent to the required CBC and DS,
 - b. refuse to provide information necessary to conduct them in a timely manner and by the required deadlines,
 - c. or provide false or misleading information or samples in regard to the CBC and DS
- are not eligible to participate in experiential education courses and are subject to disciplinary action up to and including dismissal from the college with due process.

Information from the updated CBCs and DSs are kept as confidential as possible and are retained in a file separate from other educational and academic records. Information will be shared with the CBC/DS Advisory Committee, the Dean and with clinical education sites if there is a need to determine the acceptability of a student to the site.

Results from CBCs and DSs will be reviewed by the Director of Student Services. Students without any issues are immediately cleared to the Director of Experiential Education to participate in experiential education courses. Students with any positive results on the CBC or DS will be referred to the CBC/DS Advisory Committee who will make a recommendation to the Dean regarding a course of action. Possible actions include:

- a. allowing the student to proceed to experiential education courses but following consultation with the clinical education site(s) as to acceptability.
- b. requiring the student to undertake a course of action i.e. further evaluation, treatment or rehabilitation, in an attempt to increase acceptability to clinical education sites
- c. recommend the student be dismissed from the program with due process.

Absolute bars to participation in experiential education courses from information disclosed in CBCs include

- Crimes involving abuse of a dependent person.
- Child sexual offenses.
- Murder conviction.
- Felony drug trafficking.

Absolute bars to participation in experiential education courses from DSs include the presence of banned substances or psychoactive medications without a prescription, except for medications available without a prescription.

D. Additional Considerations

- Admitted students cannot refuse to go to a particular experiential site because they do not wish to submit to further drug testing or criminal background checks required by the site.
- Students who are refused admission to a clinical training site, or who are asked to leave a site because of information divulged through any CBC and/or DS will have a plan developed by the CBC/DS Advisory committee in an attempt to make the

student more acceptable to clinical education sites. Students must follow the plan and any evaluation, treatment and rehabilitation guidelines imposed in the plan, before and/or during subsequent enrollment in experiential education courses. The requirements of the plan are not subject to appeal. The results of evaluation and the existence of treatment and rehabilitation guidelines imposed by the plan will be disclosed to the Human Resources office of the clinical training site and/or to the individual preceptor.

- The College of Pharmacy does not accept responsibility for any student being ineligible for coursework, continued enrollment in the college, or subsequent licensure for any reason, including failure to pass a CBC and/or DS regardless of whether or not the student has participated in a plan attempting to make them acceptable to clinical education sites.
- The College of Pharmacy does not accept responsibility to continually search out new clinical education sites who will accept students previously denied access to any assigned site. The college will work with the student, and with a number of sites, in an attempt to allow the student to complete their education. However, if a student is denied access to three different clinical education sites the responsibility of the College to identify further sites ceases.

Reporting of misdemeanor/felony offenses

- Any student, or conditionally admitted applicant, convicted of a felony of any type, or a misdemeanor involving drugs or alcohol while a student or a conditionally admitted applicant in the College of Pharmacy, must report that offense to the college Dean of Academic Affairs in writing within 10 days of conviction. The CBC/DS Advisory committee will then make recommendations to the Dean regarding possible stipulations for continued enrollment i.e. participation in treatment programs etc. Conviction includes plea agreements, guilty pleas etc. as defined above. Failure to report may result in dismissal from the College with due process.