

UNIVERSITY HEALTH CARE **HOSPITALS AND CLINICS**

GRADUATE MEDICAL EDUCATION

HOUSESTAFF POLICIES AND PROCEDURES

CRIMINAL BACKGROUND CHECKS

Section 1 No.07 Rev. 3 Review Date: February 2007 Revision Date: March 11, 2004
Chapter: Conditions for Employment

I. PURPOSE:

The School of Medicine is committed to provide the public with well trained physicians who possess the traits of high moral character and standards. The purpose of this policy is to help ensure a safe environment for patients, employees, visitors and the general public as well as to protect property by conducting criminal background checks on all newly hired individuals.

II. POLICY

- a. This policy applies to all house officers receiving offers of employment from any facility or entity associated with the University of Utah.
- b. Authorization: Utah law (UCA 53-5-214) authorizes the University of Utah Office of Graduate Medical Education to conduct criminal background checks on potential employees based on the expected patient population which may include children or vulnerable adults.
- c. The University of Utah School of Medicine requires a criminal background check as part of the credentialing process for all housestaff.
- d. Background checks will be performed only after the applicant has received an offer of employment.
- e. All employment offers are contingent upon satisfactory results of a criminal background check.
- f. Criminal background information released to the School of Medicine will be used only for purposes of assisting in making hiring or other employment decisions.
- g. If a background check identifies issues which may preclude employment, the case will be referred to the School of Medicine Housestaff Credentials Committee for review and action.

III. PROCEDURE

- a. **Application:** The Application for Appointment to the Housestaff includes an inquiry about criminal convictions. Applicants who refuse to complete this section or do not answer truthfully and completely, will not receive offers of employment, or employees will have their employment terminated. Any Houseofficer Agreement already signed will be cancelled.
- b. **Waiver/Consent:** The Application for Appointment to the Housestaff will include a Consent form for a Criminal Background Investigation. Refusal to provide adequate/correct information or to provide consent for investigation will result in withdrawal of offer of employment.
- c. **Inquiry:**
 - i. The background check will be initiated by the Graduate Medical Education Office as part of the routine credentialing of housestaff prior to appointment.
 - ii. A copy of the informed consent form will be faxed to the company authorized to perform the background check.
 - iii. The authorized company will be instructed to provide results to authorized individuals only.
- d. **Convictions:**
 - i. If an applicant truthfully discloses conviction(s) on the application, an evaluation

- of each conviction will be made before making a conditional offer of employment.
- ii. The existence of a conviction does not automatically disqualify an individual from eligibility for employment. Relevant considerations may include, but are not limited to: the date,

nature and number of convictions; the relationship the conviction bears to the duties and responsibilities of the job; and successful efforts toward rehabilitation. Any decision to reject or accept an applicant with a conviction is solely at the discretion of the School of Medicine.

- iii. If the background check identifies a criminal conviction not disclosed on the employment application, the applicant will be notified and the offer of employment withdrawn.
- iv. Failure to disclose all previous convictions other than minor traffic convictions will be considered falsification of records and will be the grounds for automatic dismissal or withdrawal of offer of training to an applicant.
- v. If the University of Utah becomes aware that a current employee has not completed the application truthfully, he/she will be subject to disciplinary action up to and including termination.

e. **Results:**

- i. **Confidentiality:** Reasonable efforts will be made to ensure that results of criminal background checks are kept as confidential as possible with a limited number of persons authorized to review results.
- ii. **Access to Results:** The Director of Graduate Medical Education will review all criminal background checks. If adverse information deemed to be relevant to the applicant's suitability for employment is contained in the background check, the Director of Graduate Medical Education will notify the applicant in writing and will refer the report to the Housestaff Credentials Committee. The Housestaff Credentials Committee will make any negative decisions relative to employment.
- iii. **Information Available through Background Checks:** The criminal background check will include a record of all arrests and convictions. In almost every case, only conviction information will be considered. If the check reveals information that could be relevant to the suitability for the job, the Housestaff Credentials Committee may request additional information from the applicant. If the check reveals anything more than minor traffic convictions, it shall be forwarded to the Housestaff Credentials Committee.
- iv. **Ability of Applicant to Review Information:** The applicant may review the criminal background check received by the University by contacting the Director of Graduate Medical Education in writing.
- v. **Right to Respond to Adverse Report:** The applicant will be asked to review any adverse information and to provide a written response for the Housestaff Credentials Committee. When appropriate, the resident may be asked to meet with the committee in person to answer questions.
- vi. **Right to Change and/or Terminate Policy:** Reasonable efforts will be made to keep employees informed of any changes in the policy. However, the University of Utah reserves the right, in its sole discretion, to amend, replace, and/or terminate this policy at any time.

Approval body: Graduate Medical Education Committee
Approval date: April 2004
Policy Owner: Graduate Medical Education

Historical Information:
Review dates: 4/05, 3/06, 2/07
Revision dates 10/00, 3/04
Approval dates: August 1998

**Informed Consent/Release
For
Criminal Background Investigation**

I hereby authorize the University of Utah Office of Graduate Medical Education, or any qualified agent of the University of Utah, to obtain the following in connection with my appointment as house officer: criminal background information including copies of my past and present law enforcement records. This criminal background investigation is being conducted for the purpose of assisting the University of Utah Housestaff Credentials and GME Committees in evaluating my suitability for appointment to the housestaff. The release of information pertaining to this criminal background investigation is expressly authorized.

I understand that information contained in the criminal background report may result in the withdrawal of my offer of training. I also understand that any such withdrawal may be appealed to the Graduate Medical Education Committee.

I understand that I have a right to review the information that the University of Utah Housestaff Credentials Committee receives in this criminal background investigation by putting a request in writing, and that I may respond to the information. I understand that all reasonable efforts will be made by the University of Utah to protect the confidentiality of this information. I further understand that the results of the criminal background check will be reviewed by the University of Utah Housestaff Credentials Committee.

If negative information is contained in my report, I understand that I will be notified by the Director of Graduate Medical Education and will be asked to provide information in writing to the Housestaff Credentials Committee. In the case of a negative decision by the Housestaff Credentials Committee, I understand that I may appeal any decision to the University of Utah Graduate Medical Education Committee.

I hereby release those individuals or companies from any liability or damage in providing such information. I agree that a photocopy of this authorization may be accepted with the same authority as the original.

I hereby further release the University and its agents and employees from any and all claims, including but not limited to, claims of defamation, invasion of privacy, wrongful termination, negligence, or any other damages of or resulting from or pertaining to the collection of this information.

Signature of Applicant

Date

Print Name (First, Middle, Last)

Date of Birth Social Security Number

Complete Address (Street, City, State, Zip)