

UTHSCSA Graduate Medical Education Policies

Section 4	Program Policies & Procedures	Effective:	February 2003
		Revised:	November 2003
Policy 4.2.2.	Criminal Background Checks for Resident Applicants	Responsibility:	Associate Dean for Graduate Medical Education

Criminal Background Checks for Resident Applicants

Policy It is the policy of the University of Texas Health Science Center to require a Criminal Background Check (CBC) on applicants for graduate medical education (GME) positions sponsored by the University, in which there is:

- responsibility for the care, safety or security of humans
- direct access to, or responsibility for, pharmaceuticals, select agents, or controlled substances
- access to medical records
- unsupervised access to the Health Science Center

For the purposes of this policy, the term 'resident' is used to include fellows as well.

The criminal history record information check and sanction checks must be accomplished before a resident enrolls in a training program.

Process: The CBC is required prior to initial enrollment in a training program, whether full time, part time, or in a visiting capacity. The process must be repeated if a resident transfers from one program to another within the Health Science Center, and/or if a resident is hired into a faculty position.

1. All applicants for GME positions will be required to complete and sign the Criminal Background Check Form and undergo a CBC prior to being offered a position. An applicant who refuses to complete, sign and submit the form will be removed from further consideration for the position.
2. Residents and/or fellows who are to be granted a position through the National Resident Matching Program or other formal match processes should undergo the CBC prior to being listed for that match. Programs may choose to delay this process until after the match results are announced, but must complete the process prior to the individual's enrollment in the program.
3. Once completed by the job candidates and the hiring official, the Criminal Background Check forms must be submitted to the Office of Human Resources.
4. Human Resources will be responsible for coordinating information with University Police. Upon receipt of the Criminal

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Background Check forms from the hiring departments, Human Resources will provide the identification information from the form to University Police who will be responsible for conducting the criminal history check. The authorization forms will be kept in the Office of Human Resources and later filed in the resident's personnel folder after enrollment.

5. University Police will conduct the background check upon receipt of the identifying information from the authorization form completed by the resident candidate. Criminal history record information, including conviction information contained therein, will be regarded as confidential as required by law and will not be made a part of the applicant's file or the resident's personnel file or communicated to any unauthorized person. Under Texas Government Code 411.085, the unauthorized release of criminal history record information is a criminal offense and, consequently, the Health Science Center should seek legal advice with respect to any requested release of such information.
6. Upon completion of the Criminal Background Check, if there is a conviction in the applicant's record within the last 10 years, the Chief of Police will confer with the Associate Dean for Graduate Medical Education (ADGME) to make a determination of employability of the candidate. If necessary, the ADGME may confer with the Dean, the Executive Vice President for Academic and Health Affairs and/or the President. The ADGME will be responsible for advising the program regarding the candidate's suitability for residency, with specific attention to the following factors:
 - a. Specific duties of the position;
 - b. Number of offenses;
 - c. Nature of each offense;
 - d. Length of time intervening between the offense and the employment decision;
 - e. Employment history;
 - f. Efforts at rehabilitation; and,
 - g. Accuracy of the information that the individual provided on the employment application.
7. The Health Science Center is to consider places of employment and residence within the job candidate's last 10 years in order to determine from which jurisdictions background information will be obtained.
8. The Chief of Police shall destroy the information 180 days after the institution obtains it.
9. Criminal history record information obtained by the Health Science Center may be used only for the purpose of evaluating applicants for employment in security sensitive positions and shall in no way be used to discriminate on the basis of race, color, national origin, religion, sex, handicap, or age.
10. This policy does not automatically disqualify all individuals with conviction records.

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Link to Authorization form:

<http://www.uthscsa.edu/hr/forms.htm>

Institutions participating in clinical training may have additional screening requirements, which must be completed prior to those rotations.