MEDICAL STAFF POLICY & PROCEDURE		
Effective Date: **02/17/2011**	Review/Revised: **6/2/2015**	Policy No. **MSP – 022**

TITLE: Criminal Background Checks

REFERENCES:

The Joint Commission, HR.1.20, EP 5**,**
Hospital Association of Southern California (HASC) www.hasc.org
Fair Credit Reporting Act – www.ftc.gov/os/statutes/fcrajump.shtm
Investigative Consumer Reporting Agencies Act (Cal. Civil Code §1786m et, seq)

I. **PURPOSE:**

The primary goal of UCSD Medical Center is to provide quality patient care in a safe environment. To support this goal, all applicants to the UCSD Medical Staff and/or Advance Practice Professionals Staff must consent to a criminal background check. This process will assist us in ensuring that to the best of our knowledge, our medical staff and advanced practice providers, are willing to embrace and exhibit our core values and provide patient care services with quality, safety, and integrity.

II. **DEFINITIONS:**

A. **Consumer Reporting Agency (CRA)** is an entity that collects and disseminates information about consumers to be used for credit evaluation and certain other purposes. They hold the databases that are the origins of a consumer's credit report. CRAs have a number of responsibilities under FCRA.

B. The **Fair Credit Reporting Act** (FCRA) is an American federal law (codified at 15 U.S.C. § 1681 et seq.) that regulates the collection, dissemination, and use of consumer credit information.

C. A **Background Check** may include, but not be limited to include, information concerning character, academic background, credentials, work habits, work performance, work experience, reasons for work termination, general reputation, personal characteristics, employment history, workers' compensation history, identity verification, motor vehicle record, education background, civil litigation history and/or criminal record.

III. **POLICY:**

It is the policy of the UCSD Medical Center to require confirmation of all material information provided on applications for Medical Staff and Advanced Practice Professionals Staff membership and/or clinical privileges. In addition to primary source background checks provided for in the Credentialing Policies and Procedures and, in addition to the Hospital's policy on employee criminal history background checks for employed physicians or other employees, the Medical Staff requires that all applicants be subject to verification of all answers in their application regarding any prior criminal record. UCSD Medical Center will conduct a criminal background check on all initial and reappointment applications for Medical Staff and Advanced

Practice Professional Staff membership and/or clinical privileges to assist in verifying identity, qualifications, ability and character. All background checks are conducted in accordance with state and federal laws. UCSD Medical Center may also conduct a criminal background check at any other time on a case by case basis when the credentialing process or other occurrences reveal "red flags" that warrant further investigation.

IV. PROCESS

A Background Verification Release Authorization form will be included in the initial application packet for the applicant the option to submit online or for completion and to return to the Medical Staff Administration of UCSD Medical Center.

A. Applicant's for initial Medical Staff or Advanced Practice Professional Staff appointment and/or reappointment will be provided with an online link to complete the required Background Verification Release Authorization form to allow UCSD Medical Center to engage the services of a CRA to conduct a background check on the applicant as part of his/her application. The Release shall authorize UCSD Medical Center to request a background check at any time during the application process and/or during any time in which the practitioner is on the Medical Staff and/or holds clinical privileges.

B. Failure to complete the Release or withdrawal of the Release by the practitioner shall constitute a material omission from the application which shall result in the application being deemed incomplete. Incomplete applications will not be processed. A material omission shall also be grounds for automatic and immediate termination of membership and/or privileges.

The results of criminal background checks will be treated as confidential except as follows:

C. With respect to hospital employees who are also applicants, such individuals shall also be required to comply with any employee background check policy of UCSD Medical Center. The Human Resources Department may share results of employee background checks of such individual with the Medical Staff Administration and the others involved in the credentialing process in the same manner as if it were a Medical Staff Background Check. The Medical Staff Administration may also share reports on employee applicants with the UCSD Medical Center's Human Resources Department.

D. The following databases would be searched:

i. Positive Identification – SSN Trace and SSN Death Index Search
ii. Maiden & Alias Name Search
iii. Criminal Records Search – County or Statewide Level
iv. Nationwide US Criminal Search
v. Federal Criminal Court Search
vi. National Wants and Warrants
vii. National Sex Offender Registry Search
viii. Motor Vehicle Records (MVR) Examination

E. Applications for appointment and/or reappointment will be deemed incomplete and processing will be discontinued for failure to submit to a criminal background check. Discontinuation of an incomplete application shall not entitle the Medical Staff member/applicant fair hearing and appellate review rights as provided in the Medical Staff Bylaws, and it shall not be deemed to be an adverse action or professional review action for purposes of reporting to the National Practitioner Data Bank.

F. If an applicant makes a misrepresentation or omission on his/her application concerning his/her criminal history which is revealed as a result of the background check, such action may be grounds for automatic and immediate rejection of the application and further processing of the application will be discontinued..

G. If adverse information is discovered from the background check, the applicant will be granted an opportunity to explain or refute the information. Such explanation must be in writing and must be received by the Medical Staff Administration Office within fifteen (15) business days after written notification advising the applicant of the information in the report was sent. Any rebuttal information provided by the applicant should be corroborated by legitimate sources. The applicant may also refute the information in the report directly with the CRA pursuant to the requirements of the CRA and shall request that the CRA provide UCSD Medical Center with a final revised report, if such a revised report is granted by the CRA. (The application for membership and/or clinical privileges shall be held in abeyance while the applicant and CRA work to produce a revised report. Depending on the length of time this process takes, the applicant may be required to submit a new application and supporting documents.)

H. If the report reveals that the applicant has a criminal history (excluding minor traffic offenses), the Medical Staff Administration Office shall notify the applicable Medical Staff Department. The Medical Staff Administration Office shall investigate any adverse information in such report(s) by inquiring with the applicant to provide clarification and/or additional information or by other means. If the applicant had a past offense of Driving Under the Influence (DUI) or equivalent, a monitoring program may be deemed necessary and would be established that may include periodic meetings with the Chief Medical Officer or referral to the Physician Well Being Committee (PWBC), or other actions that may be determined. These proactive efforts may reassure the UCSD Medical Center that a currently licensed physician is being appropriately monitored.

I. Criminal history information and evidence of unethical behavior may have a bearing on a recommendation to grant privileges and/or appointment and/or reappointment to the Medical Staff and Advanced Practice Professional Staff.

J. If an applicant is found to be convicted of any of the following crimes in the seven years prior to the application submission, the applicant will be deemed

ineligible to apply to the medical staff. Such an application will not be processed and the applicant will not have a right to a fair hearing or appeal.

i. Violent crimes (murder, rape, robbery, assault)
ii. Illegal use or possession of firearms or dangerous weapons
iii. Crimes involving moral turpitude
iv. Fraud
v. Crimes related to practicing with a non-valid, expired or restricted license

If an applicant is convicted of one of the above crimes more than seven years prior to submission of an application or an applicant is convicted of any other crime(s), this information will be considered in the application process and may be adequate grounds for denying an application in the sole discretion of the hospital. Notwithstanding the above, any applicant who has been convicted of a crime involving moral turpitude with children at any time in the past will be deemed ineligible to apply to the medical staff or advanced practice professional staff, will not have his or her application processed, and will not have a right to a fair hearing or appeal.

K. Mitigating circumstances which may be considered include but are not limited to age at which the crime was committed, nature and gravity of the crime, circumstances surrounding the crime, length of time since the arrest or conviction, criminal history since conviction, work history, current membership and character references and other evidence demonstrating the individual's ability to perform the requested privileges competently and that the person poses no threat to the health and safety of patients, employees, etc. In any such instance, documentation will be produced and maintained outlining any mitigating circumstances and recommendations as to whether or not the applicant's membership and/or privileges shall be granted.

L. At any time, the Medical Staff Administration Office, the Medical Staff and/or Hospital may consult legal counsel for guidance.

V. ADVERSE REPORTS:

UCSD Medical Center's Background Screen is considered proprietary information. Although the results should be discussed with the applicant, and the applicant should be given an opportunity to correct any errors contained in the report, the actual report should not be released to the applicant or any third party. Peer Review Committees and Department Chairman, involved in the decision making process may view the report within the credential file.

When adverse information is obtained, the applicant will be contacted by Medical Staff Administration via electronic mail or certified correspondence, requesting further details regarding the event. If the applicant chooses to pursue the application process, the application (along with the additional information forwarded by the applicant) will be forwarded through the Committee process for Department, Credentials Committee, Medical Staff Executive Committee and Governing Board consideration.

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APPROVALS:	**Approved:**	**Revised or Annual Review:**
Medical Staff Administration	02/17/2011	4/2015
Credentials Committee		5/6/2015
Medical Staff Executive Committee	02/17/2011	5/21/2015
Governing Body	02/17/2011	6/2/2015