

<p><b>KANSAS STATE UNIVERSITY</b>   College of Health and Human Sciences Physician Assistant Program</p> <p><b>POLICIES</b></p>	<p><b>Effective Date: January 1, 2020</b></p>
<p><b>Responsible Party:</b> Program Director</p>	<p><b>Revised:</b></p>
<p><b>Approved by:</b> K-State PA Program Principal Faculty</p>	
<p><b>Subject:</b> PA Program Student Criminal Background / Sex Offender (CBSO) Checks</p>	
<p><b>PURPOSE:</b></p> <p>Kansas State University PA Program requires a background check on all of its conditionally admitted applicants and current students in order to enhance the health and safety of patients, students, faculty, and staff in the academic and clinical environments, to adhere to applicable healthcare regulations, and to attest to affiliated clinical facilities a student's background and eligibility status. The background check will identify incidents in an applicant's or student's history that might pose a risk to patients or others.</p>	
<p><b>POLICY STATEMENT:</b></p> <p>This policy applies to all Kansas State University physician assistant conditionally accepted applicants and enrolled PA students. A national Criminal Background / Sex Offender Check ("CBSO") is required of each conditionally accepted applicant prior to full admission and at least annually thereafter for every continuing student.</p> <p>Conditionally accepted applicants who have an adverse finding on a CBSO report may be denied full admission/matriculation, and current students may be disciplined in accordance with established University/PA Program policy.</p> <p>The PA Program is committed to accepting and educating students who meet established standards for professionalism, are of high moral character, and are suitable candidates for professional certification or licensure.</p> <p><b>Rationale for conducting a CBSO:</b></p> <ul style="list-style-type: none"> <li>○ 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's or conditionally accepted applicant's suitability to function in clinical settings is imperative to ensure the highest level of integrity in students in the PA program.</li> <li>○ Clinical facilities are increasingly required by their accreditation agencies to obtain a CBSO for security purposes on individuals who supervise care, render treatment, and provide services within the facility.</li> <li>○ Clinical rotations are an essential element in PA training. Students who cannot participate in clinical rotations because of criminal or other adverse activities reported in CBSOs are unable to fulfill the requirements of a degree program. Therefore, these issues must be resolved prior</li> </ul>	

to a commitment of resources by the University, student, or conditionally accepted applicant.

- Additionally a CBSO is required to:
  - Meet the contractual obligations contained in affiliation agreements between K-State and the various health care facilities
  - Perform due diligence and competency assessment of all individuals who may have contact with patients and/or research participants
  - Ensure uniform compliance with JCAHO standards and agency regulations pertaining to human resource management at health care facilities.
  - Meet the public demands of greater diligence in light of the national reports on deaths resulting from medical malpractice and medical errors.

### CRIMINAL BACKGROUND/SEX OFFENDER (CBSO)

#### **Definitions:**

*Adverse Finding:* A term describing a CBSO report of anything other than “clear” or “no findings” or other similar language used by the approved vendor that issued the CBSO report.

*Break in Enrollment:* A term describing non-attendance of one full semester (Fall, Spring, Summer) or more.

*Conditional Acceptance:* A term describing an applicant’s status when basic review criteria have been met at the time an admission offer is extended but prior to full admission to an academic program.

*Full Admission:* A term indicating that a student has met all program admission requirements and has been cleared of any Adverse Findings that would prevent eligibility for enrollment.

*Matriculated:* A term describing students enrolled in a University program as degree candidates.

#### **Prospective Students:**

Prospective students seeking admission to Kansas State University Physician Assistant Program will be informed of this policy and its requirements will be posted on the admissions website and the information packet.

#### **Conditionally Accepted Students:**

Students admitted to Kansas State University Physician Assistant Program will be informed of this policy and its requirements at the time of acceptance. Once admitted, students will be required to complete a CBSO check and authorize release of the results to appropriate academic and/or clinical personnel. The CBSO check will be considered a condition of acceptance and must be completed prior to matriculation.

#### **Enrolled Students:**

Students enrolled at Kansas State University Physician Assistant Program will be required to complete a CBSO check and authorize release of the results to appropriate academic and/or clinical personnel before starting the clinical year rotation. Any disruption in enrollment may require the student to undergo an additional CBSO check.

Students may be required to undergo additional CBSO checks during their tenure at Kansas State University PA Program, as deemed necessary by the academic and/or clinical faculty. The student shall be deemed responsible for completing all CBSO checks in a timely manner.

Failure to comply with this policy will preclude participation in clinical rotations. As a result, the student may not be able to complete the requirements of the education program, and may not be eligible for federal or state credentialing required for practice, and may be dismissed from the Program.

An adverse CBSO check may preclude participation in any further clinical rotations. As a result, the student may not be able to complete the requirements of the education program, may not be eligible for federal, or state credentialing required for practice, and may be dismissed from the Program. Decisions are subject to right of appeal.

All information will be retained until an appeal, if any, has concluded and determination regarding continued participation has been made.

Results of all CBSO checks shall be privileged and confidential, will be maintained in a secure place and shall not be released or otherwise disclosed to any person or agency, other than (1) individuals involved in K-State PA program's admissions and student services; (2) persons who have a legitimate need to know, as determined by the Program director; (3) upon direction of a court order; (4) any affiliated entity providing clinical training; or, (5) with the written consent of the student. Records will be maintained on students permanently.

## **PROCEDURE AND TIMING - CBSO**

### **Prospective Students**

Will be notified through the admissions web page and/or information packet that, if accepted, they will be required to complete a criminal background/sex offender check, and authorize release of the results to appropriate academic and/or clinical personnel.

### **Conditionally Accepted Applicants**

- The CBSO is not be used as a component of the application, interview, or decision-making process regarding conditional acceptance to a designated program. It is a mandatory component of the post-conditional acceptance matriculation process.
- Students accepted for admission will be notified that matriculation is contingent upon the evaluation and acceptable outcome of all required CBSO checks.
- Conditionally accepted applicants must do the following by October 15<sup>th</sup> of the year prior to matriculation to be eligible for full admission (a) Complete and authorize the release of the CBSO Consent and Release Form and (b) Complete the CBSO.
- Any conditionally accepted applicant who fails to complete the above will not be allowed to begin classes and may jeopardize full admission status to the PA program.

### **Enrolled PA Students**

- Once admitted, students will be notified verbally and by letter or e-mail of the deadline for completion. The PA program will provide students with instructions on obtaining an authorized CBSO screen.
- At a minimum, complete a CBSO by October 15<sup>th</sup> of the didactic phase, in preparation for entry into the clinical phase. (Or more frequently if required by clinical rotation sites or by the University).
- Any student who fails to adhere to the CBSO deadline will be suspended from all classes until the CBSO is completed. All exams and assessments missed while on suspension will be recorded with a grade of "0" or "Fail" as this is not an excused absence from the program.
- While enrolled in the PA program, students must notify the PA program director immediately or within five (5) business days of any offense, arrest or charge that may alter the results of their CBSO. Failure to do so may result in dismissal from the program.

- Failure of the CBSO may preclude participation in any further clinical rotations. As a result, the student may not be able to complete the requirements of the education program, may not be eligible for federal, or state credentialing required for practice, and may be dismissed from the Program. Decisions are subject to right of appeal.
- All information will be retained until an appeal, if any, has concluded and determination regarding continued participation has been made.
- Results of all CBSO screens shall be privileged and confidential, will be maintained in a secure place and shall not be released or otherwise disclosed to any person or agency, other than (1) individuals involved in K-State PA program's admissions and student services; (2) persons who have a legitimate need to know, as determined by the Program director; (3) upon direction of a court order; (4) any affiliated entity providing clinical training; or, (5) with the written consent of the student. Records will be maintained on students permanently.

**Costs:**

- The costs associated with the CBSO for conditionally accepted applicants is the responsibility of the applicant.
- The costs associated with the CBSO for students of the didactic and clinical phases are covered by the fees paid to the program as part of tuition and fees.
- If an additional CBSO is requested or required, the costs are the responsibility of the student.

**Period of Validity:**

The program will generally honor criminal background checks for a period of one year, but a CBSO may be necessary more frequently, depending on class or rotation site requirements. Any student who has a break in enrollment may be required to complete a CBSO before he/she is permitted to re-enroll in any courses.

**Review of CBSO**

*Conditionally Accepted Applicants*

- The Admissions and/or Clinical Director will review all CBSO reports to identify any adverse findings, and refer those to the Program Director.
- The Program Director will be notified of any CBSO report that does not result in "no records found" or "clear" or other similar language used by the approved vendor that issued the CBSO report.
- The PA program utilizes a Review Committee (RC) to review any CBSO that contains adverse findings. The RC consists of the following:
  - PA Program Dept. Chair
  - PA Program Admissions Director
  - PA Program Clinical or Academic Director
- The RC will review each referred CBSO to determine the potential impact that adverse findings might have on the conditionally accepted applicant's ability to be fully admitted into the PA program.
- If the RC determines a CBSO includes an adverse finding that:
  - Was previously undisclosed without valid reason
  - Is more egregious than was disclosed
  - May preclude the acceptance or participation in educational, practicum or rotation activities

- Conflicts with what was reported by the applicant on application materials, then the RC may by majority vote, recommend that the PA program rescind the conditional offer of admission, fully admit, or admit on probation.
- Such recommendation must be made in writing to the Dean of the College of Health and Human Sciences.
- If the conditional offer of admission is rescinded, the Dean must notify the applicant in writing. The notice must include the reason for rescission and inform the applicant that he/she has five (5) University business days to submit a written response via email or registered mail to the Dean, College of Health and Human Sciences, describing any mitigating factors he/she would like the PA Program to consider.
- The Dean, College of Health and Human Sciences will consider timely submitted responses and notify the applicant in writing whether the rescission decision stands or is reversed. If the rescission stands, that decision is not appealable. If the rescission is reversed, the Dean must inform the applicant in writing of his/her current admission status.
- All applicants with an adverse finding on CBSO will meet with the program director to review and sign the disclosure form during the first week of class.

*Enrolled Students*

- The Admissions and/or Clinical Director will review all CBSO reports to identify any adverse findings, and refer those to the Program Director.
- The Program Director will be notified of any CBSO report that does not result in “no records found” or “clear” or other similar language used by the approved vendor that issued the CBSO report.
- The PA program utilizes a Review Committee (RC) to review any CBSO that contains adverse findings. The RC will review each referred CBSO to determine the potential impact that any adverse findings might have on the enrolled PA student’s educational program of study.
- If the RC determines a CBSO includes an adverse finding that:
  - Violates University or PA Program policy
  - Was not self-disclosed as required by PA Program policy (immediately or within 5 business days of incident)
  - May preclude acceptance or participation in classes or rotations
  - Will impede the student’s ability to become licensed or certified in their profession then the RC, by majority vote, will recommend that the PA program Progression, Promotion and Professionalism Committee review the student’s file for disciplinary action, which may include probation and/or dismissal from the PA Program. The appeals process as defined in the dismissal policy would apply in this situation.
- The student will be notified of his/her right to appeal to the Dean, College of Health and Human Sciences, within 7 days of receiving the CBSO report. All information will be retained until an appeal, if any, has concluded and determination regarding continued participation in the program has been made. The appeal must be made in writing, and should include any supporting documentation the student wishes to submit. The Dean will consider the request for an appeal, and render a decision on the matter within seven days of receipt of the appeal request.

- Students claiming inaccuracies in their CBSO report will be referred to the entity completing the initial CBSO for procedures required by the Fair Credit Reporting Act./or authorized laboratory completing the screen.

**Falsification of Information**

Falsification of information submitted as part of the application process or on the CBSO can result in immediate removal of the applicant from the conditionally accepted list or dismissal of an enrolled student from the degree program.

**Confidentiality of Records:**

- The University maintains CBSO reports and all records pertaining to the results in confidence, unless release is otherwise required by law. Information about the Family Educational Rights and Privacy Act (FERPA) is available at: [FERPA](#).
- Release of information reported on the CBSO may be released to future employers, licensing boards and clinical sites with signed release from the student for purposes of employment credentialing, licensure and site placement.

**Record Keeping:**

- CBSO reports and all records pertaining to the results will be maintained in the conditionally accepted applicant's file or enrolled student's academic file in the PA Program for the minimum timeframe listed below, unless otherwise required by law:
  - Enrolled Students - Five (5) years after graduation
  - Conditionally Accepted Applicants - Two (2) years from date of application (provided no anticipated legal action)