
Section 14: Disclosure, Background Checks, & Toxicology Testing

RATIONALE

Students with impairment due to active substance abuse or a record of activity unsuitable for patient contact should not be placed in a patient-care environment for the protection of patients.

Most hospitals, child-care facilities, and nursing homes now require criminal background checks of all people working in their settings due to state legislation and accreditation requirements. These institutions also require medical students to undergo a criminal background check before participating in any educational activities at their sites. Many of these sites also require toxicology screens.

The Ohio State University College of Medicine is committed to providing high-quality education in the foundational and clinical sciences. An integral part of this commitment requires that students behave in a professional manner. Professional behavior dictates that an individual will not function when their judgment is altered by the use of legal and/or illegal substances. A drug-free and safe environment is an expectation for the delivery of both educational experiences and patient care.

Graduates of the College of Medicine must apply for a medical training certificate (a temporary license to practice medicine) until they pass USMLE Step 3 and are eligible for regular licensure. These applications require self-disclosure of arrests, convictions, court appearances; psychiatric diagnosis, treatment, or hospitalization; medical conditions including drug addiction and alcoholism; use of any chemical substance, including prescribed medications, which may impair ability to practice; and illegal use of controlled substances.

Any criminal conviction or guilty plea which is related to substance use may be deemed by the state medical board as an indication of substance abuse. These types of convictions are likely to appear on a criminal background check. Evidence of substance abuse often times will prevent an applicant from getting a license to practice, even a temporary one, unless it is also accompanied by evidence of rehabilitation and ongoing sobriety through monitoring in a formal aftercare program.

Based on the College's desire to facilitate the ability of our graduates to ultimately become licensed physicians and the requirements of affiliated health care institutions, a system of self-disclosure, criminal background checks, and toxicology screening is in effect.

CRIMINAL BACKGROUND CHECKS AND SELF DISCLOSURE

Process for Applicants

The College of Medicine reserves the right to rescind an offer of acceptance based on the results of a Criminal Background Check.

The AAMC has initiated an AMCAS-facilitated national background check service, through which Certiphi Screening, Inc. (a Vertical Screen® Company) will procure a national background report on applicants at the point of acceptance beginning January 1. In addition, beginning in May of each year, a national background report will be procured for a subset of applicants who are on a participating school's alternate list; medical schools will not receive such reports until the point of acceptance. More information on this service is found at:

<http://www.aamc.org/students/amcas/faq/background.htm>.

Following are the steps taken when a positive finding occurs:

1. Certiphi Screening, Inc. notifies the school(s) to which the applicant is accepted.
2. College of Medicine Admissions Office will alert the Associate Dean for Medical Education or designee who will take the case to the College Violations Committee.
3. The COM Violations Committee will make a recommendation to:
 - a. Retain the acceptance offered to the applicant, or
 - b. Rescind the acceptance.
4. If the decision of the Violations Committee is to rescind the acceptance:
 - a. Within two (2) business days, the rescind offer letter will be produced; and
 - b. The rescind offer letter will be sent *via certified mail with return receipt requested* to the preferred address listed on the AMCAS application; and
 - c. The rescinded acceptance decision will be posted to the AP Client.
5. If the decision of the Violations Committee is to retain the acceptance offered, a letter notifying the Associate Dean for Admissions will be produced informing him/her of this action.

Process for Matriculated Students

Students will be asked to complete a self-disclosure form that is similar to the form required by the State Medical Board of Ohio. Students are also expected to provide any needed documentation (arrest reports, court proceedings, judgments etc.). All incoming students will be asked to complete this questionnaire upon admission to The Ohio State University College of Medicine. A criminal background check for incoming Med 1 students that includes fingerprinting will be conducted during the peri-matriculation period.

Students will complete a self-disclosure form annually. **Students are required to disclose reportable events within 1-5 days of their occurrence and must not wait until the annual disclosure to do this.** During March and April at the conclusion of LSI Part 1 and prior to the start of LSI Part 2, students will be fingerprinted and a criminal background check conducted in a manner similar to that done during the peri-matriculation period for Med 1s.

The College of Medicine shall maintain the criminal records check and self-disclosure reports in a manner that ensures the confidentiality of the results, prevents disclosure pursuant to a public records request or student request, and complies with applicable state and federal requirements.

CONSEQUENCES TO THE STUDENT OR APPLICANT

One of the intents of the self-disclosure is to provide assistance to students or applicants who may have a criminal record. An affirmative response to a self-disclosure item or the existence of a criminal record will not constitute an automatic bar to admission or patient-care placement. Students and applicants with a positive background check or self-disclosure will be forwarded to the Violations Committee. The student will be required to provide documentation with court records, physician letters, and other pertinent records so that an individualized assessment can be performed and recommendations made. The student will be barred from any patient contact until the committee has made a recommendation. In line with policies of the Wexner Medical Center and State Medical Board of Ohio, the Violations Committee will consider the following when considering the aspects of criminal activity:

- The nature and seriousness of the crime.
- The extent of the student's/applicant's past criminal activity.
- The age of the student/applicant when the crime was committed.
- The amount of time that has elapsed since the student's/applicant's last criminal activity.
- The student/applicant's conduct and scholastic performance before and after the criminal activity.
- Whether the student/applicant has completed the terms of any probation or deferred adjudication.
- Evidence of the student's/applicant's rehabilitation.
- Whether the student/applicant fully disclosed the arrest or conviction to the College of Medicine.
- Any other factors the College of Medicine considers relevant.

Refusal to comply with the recommendations of the Violations Committee may result in dismissal from the College.

Refusal to complete the self-disclosure or to sign consent to conduct a background check will prevent the student from participating in any patient-care activities. Inability to participate in patient-care activities does not permit the successful completion of the curriculum at any stage. As such, students will not be eligible for admission, for continuation in the curriculum, or for graduation. These students will be reviewed by the Violations Committee and will be sent to the Academic Review Board for dismissal.

Another intent of this policy is to assist those institutions who provide an educational venue for our students. Some arrests or criminal offenses make it impossible for a student or applicant to participate in patient-care activities. These activities/arrests include, but are not limited to, sexual offenses, homicide or murder, abuse of at-risk populations (children, elderly, prisoners, and patients), possession of child pornography, and possession of illegal substances with intent to sell. Inability to participate in patient-care activities does not permit the successful completion of the curriculum at any stage. As such, students will not be eligible for admission, continuation in the curriculum, or graduation.

Students and applicants will be asked to self-disclose any arrests or criminal convictions, followed by a criminal background that includes fingerprinting. If the student does not disclose an item subsequently found on a background check, the student will be reviewed by the Violations Committee and will likely be sent to the Academic Review Board for dismissal. The cost of the background checks will be borne by the College of Medicine.

TOXICOLOGY TESTING OF MEDICAL STUDENTS

Process for Enrolled Students

1. Scheduled toxicology screening for medical students: A toxicology screen is required for all students as they enter into LSI Part 1 and LSI Part 2. Students must undergo the required toxicology screening through urine toxicology testing prior to being allowed to interact in the educational and clinical setting.
2. “For Cause” drug and alcohol toxicology testing for medical students:
 - a. The Associate Dean of Student Life or his/her designee may act to order testing “for cause” when concerns are raised regarding the performance, behavior, or actions of a medical student that indicate a reasonable suspicion for substance impairment (e.g. drugs and/or alcohol).
 - b. “For cause” drug and/or alcohol testing may be ordered when concerns are raised and/or recommendation for drug and/or alcohol testing is made to the Associate Dean of Student Life or his/her designee by any of the following individuals and/or committees: ABRC/USMLE Review, any faculty member or attending physician, any COM staff member, any Limited Staff member, fellow medical student, hospital administrator, other healthcare professional, patient, and/or family member.
 - c. Once testing is ordered, it should be completed immediately and must be completed within two hours. Failure to complete testing in a timely manner may result in a presumption of positive toxicology result and summary suspension or other disciplinary action.
 - d. There will be no opportunity to appeal the order to be tested “for cause.”
3. General Issues
 - a. All testing will be done at the OSU Wilce Student Health Services (SHS). If “for cause” testing must be done when SHS staff are not available, testing must be done through the Emergency Department (OSU Main or OSU East).
 - b. Prior to any screening or “for cause” testing, the individual being tested will be asked by the SHS/ED to declare and provide proof of a valid prescription for any medications or other substances that they are actively using. The record of any prescribed medications being used by an individual being tested will remain confidential.
 - c. Costs for scheduled drug testing are the responsibility of the medical student. Cost of “for cause” testing will be handled through the Office of the Associate Deans.
 - d. The student may request to have independent testing done at a different lab. In such a case, the student must declare this to the SHS/ED staff who will send a portion of the original

sample to the independent lab in order to preserve the chain of custody. If independent testing is requested by the individual being tested, the individual will be responsible for any and all costs of the independent testing.

4. Procedure for Scheduled Testing

- a. Testing for entry into LSI Part 1 and LSI Part 2 is accomplished through an appointment with SHS.
- b. Initial drug screening will be done according to SHS testing protocols.
- c. When performing scheduled screening of Part 1 and Part 2 students, the substances listed below will be tested through urine toxicology screening:
 - THC
 - Cocaine and metabolites
 - Amphetamine/Methamphetamine
 - Benzodiazepines
 - Opiates
 - Methadone
 - Barbiturates
 - PCP

5. Procedure for “for cause” Drug and Alcohol Testing for Medical Students:

- a. Testing “for cause” will be done under the direct supervision of SHS staff during normal working hours or through the Emergency Department (OSU Main or OSU East) at times when SHC staff is not available.
- b. When testing “for cause,” the following substances will be tested through urine toxicology, blood toxicology, or “breathalyzer” testing as appropriate for the substance(s) of concern:
 - THC
 - Cocaine and metabolites
 - Amphetamine/Methamphetamine
 - Benzodiazepines
 - Opiates
 - Methadone
 - Barbiturates
 - PCP
 - Alcohol
 - Any other substance suspected to be used by the individual

6. Test Results

- a. Results of all toxicology testing (both screening and “for cause”) will be forwarded to the office of the Associate Dean of Student Life or his/her designee.
- b. Final results will be stored in a confidential manner in the individual’s student file.

The College of Medicine shall maintain the toxicology reports in a manner that ensures the confidentiality of the results, prevents disclosure pursuant to a public records or individual student request, and complies with applicable state and federal requirements.

CONSEQUENCES TO THE STUDENT OR APPLICANT

A student with a positive toxicology screen will be placed on immediate Leave of Absence (LOA), and all educational and clinical activities will be discontinued. The COM will refer a student to the Violations Committee for any substance that is positive on the drug screen for which the student does not have a valid prescription. Referral for such a finding could result in actions up to and

including dismissal. The student's information will be sent to the Violations Committee for action. The Violations Committee does not have to meet with individual students. If the Violations Committee chooses not to meet with the student, a letter outlining any additional information which the student would like the committee to consider may be submitted. Refusal to comply with the recommendations of the Violations Committee may result in dismissal from the College.

Relapse while in treatment or aftercare may result in dismissal from the College. In general, students will be required to have an assessment by a specialist in physician addiction approved by the Associate Dean of Student Life or his/her designee. The specialist will make recommendations to the Violations Committee and the Associate Dean of Student Life or his/her designee regarding the need for further appropriate substance assessment, treatment, and aftercare on a case-by-case basis.

If this evaluation reveals no evidence of a substance use issue, the Violations Committee or designee will determine the appropriate course of action. If the evaluation reveals a substance use issue, the student will be required at his/her expense to register with the Ohio Physicians Health Program (OPHP) with reports submitted to the Violations Committee or designee and the Associate Dean for Student Life and to be monitored monthly by OPHP until graduation from the College.

Prior to returning from LOA, the student will need to document abstinence and participation in an appropriate substance abuse program. If an individual is actively engaged in clinical care, a minimum of six months of continued abstinence must be documented prior to reinstatement to a clinical environment. In rare instances, the six-month requirement may be adjusted if the Violations Committee or designee, after careful consideration and consultation with treatment providers, determines that a longer or shorter time is needed for effective treatment. In addition, prior to returning, the student may be required to appear before the Academic/Behavioral Review Committee in order to determine an appropriate academic plan. This plan may require a student to repeat/remediate curriculum. After six months (or adjusted time), if the individual is unable to document abstinence (without relapse episodes), participation in a rehabilitation program, and continuing participation in an aftercare program, the student will be referred to the Academic Review Board with a recommendation for dismissal.

VIOLATIONS COMMITTEE

The Violations Committee is responsible for the oversight of extracurricular requirements of the professional applicant and student. These requirements include but are not limited to such things as self-disclosure, background checks, toxicology screens, health requirements of healthcare workers, HIPAA compliance, and CBL requirements. The Violations Committee will make recommendations to the Admissions Committee, Associate Dean for Medical Education as well as the Associate Dean for Student Life in regards to positive findings on student/applicant self-disclosure, background checks, and toxicology screening, etc. The composition of the Violations Committee consists of the academic program directors as determined by the Executive Curriculum Committee. In addition, the Associate Dean for Medical Education or designee will serve as the chair of the Violations Committee.