

# BUSM Criminal Record and Drug Screening for Students Policy

Approved by: BUSM Executive Committee

Approved: Jan. 15, 2019

## Policy Statement

**Purpose:** In recent years, health care institutions and members of the health care professions have come under increasing scrutiny by various legal and regulatory agencies. In the course of obtaining licensure, hospital privileges, and insurance qualifications, physicians are routinely asked to respond to queries regarding aspects of past and current behavior (including criminal histories and drug use). Some of the institutions hosting clinical placements for students of Boston University School of Medicine now require that students undergo certain pre-qualifying reviews, and these may include criminal background checks and drug screens.

**Policy:** The School of Medicine requires applicants for admission to disclose any felony or misdemeanor convictions (in any state) and to provide detailed related information. The School of Medicine further requires that, so long as an admitted student remains a medical student, they must keep this information current by promptly informing the Associate Dean of Student Affairs of any felony or misdemeanor conviction while enrolled at the School of Medicine. Students may be required to submit to additional criminal background checks while enrolled, as required by clinical placement sites.

Consistent with Massachusetts law and University Policy, it is a serious violation for any student to use any illegal drug, as well as a controlled substance in any way not authorized by his or her physician.

The school may also require students to submit to drug screens, including random screens, as required by clinical sites. Students who refuse to submit to a required criminal background check or drug screening tests may be subject to dismissal from the school of medicine. Any positive drug test for a non-medically prescribed substance will result in the student's removal from clinical service or any patient contact, pending further investigation.

### Criminal background check

#### **Process for conditionally accepted students:**

All applicants to BUSM undergo a criminal background check through Certiphi. The Criminal History and Drug Screen Review Committee (CHDSRC) reviews all positive findings, and determines whether the application may proceed. The Associate Dean for Admissions may resolve straightforward issues, such as traffic violations, without referring to the CHRC.

**Process for matriculated students:**

Every year, all matriculated students must sign the following attestation: *“I have notified the Associate Dean for Student Affairs of any felony or misdemeanor conviction against me in the United States or internationally\* since I completed my application to medical school. I will continue to do so promptly throughout my medical education at Boston University School of Medicine.”*

*\*Under Massachusetts law, students are not required to disclose a first conviction for the misdemeanors of drunkenness, simple assault, speeding, minor traffic violations, affray or disturbance of the peace. However, should such convictions otherwise come to the School’s attention, the Associate Dean will determine whether they warrant discipline under School of Medicine or University-wide policies, and such convictions may be reportable to the Board of Registration of Medicine when applying for state medical licensure.*

Some clinical sites may require additional background checks prior to student participation in patient contact. Refusal to submit to the requested background check will preclude the student from participating in any patient interaction at any clinical site. If the criminal background check identifies an issue, the student is referred to the Criminal History and Drug Screen Review Committee. The CHDSRC will determine whether the matter warrants referral to BUSM’s Disciplinary Committee or if no further action is necessary. If referred to the Disciplinary Committee, the student will be removed from all clinical services and patient interaction pending full investigation by the Disciplinary Committee. The Disciplinary Committee will determine whether the conduct at issue, even if unrelated to the School of Medicine, violates the standard of professional conduct expected of BUSM students or otherwise adversely reflects on the fitness of the student to become a physician, and will take appropriate disciplinary action.

Students will be subject to disciplinary action under the School's Student Disciplinary Code of Academic and Professional Misconduct for any misrepresentation or non-compliance relating to reporting obligations under this policy.

**Drug Screens**

**Process for conditionally accepted students:**

Applicants to BUSM are currently not subject to drug screens at any time during the admissions process. Should BUSM adopt routine drug screening for accepted students, using Certiphi, all positive results will be sent to the associate dean for Admissions and the CHDSRC for review and reconsideration of acceptance.

### **Process for matriculated students:**

BUSM does not currently require drug testing for matriculated students, however, BUSM's clinical sites may require students to undergo drug screening at any time. Students who refuse to submit to the requested drug screen will not be allowed to participate in patient care or have any patient interactions at any clinical site.

Should a clinical site require a drug screen, BUSM has contracted with Certiphi to conduct drug screen testing. They work directly with the students to schedule the appointment and will review all positive results with them to ensure they are not receiving false positives. All verified positive results will be reported to the Associate Dean of Student Affairs.

BUSM is committed to help medical students with problems that impair or threaten to impair their ability to function as medical students and future physicians. BUSM also has a responsibility to assure safe care to patients treated by students and recognizes that a small number of medical students may become impaired during their medical school years or engage in activities which could lead to impairment. Students are encouraged to speak with the Associate Dean for Student Affairs, an assistant dean in the Student Affairs office or their faculty advisor with any concerns about their own substance use. Any student who comes forward voluntarily with concerns about substance use will be provided with support and services through resources that may include our Behavioral Health Services and Physicians Health Services, as indicated, and will not be referred immediately to the Disciplinary Committee. However, "unexpected" positive drug tests (positive screens in a student who has not previously disclosed) must be referred to the Disciplinary Committee for appropriate action. Students will be removed from all patient contact pending a full investigation by the Disciplinary Committee, and in some cases, until a full assessment through Physician Health Services has been completed. Students will be required to make up any time away from the curriculum, and this may result in a delay in graduation. Continued substance use, including all use of marijuana and the inappropriate use of alcohol is unacceptable to the school and is cause for administrative action, including dismissal.

**Confidentiality:** Positive drug test results will be maintained in secure files on a secure password protected server, accessible only to the associate dean of students and the dean of the medical school. BUSM will not disclose these records or the contents without a signed consent form received from the student except to individuals who have a need to know the information to comply with legal processes, or otherwise allowed by law. These consent forms will be electronically attached to the student record. Students are responsible for the disclosure of this information to the appropriate licensing bodies, and failure to do so may result in loss of medical license or inability to obtain a medical license.

Conditionally accepted students and matriculated students at BUSM

### Defined Terms

**Criminal Background Check** – A review of national record databases performed by Certiphi with the purpose of identifying any student (conditionally accepted or matriculated) who has been convicted of a felony or misdemeanor in any state.

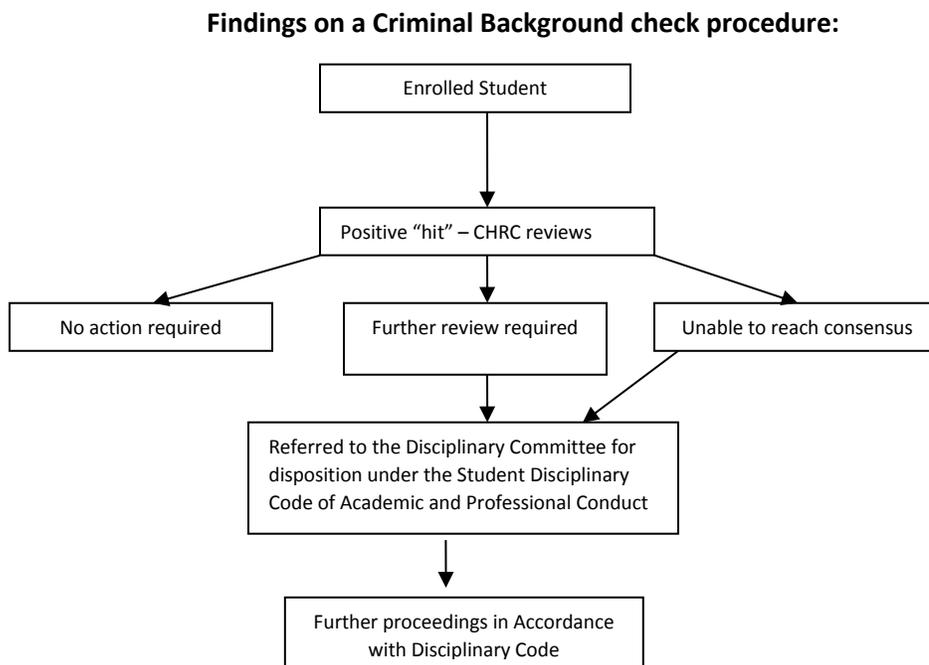
**Drug Screen** – A urine test performed by Certiphi that tests urine for illegal drugs and controlled substances, other than marijuana. All positive tests are reviewed with students by Certiphi to ensure that they are “true positives” (for example, the result is not verified if the student has a valid prescription for a substance detected in the urine).

### Responsible Parties

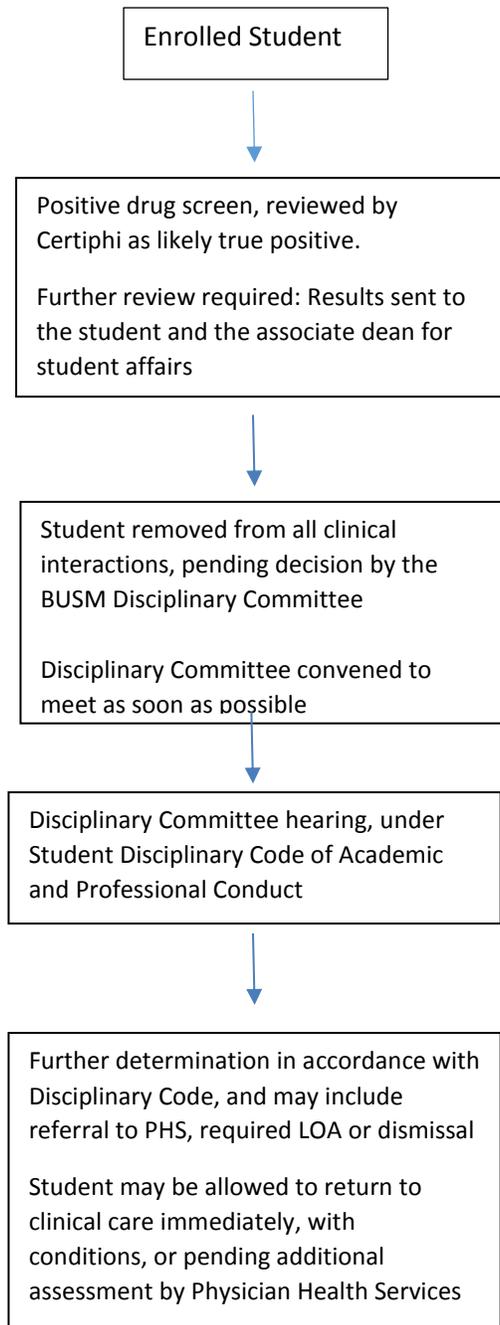
Associate Dean of Student Affairs

Associate Dean of Admissions

### Procedures



### Positive Drug Screen Procedure:



### Monitoring

Annual presentation to the BUSM Executive Committee

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**Relevant LCME Element(s):** 10.3.b

**Related Policies and References:** Medical Student Disciplinary Code of Academic and Professional Conduct, BUSM bylaws