

Criminal Background Checks (CBC) on Student Pharmacists



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Part I: Why Do CBCs?

Reasons to Conduct CBCs on Student Pharmacists

- To bolster the public's continuing trust in the pharmacy profession
- To enhance the safety and well-being of patients
- To ascertain the ability of accepted applicants and enrolled student pharmacists to eventually become licensed as pharmacists
- To minimize the liability of pharmacy schools and their affiliated clinical facilities.

Part II: The Legal Basics

Myriad State and Federal Laws Apply

- Federal Fair Credit Reporting Act and FACTA
 - Permissible Purpose = At consumer’s request vs. for employment purposes
 - Disclosure and Release Authorization
- State FCRA Equivalents (usually more restrictive than FCRA)
- State Laws Concerning CBCs and Students
 - e.g. Massachusetts has a specific “usage” statute restricting the **request and use** by schools of criminal background check information for educational purposes. The law is designed to prevent Massachusetts schools from *asking* an applicant about certain types of criminal record information.

Two Recommendations:

- Only conduct CBCs on accepted or “wait-listed” students
- Provide a flow in which the student receives the results first, and then “submits” the results to the school after review
 - Should be accomplished through Web-based system that is secure, reliable, auditable and user-friendly

Part III: CBC Components

- **Social Security Number Validation**

- SSN Structure – Valid Number Structure, Issue Date, Issue Location, Death Index
- Source: SSA Databases

- **SSN Verification**

- SSN Match with Name, Additional SSNs Used, Fraud Alerts
- Source: Credit Report “Header” Database

- **AKA Name Search**

- Names Associated with SSN
- Source: Credit Report “Header” Database

- **Residence Address Search**
 - Addresses Associated with SSN
 - Source: Credit Report “Header” Database
- **Research Process: Real-Time Integrated Database**

Subject Data

Clear

Name: Richard A. Adwell

Date of Birth: 01/01/1977

Social Security #: 961-48-0000

State Issued:	California
Date Issued:	1977 - 1980
DOB Scan:	Clear
Death Index:	Clear
Valid SSN:	Yes

Current Address: 1234 Main Street
Sunnyville, CA 12345
Los Angeles County
United States

Other Addresses: 321 Central Avenue
Raiderville, CA 34567
Santa Maria County
United States

Comments: None

Criminal Record Searches

- **County Criminal Records Searches**
 - County/State Level Criminal Records
 - Coverage: Individual County Jurisdiction
 - Source: Courthouse Databases and In-Person Searches
- **Statewide Criminal Records Repository Search**
 - County/State Level Criminal Records
 - Coverage: State
 - Source: State Repositories (not available in all states)

- **Federal Criminal Records Search**

- Federal Level Criminal Records
- Coverage: Federal District
- Source: Courthouse Databases and In-Person Searches

- **National Criminal Database**

- Miscellaneous Levels of State/County Criminal Records
- Miscellaneous Criminal Records Throughout the Country (not comprehensive)
- Source: Third-Party Databases

County Criminal

See Below

Source Searched: Los Angeles County Superior Court
Records Covered: Felony & Misdemeanor
Date of Search: 03/12/2007
Subject Covered: Richard A. Adwell
Search Results: Records found
Comments: See details below

Case Number: GC00008240-00
Offense / Filing Date: 08/15/2000
Charge: Count 1: Disorderly Conduct – Public Drunkenness
Charge Type: Misdemeanor
Disposition Date: 09/11/2000
Disposition Type: Guilty
Disposition Details: Pled guilty
Sentence: Fine/costs \$110.00 - paid
Comments: Please note this case was verified by Name, Date of Birth, and SSN.

County Criminal

Clear

Source Searched: Santa Maria County Superior Court
Records Covered: Felony & Misdemeanor
Date of Search: 03/12/2007
Subject Covered: Richard A. Adwell
Search Results: No records found
Comments: None

Federal Criminal

See Below

Source Searched: US District Court - Central District of CA, Los Angeles (Western Division)
Records Covered: Felony & Misdemeanor
Date of Search: 03/13/2007
Subject Covered: Richard A. Adwell
Search Results: Records found
Comments: See details below

Case Number: CR-2000-000017-00
Offense / Filing Date: 12/25/2002
Charge: Count 1: Medicaid Fraud
Charge Type: Felony
Disposition Date: 12/25/2003
Disposition Type: Guilty
Disposition Details: Pled guilty
Sentence: Fine/costs \$100,000.00 - paid; 3 years jail; Credit for time served
Comments: Please note this case was verified by Name and Date of Birth.

Statewide Criminal

See Below

Source Searched: California Department of Law Enforcement
Records Covered: Felony & Misdemeanor
Date of Search: 03/12/2007
Subject Covered: Richard A. Adwell
Search Results: Records found
Comments: See details below

Case Number: SC00008240-00
Offense / Filing Date: 08/15/2000
Charge: Count 1: Public Drunkenness
Charge Type: Misdemeanor
Disposition Date: 09/11/2000
Disposition Type: Guilty
Disposition Details: Pled guilty
Sentence: Fine/costs \$125.00 – paid
Comments: Please note this case was verified by Name and Date of Birth.

National Criminal Database

See Below

Source Searched: National Criminal Database
Date of Search: 03/12/2007
Subject Covered: Richard A. Adwell
Search Results: Records found
Comments: See details below

Jurisdiction VA Circuit Courts

Full Name: ADWELL, RICHARD A
Date of Birth: 01/01/1977

Case Number: CR90001904
Sentence: 10 Months Suspended Sentence; 24 Months Probation; Costs \$291.00

Offense Description: Possess Cocaine
County or Jurisdiction: Roanoke, VA
Disposition: Guilty
Disposition Date: 02/21/1997
Offense Date: 10/30/1996
Offense Severity: Felony
Comments: Please Note That On 03/25/1998 Defendant Was Found In Violation Of Probation And Was Sentenced To 18 Months Jail.

- **State Sex Offender Registration Databases**

- State Sex Offender Registration

- Coverage: National (with some exceptions)

- Source: Third-Party Databases

- Research Process: Real-Time Integrated Database with Verification of Results

Sex Offenders History

See Below

Source Searched:

National Sex Offender Database

Date of Search:

03/12/2007

Subject Covered:

Richard A. Adwell

Date of Birth:

01/01/1977

Search Results:

Records Found

Notes:

Please note that according to the California Sex Offender Registry, the subject is registered as a Sex Offender in California under section 288, crimes against children. Please see attached copies for further details.

- **Department of Health and Human Services (HHS) Office of the Inspector General (OIG) Medicare/Medicaid Sanctions/Fraud Database**
 - Medicare/Medicaid Program Violations
 - Coverage: Medicare/Medicaid Program
 - Source: Certiphi OIG/EPLS Search
 - Research Process: Real-Time Integrated Database with Verification of Results

OIG & GSA Excluded Parties

Review

Source Searched: OIG & GSA Excluded Parties
Date of Search: 01/02/2008
Subject Covered: Richard A. Adwell
Search Results: Records found
Comments: See details below

Source of Action: Department of Health & Human Services Office of the Inspector General (HHS-OIG)
Date of Action: 5/28/2000
Alleged Violation: 1128(b)(4)
Action Taken: License revocation/suspension/surrender.
Verified By: SSN
Notes: None

Note: This search covers the HHS Office of Inspector General's (OIG) List of Excluded Individuals/Entities (LEIE), and the General Service Administration (GSA) - Excluded Parties List (EPLS). These lists include individuals and entities excluded from federally-funded health care programs, and parties debarred, suspended, proposed for debarment, or declared ineligible by agencies or by the General Accounting Office.

- **Search for Type of U.S. Military Service Discharge**

- Honorable, General, OTH, Bad Conduct, Dishonorable
- Form DD-214 – Report of Separation
- Source 1: Military Records Center – Can Have Long Turnaround Time
- Source 2: Commanding Officer – Preferred Route if Possible
- Source 3: Student – Should Have Copy of DD-214
- Research Process: Written Correspondence, Telephone, E-Mail
- Coverage: U.S. Military Service

Military Discharge History

Clear

Branch of Service:	U.S. Army
Location:	Harker Heights, TX
Rank:	Staff Sergeant
Rank Reported by Subject:	Staff Sergeant
Service Dates:	11/23/1984 to 05/01/2005
Service Dates Reported by Subject:	11/23/1984 to 05/01/2005
Discharge Type:	Honorable relief from active duty
Source:	Myra Williams, Personnel
Date of Search	05/21/2007
Comments:	None

- **Criminal Record Searches**

- Availability and Access Varies Greatly by Country
- In-Person Searches vs. Police Clearances
- Results Can Take a Long Time
- Research Process: Written Correspondence, E-Mail, In-Person

- **Drug Screening**
- **Physicals, Vaccinations**
- **Fingerprinting**
- **Driver's License Records**
- **Education and Employment Verification**
- **License and Credential Verification**
- **Reference Interviews**
- **Credit Reports**

Part IV: CBC Use Guidelines

Set-up Procedure and Processes to Use CBCs

- Devise administrative infrastructure for management of CBC information
 - Who will review the information?
 - Where will it be stored? How long?
 - Will records of the review be retained?
- Appoint faculty committee with legal support to write institutional policies
- Schools should inform applicants and enrolled students about the above policies and procedures

Issues to Consider in Assessing the Seriousness of Criminal History Information

- **Potential threat to patients** – Example Offenses: Abuse of at-risk populations, homicide, child pornography-related offenses, sexual assault, rape
- **Potential threat to school or community at large** – Example Offenses: Repeated “disturbing the peace” violations, aggravated assault, domestic violence, some drug charges, sexual harassment, repeated alcohol-related offenses, homicide, rape
- **Ability to complete clinical rotations** – Example Offenses: Depends on specific criteria established by affiliated clinical institutions

Issues to Consider in Assessing the Seriousness of Criminal History Information

- **Eligibility for licensure** – Example Offenses: Depends on state-specific licensure requirements and may change over time
- **Appropriate for member of pharmacy profession** – Example Offenses: Offenses stated above; fraud involving Medicare or Medicaid; sale, manufacture or possession of controlled substances with the intent to sell; possession of an unlicensed deadly weapon