



Prohibitive Offense Procedure for Health Career Programs

I. Purpose

Outline the steps to be taken in all cases of criminal findings. It is HACC's position, in order to protect the safety of the client and the ethics of the HACC health career programs, individuals who have committed certain crimes cannot be placed in the position of caring for older adults, children, and/or working in a health career environment. This procedure applies to all health career programs except the non-credit nurse aide program.

II. Definitions

- A. Criminal record: Any history of conviction of a misdemeanor or felony crime.
- B. Pending charges: Any criminal charges as yet unresolved by the courts.
- C. Court documents: Original source documents identifying the outcome of any criminal charge and/or conviction.
- D. Background check: The process required by HACC for admission into any clinical component of any health career, to include PA State Police Criminal Record Check, PA Child Abuse History Clearance and FBI Background check.
- E. Conviction: Being convicted, pleading guilty or entering a plea of nolo contendere, or receiving probation without verdict, accelerated rehabilitative disposition (ARD) or receiving any other disposition (excluding acquittal or dismissal) for any criminal offense.

III. Procedure

- A. Students must complete this process for all criminal convictions and any pending or new criminal charges. Review of criminal charges can delay a student from starting in the clinical track of a health career program; therefore, students should begin the process at the time of admission to the college or at the time of application to a health career program.
- B. All convictions and pending or new charges must be reported to the director of the health career program immediately upon offer of admission. These include all felony and misdemeanor convictions.
- C. Students must have a PA State Police Criminal Record Check, PA Child Abuse History Clearance and FBI Background check once offered admission to the clinical portion of the health career program and yearly in-programs that are more than 12 months in length.
- D. Students with a criminal conviction in the following majors:
 - Dental Hygiene
 - Nursing
 - Respiratory Therapy

must visit <https://www.dos.pa.gov/ProfessionalLicensing/Documents/Preliminary-Determination-Instructions.pdf> to receive a preliminary determination that must then be submitted, along with your background checks to the program director.

- E. All other students with a criminal conviction in a health career major not listed above must submit their background checks to the program director for consideration by the Prohibitive Offense Committee. The offenses for students NOT listed in letter D above can be found in Appendix A. Please note that considerations from Appendix B will factor into the committee decision.
- F. A student with any conviction or pending charge may not be eligible for entry or continuation in a clinical program. As noted below, HACC will consider for admission students with a record of other felony or misdemeanor convictions on a case by case basis.
- G. Falsification of an application or any information related to a conviction will disqualify a student from admission and/or continuation in any health career program at HACC.
- H. Failure to disclose a criminal record, charge, or pending charge will result in dismissal from the program.
- I. A decision by HACC to admit a student to a health career program despite criminal convictions does not guarantee that if the student completes the program and obtains the appropriate degree or certificate, the student will be eligible for licensure or credentialing by a governmental body or will be eligible to work for a particular employer. Licensure and credentialing authorities apply their own standards for evaluating whether criminal convictions are disqualifying, as do employers. HACC accepts no liability in cases where a third party deems criminal convictions sufficiently serious to cause denial of the applicable license or credential, or to refuse employment opportunities. A student with a conviction or convictions is responsible for contacting the appropriate licensure or credentialing board to investigate eligibility and employability prior to entering the non-clinical portion of the health career program.
- J. A decision by HACC to admit a student to a health career program despite criminal convictions does not guarantee that a student will be able to participate in experiences at any clinical site. Clinical sites apply their own standards for evaluating whether or not students are eligible to undergo a clinical experience at their facility, and HACC accepts no liability for a student's rejection by a clinical facility. The clinical facility may require the student to provide additional information before they make a decision. The health career program will contact the appropriate clinical sites and supply them with information regarding the convictions and the college decision. This will be done in writing and a record of all correspondence and answers will be maintained in the student's program file as dictated by the program's records procedure. The decision reached applies only to the program that the student is entering. If the student wishes to change programs, this process must be repeated and may have a different outcome due to the use of different clinical sites.
- K. If a student has or anticipates a criminal charge or conviction, they must complete the following in order to participate in a clinical health career program at HACC. The student may not participate in the program until all documentation is received and a decision is reached. Steps in the process of evaluating criminal records:
 - 1. Complete the required background clearances. (The PA State Police Criminal Record Check, PA Child Abuse History Clearance and FBI Background check).
 - a. If the student has only summary offenses the student must meet with the program director and will be/remain eligible for the program. Go to Section 3 below.

- b. If the student has a misdemeanor, felony convictions, or any pending charges, the student must obtain an original copy of the court records showing how the case was concluded by the court system. No decision will be made without court documentation. Go to section 2 below (Note: Since a decision must be made prior to participating in any health career program, the student should complete this process as efficiently as possible).
2. The program director will review these guidelines and the student will submit all documentation to the director, and the director will retain a copy of all documents.
 - a. The program director will forward the information to the chair of the Prohibitive Offense Committee for review.
 - b. The committee chair may consult with the department chair, who in turn may consult with the college attorney, for an interpretation of the conviction. The department chair will include the committee chair in any meetings with the attorney at this stage.
 - c. HACC will consider the applicant for admission but may reject the applicant because of the conviction(s) in its discretion. Factors to be considered are listed below in Appendix B. The program director will forward all information to the HACC Health Careers Prohibitive Offenses Committee and a decision will be made by a two-thirds majority vote of the members. In the event of a tie, the department chair who oversees the program in which the student wants to enter will be the deciding vote.
 1. This committee will consist of a minimum of four health career program directors and two health career directors of clinical education.
 2. Members will serve two years.
 3. A committee chair will be chosen. The role of the chair will be to ensure the decision is made in a timely manner. The chair will keep a record of all meetings of the committee, and notify the requested program director of the decision.
3. In all cases, once the decision has been made, the program director of the requested program will request an appointment with the student to discuss the decision and options for the student. The program director will then:
 - a. document the decision and meeting using the attached notification form
 - b. give one copy to the student
 - c. place one copy in the student's confidential file
 - d. forward the original form to the committee chair.

APPENDIX A: Prohibitive Offenses

Offense Code	Prohibitive Offense	Type of Conviction
CC2500	Criminal Homicide	Any
CC2502A	Murder I	Any
CC2502B	Murder II	Any
CC2502C	Murder III	Any
CC2503	Voluntary Manslaughter	Any
CC2504	Involuntary Manslaughter	Any
CC2505	Causing or Aiding Suicide	Any
CC2506	Drug Delivery Resulting In Death	Any
CC2702	Aggravated Assault	Any
CC2901	Kidnapping	Any
CC2902	Unlawful Restraint	Any
CC3121	Rape	Any
CC3122.1	Statutory Sexual Assault	Any
CC3123	Involuntary Deviate Sexual Intercourse	Any
CC3124.1	Sexual Assault	Any
CC3125	Aggravated Indecent Assault	Any
CC3126	Indecent Assault	Any
CC3127	Indecent Exposure	Any
CC3301	Arson and Related Offenses	Any
CC3502	Burglary	Any
CC3701	Robbery	Any
CC3901	Theft	1 Felony or 2 Misdemeanors
CC3921	Theft By Unlawful Taking	1 Felony or 2 Misdemeanors
CC3922	Theft By Deception	1 Felony or 2 Misdemeanors
CC3923	Theft By Extortion	1 Felony or 2 Misdemeanors
CC3924	Theft By Property Lost	1 Felony or 2 Misdemeanors
CC3925	Receiving Stolen Property	1 Felony or 2 Misdemeanors
CC3926	Theft of Services	1 Felony or 2 Misdemeanors
CC3927	Theft By Failure to Deposit	1 Felony or 2 Misdemeanors
CC3928	Unauthorized Use of a Motor Vehicle	1 Felony or 2 Misdemeanors
CC3929	Retail Theft	1 Felony or 2 Misdemeanors
CC3929.1	Library Theft	1 Felony or 2 Misdemeanors
CC3929.2	Unlawful Possession of Retail or Library Theft Instruments	2 Misdemeanors
CC3930	Theft of Trade Secrets	1 Felony or 2 Misdemeanors

CC3931	Theft of Unpublished Dramas or Musicals	1 Felony or 2 Misdemeanors
CC3932	Theft of Leased Properties	1 Felony or 2 Misdemeanors
CC3933	Unlawful Use of a computer	1 Felony or 2 Misdemeanors
CC3934	Theft From a Motor Vehicle	1 Felony or 2 Misdemeanors
CC4101	Forgery	Any
CC4114	Securing Execution of Documents by Deception	Any
CC4302	Incest	Any
CC4303	Concealing Death of a Child	Any
CC4304	Endangering Welfare of a Child	Any
CC4305	Dealing in Infant Children	Any
CC4952	Intimidation of Witnesses or Victims	Any
CC4953	Retaliation Against Witness or Victim	Any
CC5902B	Promoting Prostitution	Felony
CC5903C	Obscene and Other Sexual Materials to Minors	Any
CC5903D	Obscene and Other Sexual Materials	Any
CC6301	Corruption of Minors	Any
CC6312	Sexual Abuse of Children	Any
CS13A12	Acquisition of Controlled Substance by Fraud	Felony
CS13A14	Delivery by Practitioner	Felony
CS13A30	Possession with Intent to Deliver	Felony
CS13A35(i), (ii), (iii)	Illegal Sale of Non-Controlled Substance	Felony
CS13A36, CS13A37	Designer Drugs	Felony
CS13Axx*	*Any Other Felony Drug Conviction Appearing on a PA RAP Sheet	Felony

***Any felony conviction or two misdemeanor convictions within the CC3900 series would prohibit the applicant from admission. The CC3900 series is any offense that starts with CC39. The two misdemeanor offenses do not need to be the same offense.

Pennsylvania Child Abuse History Clearance

Any student with a finding on the Pennsylvania Child Abuse History Clearance and/or FBI Clearance which indicates the student may not work with children will be ineligible for participation in the clinical programs.

Other Offenses Not On The Prohibitive List Which Will Be Considered In Admission Decisions

(Note: Any felony or misdemeanor conviction or equivalent from another jurisdiction will be considered.
This is not an inclusive list.)

Shoplifting	Fraud	Bribery
Harassment	Stalking	Extortion
Abuse or neglect in any form	Simple Assault	Prostitution
Weapons	Violation of protection from abuse order	2 or more Driving Under the Influence of drugs or alcohol, or Driving while intoxicated convictions. This includes ARD
Terrorism/terroristic threats	Hate Crimes	Possession of Paraphernalia
Falsification of any legal document/record	Possession and/or distribution of a controlled drug (to include ARD)	Any other felony drug conviction

*The decisions of HACC are based on Protection of Older Adults Act, the Child Protection Laws, the Pennsylvania Department of Education, and the standards of the clinical sites for the programs.

**Form to notify the student of the decision next page.

Appendix B

The following Assessment Factors and Exceptions are taken from the Pennsylvania Department of State Best Practices Guide to Act 53, 2020

The following process will be utilized when making admission decisions for ALL individuals with criminal histories.

1. The facts and circumstances surrounding your conviction.
2. The number of convictions you have.
3. Whether the criminal conduct for which you were convicted involved an act or threat of harm against you.
4. The increase in your age or maturity since your conviction.
5. Your criminal history, or lack of criminal history, after the date of the conviction.
6. Whether you have successfully completed any training or educational activities, such as those offered through programs within an SCI or county correctional facility.
7. References from employers or others, including probation/parole officers, etc.
8. Whether you can show evidence of progress in personal rehabilitation since your conviction.
9. Whether you meet all of the other licensing/credentialing qualifications for the type of license/credential you are seeking.
10. Any other factor which the board deems relevant, and any additional information that you may wish to provide, or that the board may request.

There are three notable exceptions to the two-stage evaluation process.

Exception 1: Sexual Offenses:

If you have been convicted of any of the “sexual offenses” provided at Appendix A, you are prohibited from practicing or being licensed as a *health care practitioner* (this term is defined in Act 53; it includes, for example, doctors, nurses and a number of other professions and occupations).

Exception 2: Crimes of Violence:

A conviction for one of the “crimes of violence” provided at Appendix B is not necessarily a bar to obtaining a license, if you can show that:

- (for those who were incarcerated) at least three years have passed since your release and you have remained conviction-free during that three-year period, or
- (for those who served or are serving a sentence other than incarceration) at least three years have elapsed since your sentence was imposed, and you have remained conviction-free during that three-year period.

You will also need to demonstrate significant rehabilitation since your conviction for a crime of violence.

Finally, the board must reach a determination that granting you a license does not pose a substantial risk to others’ health and safety. The board will utilize the Assessment Factors, above, to make that determination.

The board also takes into consideration the extent to which granting a license might increase the risk of additional convictions because the nature of the occupation might present opportunities for criminal activity.

Exception 3: Drug Trafficking Offenses:

Some boards have restrictions on granting licenses to individuals who have been convicted of one of the “drug trafficking offenses” provided at Appendix C. If you have been convicted of a drug trafficking offense, these boards may only grant you a license if:

- Ten (10) years have elapsed since the date of the conviction.
- You can demonstrate to the board that you have made significant progress in personal rehabilitation since your conviction for a drug trafficking crime.
- The board makes a determination, using the Assessment Factors, that granting you a license does not pose a substantial risk to others’ health and safety. The board also takes into consideration the extent to which granting a license might increase the risk of additional convictions because the nature of the occupation might present opportunities for criminal activity.
- You satisfy all of the other requirements and qualifications for the type of license you wish to obtain.



Notification of Eligibility Decision

(for entering/continuing in a clinical component of a health career program at HACC based on criminal background findings)

The purpose of this document is to provide written documentation for the student with a criminal record.

Name of Student: _____ HACCID: _____

Health Career Program: _____ Date: _____

In attendance at the meeting were: _____

The subject of the meeting was as follows:

- To provide a review of the findings on the criminal background check required by the HACC health career program
- To communicate the decision made related to the student's eligibility to participate/continue in the clinical component of a health career program at HACC

If it is decided the student is qualified to apply/continue in the health career program, the subject of the meeting was as follows:

- To communicate the possible effect of the convictions on acquisition of licensure/certification following graduation
- To establish it is the student's responsibility to contact the licensing/credentialing board and employers to determine the effect of these findings on practice in the health career profession.
- To discuss the licensing/credentialing board requirements in the application process, related to criminal records

The student was notified of the following decision of regarding application/continuation in the health career program:

_____ The student is qualified to apply/continue in the clinical program.***

_____ The student is not qualified to apply/continue in the clinical program due to the following reason/s:

Offense/s: _____

Comments: _____

*This decision does **NOT** mean that a student will be able to get a license or a credential in their chosen healthcare field. HACC has no affiliation with these boards and students must contact those boards directly.*

Prohibitive Offense Committee Chair, if applicable: _____ Date: _____

Signature of Program Director: _____ Date: _____

Signature of Student: _____ Date: _____

A copy of this form will be given to the student, one will be placed in the student's confidential file and the original will be placed in the office of the dean of health careers. (Send completed forms to RCAUMILL)

*** This decision applies only to the health career program listed above. If the student chooses to pursue a different program, the process must be repeated and there may be a different outcome due to clinical site acceptance.