



# 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.
- F. Prohibitive offense list: List of offenses which indicate a student is not qualified to enter a health careers program.

## III. Procedure

- A. Students must complete this process for all criminal convictions and any pending or new criminal charges upon offer of admission 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. A student with any conviction on the attached list (Please note: This is not an all-inclusive list) or pending charge that appear on the attached list 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.
- E. 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.
- F. Failure to disclose a criminal record or charge will result in dismissal from the program.
- G. 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.

- H. 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 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 submitted to the committee chair. 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.
- I. If a student has or anticipates a criminal charge or conviction, he/she 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:
  - I. 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 or one misdemeanor in the CC3900 series, CC 5902B or CS 13A series, the student must meet with the program director and will be/remain eligible for the program. Go to Section I, IV.
    - b. If the student has more than one misdemeanor, any 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 I, II. (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).
  - II. Meet with the director of the program bringing the documentation to that meeting.
  - III. The director will review these guidelines and the student's documentation with the student. The director will retain a copy of all documents. The conviction will be compared to the HACC Prohibitive List for Participation in a health career program.
    - a. If the conviction matches one on the prohibited list, the program director will forward the information to the chair of the Prohibitive Offense Committee for review.
    - b. If the offense is similar, but not worded exactly as it appears on the list, the director will 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. If the conviction or convictions are not on the prohibited offense list or reflective of its intent, HACC will consider the applicant for admission but may reject the applicant because of the conviction(s) in its discretion. Factors to be considered include the nature of the crime, how recently the crime or crimes occurred, time since the end of punishment, age at the time of offense, evidence of rehabilitation, and the number of crimes committed by the applicant, the truthfulness of the applicant and the interests of the College. In this case, the 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 the all meetings of the committee, and notify the requested program director of the decision.
- IV. In all cases, once the decision has been made, the director of the requested program will meet with the student **in person** to discuss the decision and options for the student.
- The 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.

**Prohibitive Offenses\*\*\***

<b>Offense Code</b>	<b>Prohibitive Offense</b>	<b>Type of Conviction</b>
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
Added to state list:  DUI	2 or more Driving Under the Influence of drugs or alcohol, or Driving while intoxicated convictions with in 5 years of admission to the clinical component of the program, includes ARD	2 or more Misdemeanors

\*\*\*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	
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.



## 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.

\*\*\* 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.