

# ALLIED HEALTH OR NURSING ASSUMPTION OF RISK/ RELEASE OF LIABILITY

## Maricopa Community Colleges (MCCCD) Allied Health or Nursing Program (S-13)

Most of the allied health or nursing program pathways include a program of study in a clinical training environment that may contain exposures to risks inherent in patient-oriented educational experiences (such as but not limited to bodily injury or communicable and infectious diseases). Students enrolling in clinical educational courses will be asked to sign a statement assuming all risks inherent in their coursework.

### Use of Confidential Information

Students enrolled in allied health or nursing program pathways will have learning experiences in a health care setting where they will have access to confidential information. Prior to beginning any clinical studies, the students will be asked to sign an agreement to adhere to the requirements of those clinical sites and applicable law, including the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

### MCCCD Required Background Checks

Students enrolled in an MCCCD allied health or nursing program are required to complete and pass clinical learning experiences, working with children, elderly persons, and other vulnerable populations. MCCCD's major clinical agency partners now mandate that any college students assigned to them for clinical experiences submit to a comprehensive background clearance prior to entering such learning experiences. Because the clinical experience portion of the programs is critical to completing a program of study, MCCCD has instituted two specific background check requirements in order for a student to enroll in a program. First, the student must obtain, at his or her own cost, a Level I Fingerprint Clearance Card from the Arizona Department of Public Safety. Precluding offenses for a Level I card can be found in Arizona Revised Statute § 41-1758.07 (<https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/41/01758-07.htm>). Additionally, students must also obtain a "pass" status on a MCCCD supplemental background check from MCCCD's authorized background check contractor. The student must also pay for this background check. The supplemental check will be based on the most stringent standards of MCCCD's clinical experience partners.

The sole program for which the background check requirements are different is the Emergency Medical Technician program. For that program, students must have obtained a Level 1 Fingerprint Clearance Card from the Arizona Department of Public Safety. They are also required, at the time of their clinical assignments, to submit to, pay for and pass any additional background check requirements of the clinical agencies to which their EMT program places students.

Certain licensing boards may require a separate background check or clearance card upon application for licensure or certification.

The MCCCD supplemental background check review may include searches of the following databases and information but MCCCD reserves the right to change the search criteria and the program background check requirements at any time without notice:

- a. National Federal Health Care and Abuse Databases
- b. Social Security Verification
- c. Residency History
- d. Arizona Statewide Criminal Records
- e. Nationwide Criminal Databases
- f. Nationwide Sexual Offender Registry
- g. Homeland Security Search

Examples of background information that will result in a "fail" status on the supplemental background check include:

- a. Social Security number does not belong to the applicant
- b. Any inclusion on any registered sex offender database
- c. Any inclusion on any of the Federal exclusion lists or Homeland Security watch lists
- d. Any conviction of a felony no matter what age of the convictions
- e. Any warrant any state
- f. Any misdemeanor conviction for the following no matter how long ago:
  - A. Violent crimes
  - B. Sex crime of any kind including non consensual sexual crimes and sexual assault
  - C. Murder, attempted murder
  - D. Abduction
  - E. Assault
  - F. Robbery
  - G. Arson
  - H. Extortion
  - I. Burglary
  - J. Pandering
  - K. Any crime against minors, children, vulnerable adults including abuse, neglect, exploitation
  - L. Any abuse or neglect
  - M. Any fraud
  - N. Illegal drugs
  - O. Aggravated DUI
- g. Any misdemeanor controlled substance conviction in last 7 years
- h. Any other misdemeanor conviction within last 3 years

**[Exceptions:** Any misdemeanor traffic (DUI is NOT considered traffic).

The information that MCCCD uses for the "pass/fail" background check is subject to change at any time without notice.

MCCCD recommends that students carry proof of the background clearance at all times during any clinical agency learning experience.

### Duty to Report Changes; Removal

Students have an obligation to immediately report to the director of their program any change in the information that they supplied on forms submitted to initiate background checks relating to the allied health or nursing program. That includes information provided to the Arizona Department of Public Safety and MCCCD's supplemental background check vendor, as well as that related to the background check required by a clinical agency. Failure to do so will result in removal from the program. Additionally, any change in background check status that would affect

the student's clearance under either MCCC'D's or a clinical agency's standards will result in removal from a program.

### **Additional Clinical Agency Background Check**

Some clinical agencies require that students assigned to their sites submit to a criminal background check covering other offenses, as well as to a drug screening. Students are required to pay for the additional agency clinical background check. A clinical agency that requires this additional background check may refuse to place a student due to information the clinical agency obtains in its background check even though that student possess a valid Level I Fingerprint Clearance Card and has obtained a "pass" status on the MCCC'D supplemental background check.

Some conditions that have resulted in students being denied placement at clinical agencies include pending criminal charges, outstanding warrants, unfinished terms of a sentence (such as unpaid fines), pattern of repeated types of arrests/convictions, and failure to disclose all past arrests/convictions when asked to do so on any background check application.

### **Inability to Place**

MCCC'D has no obligation to make repeated attempts to place a student when the reason for MCCC'D's inability to place the student is due to background check issues. Since clinical agency assignments are mandatory requirements for completion of a program, a student's inability to complete required clinical experience due to his or her background check issues will result in removal from the program.

### **Changes to Admission or Background Check Requirements**

MCCC'D may change its program admission requirements or background check requirements without notice at any time.

### **No Guarantee of Receipt of Licensure/Certificate**

Many of the nursing and allied health programs prepare graduates for application for State or National certificates or licenses. In some professions, such licensure and certification is required prior to employment or practice in the profession. Graduation from a nursing and allied health program does not guarantee the receipt of a license or certificate to practice in the field of study.

**Amended** by Direct Chancellor Approval, June 1, 2017