

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE BILL 1515

Short Title: Med Schools/Crim Background Check. (Public)

Sponsors: Representatives LaRoque, England (Primary Sponsors); Daughtride and Setzer.

Referred to: Education.

April 21, 2005

A BILL TO BE ENTITLED

AN ACT TO REQUIRE A CRIMINAL BACKGROUND CHECK OF ALL STUDENTS ADMITTED INTO A SCHOOL OF MEDICINE AT A NORTH CAROLINA INSTITUTION OF HIGHER EDUCATION.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 116 of the General Statutes is amended by adding a new Article to read:

"Article 33.

"Criminal Background Checks Required for Medical Students.

"§ 116-265. Criminal background check required for medical students.

(a) The following definitions apply in this Article:

(1) "Institution" includes both constituent institutions and private institutions.

(2) "Constituent institution" is as defined in G.S. 116-2.

(3) "Private institution" means an institution licensed under G.S. 116-15.

(b) Any institution that has a school of medicine shall require as part of its matriculation process a national and State criminal background check of every person who has accepted an offer of admission to the school of medicine at the institution. The criminal background check shall include a check to determine whether the person has any adjudications as a sex offender that would require registration under Article 27A of Chapter 14 of the General Statutes.

(c) The Department of Justice may provide a criminal record check to a constituent institution for a person who is accepted for admission to the school of medicine. If the institution is a private institution, then the Department of Justice may provide a criminal record check to the North Carolina Medical Board on behalf of the private institution as provided by G.S. 116-266. The institution shall provide to the Department of Justice, along with the request, the fingerprints of the applicant, any additional information required by the Department of Justice, and a form signed by the

1 applicant consenting to the check of the criminal record and to the use of the
2 fingerprints and other identifying information required by the State or national
3 repositories. The applicant's fingerprints shall be forwarded to the State Bureau of
4 Investigation for a search of the State's criminal history record file, and the State Bureau
5 of Investigation shall forward a set of the fingerprints to the Federal Bureau of
6 Investigation for a national criminal history check. The institution and the North
7 Carolina Medical Board shall keep all information pursuant to this subsection
8 privileged, in accordance with applicable State law and federal guidelines, and the
9 information shall be confidential and shall not be a public record under Chapter 132 of
10 the General Statutes.

11 The Department of Justice may charge each applicant a fee for conducting the
12 checks of criminal history records authorized by this subsection; however, the fee shall
13 not exceed the cost of conducting the criminal background check.

14 Nothing in this Article prohibits an institution from contracting with a private
15 company to conduct the criminal background checks required by this Article.

16 **"§ 116-266. North Carolina Medical Board receive criminal background check**
17 **information on behalf of private medical schools.**

18 If the institution requesting the background check in compliance with G.S. 116-265
19 is a private institution, then the institution may request that the State Bureau of
20 Investigation provide the information received from the background check to the North
21 Carolina Medical Board. Upon request of the private institution, the Medical Board
22 shall receive the information from a student's background check and shall review the
23 information using the same criteria to evaluate the information that is used to evaluate
24 the information received by the Board under G.S. 90-11. If the Medical Board
25 determines any information received from the criminal background check would cause
26 the Medical Board either to refuse to license a student to practice medicine under
27 G.S. 90-11 or to investigate a student further before issuing a license to the student, then
28 the Medical Board shall report that fact to the private institution requesting the
29 background check.

30 The Medical Board may charge the private institution a reasonable fee for providing
31 this service.

32 **"§ 116-267. Evaluation of criminal background information by school of medicine;**
33 **effect on admissions decision.**

34 The information collected as a result of the criminal background check required by
35 this Article shall be considered by the appropriate school of medicine in determining
36 whether or not to complete an applicant's matriculation process. A criminal conviction
37 shall not automatically preclude an applicant from matriculating, and the school of
38 medicine may use its discretion in evaluating the applicant's fitness for the study of
39 medicine. However, an applicant who has been adjudicated as a sex offender shall be
40 precluded from gaining admission to any school of medicine at an institution located in
41 North Carolina."

42 **SECTION 2.** This act is effective when it becomes law and applies to the
43 2006-2007 academic year and each subsequent academic year.