

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE BILL 1515
Committee Substitute Favorable 5/31/05
Committee Substitute #2 Favorable 7/19/05

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

Sponsors:

Referred to:

April 21, 2005

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE A CRIMINAL BACKGROUND CHECK OF ALL
3 STUDENTS ADMITTED INTO A SCHOOL OF MEDICINE AT A NORTH
4 CAROLINA INSTITUTION OF HIGHER EDUCATION.

5 The General Assembly of North Carolina enacts:

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

8 "Article 33.

9 "Criminal Background Checks Required for Medical Students.

10 "**§ 116-265. Criminal background check required for medical students.**

11 (a) The following definitions apply in this Article:

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

13 (2) "Institution" includes both constituent institutions and private
14 institutions.

15 (3) "Private institution" means an institution licensed under G.S. 116-15
16 and any other institution in this State that meets all of the requirements
17 and regulations of the accrediting agencies whose approval is normally
18 required for the establishment and operation of a medical school.

19 (b) Any institution that has a school of medicine shall require as part of its
20 matriculation process a criminal background check for every person who has accepted
21 an offer of admission to the school of medicine at the institution.

22 (c) The Department of Justice may provide a criminal record check to an
23 institution for a person who is accepted for admission to the school of medicine. The
24 institution may provide to the Department of Justice, along with the request, the name of
25 the applicant, a form signed by the applicant consenting to the check of the criminal
26 record and to the use of identifying information required by the State, and any
27 additional information required by the Department of Justice. The applicant's name and
28 identifying information may be forwarded to the State Bureau of Investigation for a

1 search of the State's criminal history record file. The institution shall keep all
2 information pursuant to this subsection privileged, in accordance with applicable State
3 law and federal guidelines, and the information shall be confidential and shall not be a
4 public record under Chapter 132 of the General Statutes.

5 The Department of Justice may charge each applicant a fee to conduct the criminal
6 history record check authorized by this subsection. The fee shall not exceed the cost of
7 conducting the check.

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

10 **"§ 116-266. Evaluation of criminal background information by school of medicine;**
11 **effect on admissions decision.**

12 The information collected as a result of the criminal background check required by
13 this Article shall be considered by the appropriate school of medicine in determining
14 whether or not to complete an applicant's matriculation process. A criminal conviction
15 shall not automatically preclude an applicant from matriculating, and the school of
16 medicine may use its discretion in evaluating the applicant's fitness for the study of
17 medicine."

18 **SECTION 2.** This act is effective when it becomes law and applies to the
19 2006-2007 academic year and each subsequent academic year.