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A NEWSLETTER FOR CLIENTS OF

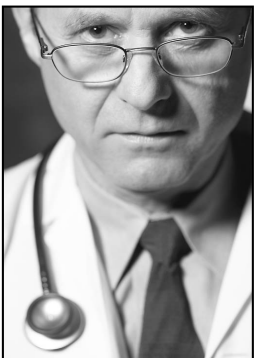


CORPORATE SCREENING SERVICES, INC

Fall 2004

Welcome to Screening Solutions

This is the Fall 2004 Edition of the Corporate Screening Services, Inc. e-Newsletter, *Screening Solutions*. It is designed to keep you on top of all the latest employment screening news, including legal updates, industry trends, and new product information.



Medical Staff Criminal Background Investigations

Thorough Checks Should Be Part of the Credentialing Process

Criminal background checks for physicians are a new but important consideration for most medical staff / physician credentialing offices. Complete information about an applicant's criminal background can provide an important perspective about a person's ability to provide quality care, exercise good judgment, maintain an ethical practice and otherwise comply with the various requirements of the medical profession.

Thorough criminal background checks not only protect patients, but also help a medical facility defend against a negligent credentialing action.

Every physician goes through a credentialing process prior to practicing at a medical institution, but very little of that process relates a criminal history search.

Medical staff/physician credentialing departments typically use two traditional sources to research the criminal background of prospective physicians and other healthcare providers: a State Medical Board or State Licensing Agency and the Healthcare Integrity and Protection Databank (HIPDB). Each of these sources has limitations that can make them unreliable in many instances.

The Medical Board expects to receive information about physician criminal conduct from multiple sources. Most states have laws that require physicians to report criminal record information to the appropriate state board. Similarly, most states have laws that require prosecuting attorneys, court clerks, and probation offices to report a physician's criminal record information to the appropriate state board.

Despite these statutory obligations, many matters go unreported due, in part, to the following limitations of state medical boards criminal files:

- A record will go unreported unless law enforcement learns that the defendant is a physician.
- State laws require that only felony records be reported, which means that numerous other records will go unreported (e.g., domestic abuse, theft, etc.).
- State laws require prosecutors, court clerks and probation officers to report felony records, but there are no penalties for noncompliance.

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PRODUCT SPOTLIGHT

CrimeSweep – National Fills the Gaps in Background Screening

If you use background screening services in your business, you're probably aware of the current limitations of criminal background searches. The gold standard in the background screening industry is a county criminal record search. But your most likely question is, "Will I miss important information if a search is conducted **only** in the county where the person now resides?"

The simple answer is, **yes**. And that's why CSS recommends the use of a social security number trace in conjunction with your county criminal

Reports by prosecutors, court clerks, and probation officers are typically made via hard copy. This labor intensive process tends to deter filing reports.

- Informal interviews with reporting entities (e.g., prosecuting attorney's offices, courts) reveal that they focus primarily on reporting healthcare-related offenses.

The Health Insurance Portability and Accountability Act of 1996 also mandates that government agencies and health insurance plans report physicians' criminal history information. However, limitations, similar to the HIPDB gaps, exist with this mandate, including:

- A record will go unreported unless law enforcement learns that the defendant is a physician.
- The federal law requires that only healthcare-related records be reported which means that numerous other records will go unreported (e.g., domestic abuse, theft, etc.).
- The federal law requires government agencies to report felony records, but there are no penalties for noncompliance.
- Government agencies have 30 days to report a criminal record, which may allow some checks to slip through during that time.

Because of these limitations, Corporate Screening recommends that medical staff/physician credentialing departments require supplemental criminal background checks as part of the credentialing process for new members. These background checks should also include an evaluation of whether an individual is an excluded party as defined by the Department of Health and Human Services, Office of the Inspector General and the General Services Administration. Extending the background check standards to medical staff applicants will ensure that medical staff/physician credentialing departments receive a more complete picture of a healthcare provider prior to offering privileges.

Federal Approval of Alternative Specimen Testing Close to Reality

Change May Boost Increasingly Popular Hair and Oral Fluid Testing

New rules for drug and alcohol testing in federally regulated workplaces may be on the way.

This spring, the Substance Abuse and Mental Health Services Administration (SAMHSA) issued a proposed rule that would establish scientific and technical guidelines for testing hair, sweat and oral fluid specimens in addition to urine specimens. The regulations would also add standards for collectors, on-site testers, and medical review officers.

Currently, the technologies of hair, oral fluids, sweat and non-instrumented, on-site drug testing are not approved for use in federally regulated workplaces, but concerns about adulteration and substitution in urine specimens have resulted in moves to adopt alternate drug-screening techniques.

In response to concerns about urine specimens as a reliable drug testing method, the U. S. Department of Health and Human Services has been studying alternatives for a number of years.

SAMHSA, through its Division of Workplace Programs and Drug Testing Advisory Board, Progress and in partnership with industry, issued the new proposed rule. The Proposed Revisions to Mandatory Guidelines for Federal Workplace Drug Testing Programs was open for public comment until mid-July.

These proposed rules would affect drug testing of approximately 400,000 federal employees, mainly in safety-sensitive and security-sensitive positions. However, they may

searches.

To take that search to an even higher, more in-depth level, Corporate Screening has developed **CrimeSweep – National**, a product that delivers a comprehensive, FCRA compliant criminal record search that provides national geographic coverage.

CrimeSweep – National uses criminal databases, tapping into hundreds of millions of criminal records in 48 states, numerous state and federal government agency records, and a CSS proprietary list of criminal histories in all 50 states to fill the gaps that occur with a county of residence only search. Records found are then identified with the subject of the background investigation, verified through the court where the record originated, and refined with the most accurate, up-to-date information provided by the court. The result? A user-friendly, accurate, reliable report.

For more information on **CrimeSweep – National** or any other CSS background screening product, please call your CSS representative or visit www.CorporateScreening.com

impact private employers directly if they are adopted by the U.S. Department of Transportation for trucking and other regulated industries.



Establishing a New Business Relationship?

Make a Background Investigation Part of Your Due Diligence

If you are planning to enter into a new business relationship, you are probably involved in a due diligence process on a number of levels.

However, most people don't think of the importance of conducting a reasonable background investigation of the individuals that are part of the new business venture. They rely on friends and business

associates to vouch for a potential business partner's honesty and integrity.

While many bad business relationships are formed based on a personal referral or recommendation, you may have concerns about whether it is appropriate to investigate a company, its officers or a service provider's past before conducting business with them. However, you may be staking your own reputation or investing your life savings in this new relationship. A simple, inexpensive criminal or litigation record search may make all the difference in a successful business.

A background investigation by Corporate Screening consists of research and verification of some basic information, including:

1. Positive identification of individuals and companies involved.
2. Business licensing verification.
3. Civil and judgment lien records.
4. Criminal records.
5. State and federal tax lien records.
6. Professional licensing and disciplinary actions.
7. News index searches.
8. Business references.
9. Terrorist and government debarment lists.
10. Business and individual officer credit reports.

It's also important to tell everyone involved in the transaction that you plan to verify claims and facts supplied before the relationship is finalized and ask for permission in writing to conduct a background check. Don't be concerned about making this request. It is in the best interest of any new business venture and should be considered as a normal and necessary part of the due diligence process.

For more information on these items or any other Corporate Screening service, contact sales@CorporateScreening.com

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