

Overview of the Background Check Process

Criminal Background Checks Required Under Oregon Psilocybin Regulation

Oregon Revised Statutes chapter 475A ([ORS 475A](#)) contains the Oregon Health Authority (OHA) statutes that apply to psilocybin regulation. ORS 475A.255 states that OHA may require the fingerprints of any individual listed on a submitted application.

In addition to applicants seeking licensure, individuals applying for a worker permit through [Oregon Psilocybin Services](#) (OPS), are also required to pass a criminal background check. The purpose of this document is to help prepare applicants for the criminal background check process.

Oregon Background Check Unit (BCU)

The Oregon Department of Human Services (ODHS) and OHA [Background Check Unit](#) (BCU) conducts the criminal records checks for OPS licensing and work permits. BCU has decades of experience conducting over one hundred thousand criminal background checks for ODHS and OHA each year. In addition to an established infrastructure, the BCU weighing test process ensures that applicants will not be immediately disqualified due to most convictions.

Shifting background checks to BCU also creates less risk for making biased licensing decisions. The use of data security practices ensure that criminal background check information is managed securely. OPS will not have access to an applicant's criminal record. OPS will only have access to the decision that an applicant's criminal background check results in approval or denial.

Beginning a Criminal Background Check

The criminal background check process begins when an applicant applies for a license, worker permit, or renewal. By applying for a license, the applicant provides the necessary information in their application for OPS to initiate their background check process.

1. The following information in the application will be used to initiate the background check:
 - Legal name
 - Prior names and aliases
 - Date of birth
 - Social security number
 - We ask for **voluntary** consent to use your social security number, if you have one, to confirm your identity during the criminal records check. We will not deny you any rights, benefits, or privileges otherwise provided by law if you do not consent to use of your SSN for these administrative purposes
 - Physical address
 - Mailing address (if different)
 - Phone number
 - Email
 - Residential history outside of Oregon in the past five years
2. When the application is submitted, the licensing team initiates the criminal background check through the Oregon Criminal History and Abuse Records Data System (ORCHARDS).
3. The applicant will receive an email from ORCHARDS with a link to review the Authorization Statement. The applicant must authorize the background check before BCU can start any check. The applicant also answers questions about criminal history.
4. When the applicant reviews the Authorization Statement and agrees to the background check, the applicant will receive an electronic letter by email that explains how to schedule an appointment with a [FieldPrint](#) vendor. FieldPrint vendors are private contractors and not associated with a government agency. The letter gives details about the fingerprint-based check and a link to schedule an appointment with a local Fieldprint vendor which are available in any U.S. state where the applicant lives.
5. The applicant completes the fingerprints at FieldPrint.

Criminal Background Check Results

The background check will identify any criminal history on an applicant's record. According to [ORS 475A.250](#), the background check may not consider the prior conviction of an applicant for:

- The manufacture of psilocybin or the manufacture of a marijuana item, as defined in ORS 475C.009, if:
 - The date of the conviction is two or more years before the date of the application; and
 - The person has not been convicted more than once for the manufacture of psilocybin or a marijuana item; or
- The possession of a controlled substance, as defined in ORS 475.005, or a marijuana item, as defined in ORS 475C.009, if:
 - The date of the conviction is two or more years before the date of the application; or
 - The person has not been convicted more than once for the possession of a controlled substance or a marijuana item.

Beyond these exceptions, other [criminal convictions or crime-related conditions](#) will be further assessed by BCU in a “weighing test”.

Weighing Test

A “weighing test” is an opportunity for the applicant to provide more detailed information and explain circumstances. BCU will use the additional information to weigh positive and negative aspects of criminal convictions and crime-related conditions. BCU considers several factors to determine if the individual is a risk to the physical, emotional, or financial well-being of vulnerable individuals.

During the weighing test, BCU may request the applicant provide additional information. Applicants can provide any information they believe may be relevant for BCU's consideration such as letters of support, employer recommendations, education history, work history, treatment history, police reports, or court records. Applicants are encouraged to describe successful life changes that have greatly reduced the likelihood of a repetition of behavior.

BCU will assess how the criminal history is or is not relevant to the specific license or permit the applicant is applying for. BCU must consider the relevance

of the applicant's criminal history as well as learned experience to the position or work environment they are applying for.

For more detailed information about the weighing test, please review BCU's [weighing test flyer](#). Some sections may not apply to all applicants.

Applicant Approval

BCU will determine whether the applicant poses a risk and will approve or deny the applicant. If it is possible to restrict the applicant's duties or work environment to alleviate risk to vulnerable individuals, BCU will make a restricted approval. If an applicant is denied or given restricted approval, the applicant will have hearing rights available to them.

OPS will not have access to the applicant's criminal history or weighing test information. OPS receives BCU's final determination and will issue a license or permit based on that decision.

For more information contact:
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