

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)

To create safety, equity, and justice centered criminal background check processes, background checks are conducted by a certified third party and assessed by the Oregon Department of Human Services (ODHS) and OHA [Background Check Unit](#) (BCU). BCU has decades of experience conducting thousands of 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 certain convictions.

Shifting background checks to BCU also creates less risk for making biased licensing decisions based on having access to an applicant's criminal history. 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 on whether an applicant passes or fails the criminal background check.

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 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 and must agree to the background check.
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. Visit [this link](#) to find the nearest FieldPrint.
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, any 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. The number of convictions is considered in this process. BCU uses this information to determine if the individual is a risk to the physical, emotional, or financial well-being of vulnerable individuals. BCU uses a variety of factors to make this assessment.

When a weighing test begins, BCU requests 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 applicant’s criminal history and the relevance 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.

Important notes: An individual person identified as a license applicant is not required to undergo a criminal background check and fitness determination if that person has completed a criminal background check and fitness determination in connection with another license application **within 30 days of their current license application**. An applicant for a worker permit is not required to undergo a criminal background check and fitness determination if that person has completed a criminal background check and fitness determination in connection with a license application **within 12 months of their worker permit application**.

For more information contact:

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or

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