

Criminal History Record Check Information for Designated Caregivers:

Oftentimes, the criminal history record check will be referred to as ‘background check’

Why, as a potential designated caregiver, am I required to complete a criminal history record check?

- State law (NDCC Section 19-24.1-04) states that a criminal history record check must be performed on all potential designated caregivers to ensure that they have not been convicted of a drug-related misdemeanor offense within the past five years or of a felony offense in a lifetime.

How often do criminal history record checks need to be conducted for designated caregivers?

- Upon initial application and biennially (every other year) thereafter, and at any other time upon the request of the North Dakota Department of Health and Human Services.

Who pays for the criminal history record check?

- Applicants (Designated Caregiver) will be responsible for covering the costs associated with being fingerprinted.
- The Medical Marijuana Program will cover costs associated with running the background check.

I have already had a criminal history record check for other purposes such as employment. Do I have to do one again?

- Yes, a designated caregiver applicant must have a criminal history record check completed specifically for the Medical Marijuana Program.

When should I have my criminal history record check completed?

- Designated caregiver applicants should have their criminal history record check completed after submitting an initial application and again every two years. Our program mails out required forms and fingerprint cards.

Fingerprinting options:

It is the responsibility of the applicant to find a business or individual that conducts fingerprinting to have their fingerprinting completed.

- Electronic fingerprinting (*preferred option*)
 - Applicants can have digital prints completed at any entity or by any individual that provides such services.
- Ink fingerprinting
 - Applicants can have ink prints completed at any entity or by any individual that provides such services. There typically seems to be a higher rejection rate of ink prints due to low quality.

How does the process begin?

- Once a designated caregiver submits an application via the registration system, Medical Marijuana Program staff will mail them a fingerprint packet. This packet includes instructions and the required forms.
- Please contact the Medical Marijuana Program by phone at 701.328.1311 or by email at medmarijuana@nd.gov with questions regarding the criminal history record check.

What forms will the Medical Marijuana Program mail?

Medical Marijuana Program staff will mail to designated caregiver applicants the following:

- SFN 60688—Criminal History Record Check Request form
- SFN 61490—Fingerprint Verification form
- Fingerprint cards (quantity of 2)—these are the cards that the actual fingerprints go on (whether digital or ink)
- Fingerprint card instructions

All completed forms and fingerprint cards must be returned to the Medical Marijuana Program.

Mail to:

**NDDHHS; Medical Marijuana Program
Attn: Jason Wahl
600 East Boulevard Ave, Dept 325
Bismarck, ND 58505**

Medical Marijuana Program staff will review all submitted materials prior to sending to ND BCI to ensure all required information is provided and legible. If there is information

missing, they will contact the applicant to provide the needed information. This will result in a delay in the processing of the criminal history record check.

Rejected Fingerprints:

Sometimes fingerprints are rejected by the FBI due to poor quality. If this happens, Medical Marijuana Program staff will reach out to the applicant and have them resubmit their fingerprint cards and fingerprint verification form.

Patients with Terminal Illness:

If an individual is applying as a designated caregiver for a patient with a **terminal illness**, as specified by the health care provider on the written certification or by enrollment in a hospice program, the background check timeline will be slightly different.

In this situation, designated caregivers, upon successful completion of an application, will be issued an ID card and will have 60 days from the date the card is issued to complete their background check. Applicants will be required to submit a written attestation that they do not have a drug-related misdemeanor in the past five years or a felony offense ever. Program staff will reach out to applicants regarding this attestation once the application is submitted.