

July 1, 2012

Individuals who are considering entering the nursing profession and who have a criminal history often ask about potential barriers to licensure following successful completion of an approved nursing program. While it would be nice to know this prior to making a decision to enter the program, obtaining that information is not possible under current Florida law.

The Board of Nursing makes decisions about licensure based upon a number of questions on the application and on an individual basis. The application (or the background screening) that indicates a criminal history is considered a non-routine application and must be reviewed by the board staff and possibly referred to the Board of Nursing for action.

Each application is reviewed on its own merit. The Board of Nursing has created guidelines for specific offenses to be cleared in the board office; however, the staff cannot make determinations in advance as laws and rules change over time. Applications that involve violent crimes and repeat offenses are required to be presented to the Board of Nursing for review. Evidence of rehabilitation is important to the Board Members when making licensure decisions.

The Board may issue a license under conditions such as placing the license on probation with supervision, requiring additional education, or the Board may deny your application. If drugs or alcohol are a concern, the board may require the applicant to undergo an evaluation and possibly to sign a contract with the Intervention Project for Nurses (800-840-2720).

Each nursing program makes independent decisions about admissions into the program and may require a criminal background screening as part of that process. Clinical facilities may limit or prohibit students with criminal histories from participating in clinical experiences. Other options may not exist for students to complete the required clinical hours in order to obtain a nursing degree; therefore making such a student ineligible for licensure in Florida.

The licensure application requires disclosure of any criminal history and the disposition of all cases prior to board review. Entry into the nursing education program is the prospective student's decision based upon the knowledge that he/she may, or may not, be granted a nursing license. All of the above factors should be taken into consideration prior to making a decision about a nursing career.

#### **Important Notice for Initial Licensure Applicants and Renewals:**

Pursuant to [Section 456.0635](#), Florida Statutes, you are being notified that effective July 1, 2012, health care boards or the department shall refuse to renew a license, certificate or registration, issue a license, certificate or registration and shall refuse to admit a candidate for examination if the applicant has been:

1. Convicted or plead guilty or nolo contendere, regardless of adjudication, to a felony violation of: chapters [409](#), [817](#), or [893](#), Florida Statutes; or [21 U.S.C. ss. 801-970](#) or [42 U.S.C. ss 1395-1396](#), or similar offenses in other state. unless the sentence and any probation or pleas ended more than 15 years prior to the application for 1<sup>st</sup> and 2<sup>nd</sup> degree felony; 10 years prior to the application for 3<sup>rd</sup> degree felony; and 5 years prior to the application for 3<sup>rd</sup> degree felony under Section 893.13(6)(a).
2. Terminated for cause from Florida Medicaid Program (unless the applicant has been in good standing for the most recent 5 years).
3. Terminated for cause by any other State Medicaid Program or the Medicare Program (unless the termination was at least 20 years prior to the date of the application and the applicant has been in good standing with the program for the most recent 5 years).

**The Florida Board of Nursing receives numerous questions from applicants regarding prior criminal offenses. The following are the most frequently asked questions:**

**Question:** What types of crimes must be reported on the application?

**Answer:** All convictions, guilty pleas and nolo contendere pleas must be reported, except for minor traffic violations not related to the use of drugs or alcohol. This includes misdemeanors, felonies, "driving while intoxicated (DWI)" and "driving under the influence "(DUI)." Crimes must be reported even if they are a suspended sentence.

**Question:** Can a person obtain a license as a nurse if they have a misdemeanor or felony crime on their record?

**Answer:** Each application is evaluated on a case-by-case basis. The Board of Nursing considers the nature, severity, and recency of offenses, rehabilitation and other factors. The Board cannot make a determination for approval or denial of licensure without evaluating the entire application and supporting documentation.

**Question:** Do I have to report charges if I completed a period of probation and the charges were dismissed or closed?

**Answer:** Yes. Offenses must be reported to the Board even if you received a suspended sentence and the record is now considered closed.

**Question:** What types of documentation do I need to submit in support of my application if I have a prior criminal record or license discipline?

**Answer:**

- Official court document(s) regarding each of your criminal offenses, showing the date(s) and circumstance(s) surrounding your arrest(s), sections of the law violated, and disposition of the case. This includes the complaint or indictment, the judgment, order of probation, docket sheet or other documents showing the disposition of your case(s). You may obtain these documents at the clerk of court where the offense(s) occurred.
- Copies of documents regarding disciplinary action taken against any healthcare license. The documents must come from the agency that took the disciplinary action.
- A detailed description in your own words of the circumstances surrounding your criminal record or disciplinary action. Include a description of the changes in your lifestyle since the time of the offense(s) which would enable you to avoid future incidents. List factors in your life, which you feel, may have contributed to your crime or disciplinary action and what you have learned.

**Note:** The burden of proof lies with the applicant to demonstrate evidence of positive lifestyle changes. Examples include, but are not limited to:

- Documented evidence of professional treatment and counseling you have completed. Provide a discharge summary, if available.
- Letters of professional recommendation on official letterhead from employers, nursing program administrators, nursing instructors, health professionals, professional counselors, support group sponsors, parole or probation officers, or other individuals in positions of authority.
- Proof of community service, education and self-improvement.
- Court-issued certificate(s) of expungement, proof of compliance with criminal probation or parole.

**Applicants with previous arrest(s) or disciplinary action on a license will not be authorized to practice nursing until all documentation is cleared by staff or reviewed by the Board.**