



Criminal Background Checks (CBCs) for Nurse Licensure: Frequently Asked Questions (FAQs)

Criminal background checks (CBCs) are a priority for all boards of nursing. All boards of nursing ask applicants to provide specific information about any past criminal history and this is evaluated prior to licensure. Many of the states without fingerprint-based CBCs have made numerous attempts at passing legislation. However, the bills to date have not successfully passed for a variety of reasons. States will continue efforts to obtain this authority.

Why do boards of nursing (BONs) conduct CBCs?

The profession of nursing requires a high degree of skill and responsibility. Often, nursing involves working with vulnerable individuals who rely on BONs to assure that health care providers are safe and competent. The level of trust that comes with the practice of nursing coupled with the ease of mobility between jurisdictions requires BONs to be vigilant in properly assessing the qualifications of nurses. One step in this process is the utilization of fingerprint-based state and federal CBCs for nurses upon application for initial, endorsement; reinstatement and renewal of licensure to assure individuals with criminal histories are screened for their ability to safely practice nursing.

What methods are used to obtain fingerprints?

Two methods of conducting fingerprints are available: ink and paper, and electronic scanning.

- The ink and paper method requires rolling the individual's fingers in ink and carefully printing them on fingerprint cards. Using ink and paper can be time consuming and labor intensive. Fingerprints are more often rejected when conducted using this method due to the increased potential for error.
- Electronic methods of fingerprinting include Livescan and Cardscan. Livescan devices capture fingerprint images directly from subjects' fingers, which are rolled onto glass scanning plates. Cardscan devices scan and digitize standard inked fingerprint cards and can transmit electronic images with related textual data to remote sites for printout or direct use. Electronic scanning, or Automated Fingerprint Identification Systems (AFIS), as referenced by the FBI, allows for fingerprint images to be scanned and transmitted directly to local law enforcement offices. The ability to send the image electronically allows for a faster and more accurate process.

What is the cost of a CBC?

Service costs range from \$30–\$75.

Who pays the cost of a CBC?

Jurisdictions can choose to place the cost of the service on

the applicant/licensee as a separate fee or add the cost to the licensing fee (if allowed).

Who collects the information for a CBC?

Currently, there are three ways that BONs handle information collecting for CBCs: in-house, through local law enforcement agencies or by utilizing approved private sector corporations.

- Jurisdictions that conduct fingerprinting at their BON have the proper equipment needed, trained staff and safe repository for all information pertaining to the CBC. BONs that conduct CBCs in-house have received positive feedback from their nursing constituents as it allows nurses to meet with BON staff and ensure that they are correctly following protocol.
- Some jurisdictions prefer to stay separate from the fingerprinting process to avoid the time and resources it could involve. In this case BONs refer nursing licensure applicants to a local law enforcement agency where information is collected and reported results are transmitted to the BON.
- Other jurisdictions contract with or accept CBCs from approved corporations dedicated to providing fingerprinting and identity services to public and private sector agencies and organizations. All equipment used by the corporations must be certified by the state police and the FBI for capture and electronic transmissions of fingerprints.

What types of CBCs are done?

CBCs can be conducted at state and federal levels. Each contains different results and information. State CBCs will inform the BON of any crime a prospective nurse has committed in a respective jurisdiction. Federal CBCs expand the search nationwide. By using both methods, a BON will be able to assess the criminal histories of new nurse graduates, currently licensed nurses who may have misreported in the past, nurses who are requesting reinstatement for licensure and nurses who are moving from one jurisdiction to another.

What is “rap back”?

A rap back system allows for state law enforcement to automatically notify the BON of subsequent arrests of licensees whose fingerprints have been retained in a criminal history repository (Bureau of Justice Statistics, 2009). Rap back eliminates the burden of requiring licensees to resubmit fingerprints upon renewal or reinstatement of licensure.

Does having a criminal history automatically prevent an individual from obtaining a license?

In making licensure decisions, the BON will undertake a case-by-case review of the nature of the criminal history, along with other relevant factors, such as the seriousness of the crime, the amount of time that has elapsed since the person’s last criminal activity and the relationship of the crime to the purposes for requiring a license to engage in the occupation, among others.



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