NCSBN – 001 - 2015

TITLE OF STANDARD

CRIMINAL BACKGROUND CHECKS FOR LICENSURE AS A NURSE

FORWARD

In November, 2013, the National Council of State Boards of Nursing (NCSBN) received the designation of American National Standards Institute (ANSI) Accredited Standards Developer Organization. In support of NCSBN's mission, this designation is for the purpose of developing and promoting increased recognition and voluntary adoption of standards of excellence in the regulation of nursing practice through nurse licensure and competency assessment throughout the U.S. and its territories.

This standard has been developed by the NCSBN Standards Development Committee with the intention that it will be submitted to ANSI for adoption as a national standard.

EXPLANATION OF NEED

The primary purpose of boards of nursing (BONs) is to protect the public. One way this is accomplished is by the enforcement of minimum standards for licensure.

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 the assessment of applicants in meeting the requirements for licensure. The practice of nursing deals with vulnerable populations and, as such, there may be a criminal history within the background of the applicant that could have a significant impact on the ability to safely care for and interact with patients/clients.

Currently, a majority of BONs require a state and federal fingerprint-based criminal background check (CBC). Some jurisdictions allow self-disclosure or state records search as the only requirement for determining the existence of a criminal history. A state records search does not take into account the ease of mobility within jurisdictions and review of the literature has determined that self-disclosure results

do not reveal the same extent of criminal history as a state and federal fingerprint-based CBC.

STATEMENT OF SCOPE

NCSBN proposes this standard which would require a biometrics-based state and federal criminal background check for all applicants consistent with Public Law 92-544.

IDENTIFICATION OF STAKEHOLDERS

The NCSBN Standards Development Committee (NSDC) has identified the following stakeholders related to this standard:

- Professional nursing associations or societies (professional associations)
- Hospital systems and major employers (employer, consumer)
- NCSBN Member Boards and associate members (user)
- Regulatory representatives (users/producers)
- Education and training programs and institutions (general interest)
- Members of the public (consumer)
- Licensed nurses (user)
- Legislators (producer)
- Law Enforcement (user)

NOMENCLATURE

Applicant – a person who applies for licensure by examination, reactivation, reinstatement, endorsement or renewal.

EXISTING STANDARDS

No existing standards have been identified.

DRAFT STANDARD (COPYRIGHT NCSBN)

Section 1.0 A board of nursing (BON) shall obtain the statutory authority to conduct criminal background checks (CBCs) by adoption of the language of section 2.0 of this standard.

Section 2.0 The BON shall require a state and federal CBC of an applicant by means of a fingerprint check or other biometric method which is in compliance with

the methodology acceptable to the appropriate state law enforcement agency and the Federal Bureau of Investigation (FBI).

Section 3.0 The BON shall include the CBCs as part of the application process in such a manner as is consistent with the FBI policy.

WRITTEN INTERPRETATION OF THE STANDARD

It is the purpose of this standard to assist each jurisdiction to pass legislation consistent with Public Law 92-544 to require a state and federal fingerprint-based CBC. The Standard is written to allow the use of new biometric technologies as they emerge.

It is anticipated that each jurisdiction would implement a review process for applicants with criminal convictions, determining which convictions may warrant disciplinary action or denial.

References
1. Surowiec, V. P. (2010), Does Past Criminal Behavior Predict Future Criminal Behavior? *Journal of Nursing Regulation. 1(3), 33-37.*
2. Blubaugh, M (2012) Using Electronic Fingerprinting for Criminal Background Checks. *Journal of Nursing Regulation. 2(4), 50-52.*
3. Smith, D., Corvers, S., Wilson, W. J., Douglas, D., & Bienemy, C. (2013) Prelicensure RN Students With and Without Criminal Histories: A Comparative Analysis. *Journal of Nursing Regulation. 4(1), 34-38.*
4. Texas Board of Nursing. (2007) Experiences with Nurses Who Have Criminal Histories. Unpublished presentation.