

CAPITOL FACTS & FIGURES

● ● ● HEALTH

Nurse Licensure Criminal Background Checks



The role of state boards of nursing is to protect the public and ensure that those who are licensed are qualified and safe to practice. These state boards license nearly 4.2 million nurses, including licensed practical/vocational nurses, registered nurses and advanced practice registered nurses. State boards of nursing have different requirements for disclosing criminal backgrounds

during their nurse licensure procedures. These include criminal background checks that may be conducted at the state or federal level, and may be based on name, Social Security number, fingerprints or by another state-specific method.

The National Council of State Boards of Nursing supports fingerprint-based criminal background checks as the most reliable method of determining whether applicants for nurse licensure have previous criminal convictions.¹

- Thirty-six states require fingerprint-based criminal background checks.
- Of the 14 states that do not require fingerprint-based criminal background checks, five require a state record search for information on past criminal history by name checks and state court records; nine states require self-disclosure of any criminal history.
- Minnesota is the latest state to require fingerprint-based criminal background checks; it passed the requirement in May 2013.
- In many states without fingerprint-based criminal background checks, legislation has been introduced but not yet passed.

Compared with other procedures to identify past criminal convictions, fingerprint-based criminal background checks provide the most thorough information about an applicant, including convictions across state lines.

- In 2008, the Kansas legislature passed a bill requiring fingerprint screening for all nursing applicants. Fingerprinting was implemented in 2009. Since implementation, Kansas has learned that 15 percent of the applicants had a criminal history. Of those with a criminal history, 29 percent of them failed to disclose this information on their initial application.²
- In Texas, a study looked at the number of nurses disciplined by the board before and after the mandated fin-

gerprint criminal background check. The study consisted of 1,508 nurses. Before the background checks, 330 nurses self-reported a criminal history. After the implementation of the fingerprint checks, within the same group, the board found 1,182 applicants with a criminal history. The difference demonstrates that criminal background checks are an effective method to uncover past crimes that were otherwise unreported. Twenty-eight percent of the crimes were felonies and 62 percent were misdemeanors.³

- Fingerprint-based criminal background checks connect a unique physical trait with an applicant. Without fingerprints, applicants could use an alias to hide past criminal activity.
- State-based record searches may not identify criminal convictions in the other states where the applicant has resided.

States that adopt fingerprint-based criminal background checks will need to prepare for implementation.

- In all states with fingerprint checks, the applicant bears the cost of the background check. The cost ranges from \$30 to \$75.⁴
- Fingerprint-based criminal background checks utilize the FBI's Integrated Automated Fingerprint Identification System. The FBI is able to crosscheck states to find criminal histories that a search of one state alone could miss.⁵
- Each state board of nursing decides how to process information returned by the FBI. In determining whether to issue a license to an applicant, the board will consider evidence-based criteria to assess whether the nurse poses a risk to the public.
- Not all applicants with a criminal history are denied licensure. Information from fingerprint-based criminal background checks provide each board of nursing information necessary to make the most informed decision.

The Council of State Governments adopted a resolution in December 2012 to support fingerprint-based criminal background checks for nurses applying for licensure. The CSG resolution recommends the policy to states because, "nurses work with the sick, disabled, elderly and other vulnerable populations, and it is in the interest of public safety to review nurse licensure applicants' past criminal behavior in determining whether they should be granted a license to practice nursing in a state or territory."⁶



Fingerprint-Based Criminal Background Checks for Nurse Licensure

State	Fingerprint-Based Criminal Background Checks		Comments
	Required	Not Required	
			Only for states not conducting fingerprint-based criminal background checks
Alabama		x	Self-Disclosure and State Records Search
Alaska	x		
Arizona	x		
Arkansas	x		
California	x		
Colorado		x	Self-Disclosure
Connecticut		x	Self-Disclosure
Delaware	x		
District of Columbia	x		
Florida	x		
Georgia	x		
Hawaii		x	Self-Disclosure
Idaho	x		
Illinois	x		
Indiana	x		
Iowa	x		
Kansas	x		
Kentucky	x		
Louisiana	x		
Maine		x	Self-Disclosure
Maryland	x		
Massachusetts		x	Self-Disclosure and State Records Search
Michigan	x		
Minnesota	x		* Legislation Passed in 2013
Mississippi	x		
Missouri	x		
Montana		x	Self-Disclosure
Nebraska		x	Self-Disclosure and State Records Search
Nevada	x		
New Hampshire	x		
New Jersey	x		
New Mexico	x		
New York		x	Self-Disclosure
North Carolina	x		
North Dakota	x		
Ohio	x		
Oklahoma	x		
Oregon	x		
Pennsylvania		x	Self-Disclosure and State Records Search
Rhode Island	x		
South Carolina	x		
South Dakota	x		
Tennessee	x		
Texas	x		
Utah	x		
Vermont		x	Self-Disclosure
Virginia		x	Self-Disclosure
Washington		x	Self-Disclosure and State Records Search
West Virginia	x		
Wisconsin		x	Self-Disclosure
Wyoming	x		

REFERENCES

- ¹Information based on correspondence from the National Council of State Boards of Nursing to The Council of State Governments, May 2013.
- ²Blubaugh, MSN, RN, Mary. (2012). "Using Electronic Fingerprinting for Criminal Background Checks." *Journal of Nursing Regulation*, Volume 2 (Issue 4), 50-52.
- ³Texas Board of Nursing. "Study Conducted on Effectiveness of Nurse Criminal Background Checks." See: <http://www.tbn.org/disciplinaryaction/study-1bc.html>
- ⁴National Council of State Boards of Nursing. "Criminal Background Checks for Nurse Licensure. Frequently Asked Questions." See: <http://www.ncsn.org/2012/NationalConference/documents/Resolution%20Supporting%20Criminal%20Background%20Checks%20for%20Nurses%20Applying%20for%20State%20Licensure.pdf>

Table Source:

Information based on correspondence from The National Council of State Boards of Nursing to the Council of State Governments, May 2013.