

REGARDING PRIOR CRIMINAL HISTORY AND DISCIPLINARY ACTIONS

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

Q: What crimes or license discipline must be reported on the application?

A: 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 imposition of sentence. All prior or current disciplinary action against another professional license must be reported, whether it occurred in Florida or in another state or territory.

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

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

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

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

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

- Certified official court document(s) relative to your criminal record, showing the date(s) and circumstance(s) surrounding your arrest(s)/conviction(s), sections of the law violated, and disposition of the case. This would normally consist of the Complaint or Indictment, the Judgment, Docket Sheet or other documents showing disposition of your case. This can also be referred to as the Order of Probation. The court clerk must certify these court documents.
- Certified copy of the documents relative to any disciplinary action taken against any license. The documents must come from the agency that took the disciplinary action and must be certified by that agency.
- A detailed description of the circumstances surrounding your criminal record or disciplinary action and a thorough description of the rehabilitative changes in your lifestyle since the time of the offence or disciplinary action which would enable you to avoid future occurrences. It would be helpful to include factors in your life, which you feel, may have contributed to your crime or disciplinary action, what you have learned about yourself since that time, and the changes you have made that support your rehabilitation.

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

- If applicable to your crime or discipline, documented evidence of professional treatment and counseling you may have completed. Please provide a discharge summary, if available.
- Letters of reference on official letterhead from employers, nursing program administrator, nursing instructors, health professionals, professional counselors, support group sponsors, parole or probation officers, or other individuals in positions of authority who are knowledgeable about your rehabilitation efforts.
- Proof of community work, education, and/or self-improvement efforts.
- Court-issued certificate of rehabilitation or evidence of expungement, proof of compliance with criminal probation or parole, and orders of the court.

Q: How can I help facilitate how quickly my application is reviewed?

A: The Board of Nursing strongly encourages all individuals with a criminal or discipline history to be fully prepared with information regarding their background and to start the application process early.

Applications with previous arrest or disciplinary action on a license will not be authorized to practice nursing until all documentation is cleared by Board staff or reviewed by the Board. The temporary permit may be revoked pending results of the national background screening.

For additional information go to <http://www.doh.state.fl.us/mqa/nursing>