

### **Will KBN verify my criminal history?**

Yes. KBN requires a criminal history search on licensure applicants which may include an FBI fingerprinting analysis. The record search is NOT the official court record. Discrepancies related to criminal convictions or failure to report a criminal conviction will delay the processing of the application.

### **How will my conviction be reviewed?**

There are three methods of criminal conviction review: 1) Staff Member Review; 2) Board Member Review; and 3) Credentials Review Panel. For criminal convictions that meet the criteria for the staff or Board review process, a Board member or KBN staff person will review the application and other information concerning your criminal conviction history. The Board member or staff person will consider the nature of the crime, the circumstances and length of time since the conviction occurred, and whether the conviction would have a bearing on your ability to practice nursing. A determination will be made to approve your application, request additional information, request a personal interview with you, or refer the matter to the Credentials Review Panel.

The Credentials Review Panel is a panel of three Board members that meet monthly. The panel reviews the submitted information and makes a determination to approve the application, request additional information, recommend terms for licensure, or recommend that a hearing be held.

It may take up to three or more months to review your information depending upon various factors, including the completeness of the information you submit regarding the conviction. You may be contacted by mail if additional information is needed.

### **When will I be able to sit for the licensure examination?**

You will not be eligible to take the National Council Licensure Examination (NCLEX) until KBN has made a final determination about your conviction. All other requirements for entrance to the examination must also be met prior to testing.

### **When will I receive a temporary work permit?**

If you are applying for licensure by endorsement, you will not be issued a temporary work permit until KBN has made a final determination and all other requirements for the temporary work permit have been met. Temporary work permits are no longer issued for applicants for licensure by examination.

### **What if KBN previously reviewed my conviction?**

You should attach a letter of explanation to the application to alert KBN staff about previous KBN review, and to affirm that you have no additional criminal convictions to report.

**For additional information, call the KBN office at 1-800-305-2042 or 502-429-3300, Ext. 238 or 243, or visit the KBN website at <http://kbn.ky.gov>**

## **MANDATORY REPORTING OF CRIMINAL CONVICTIONS**



State law requires that licensed individuals report criminal convictions to the Kentucky Board of Nursing within thirty (30) days of the conviction, KRS 314.109. Kentucky Board of Nursing Administrative Regulation 201 KAR 20:370, application for licensure and registration, also require applicants to report criminal convictions and states what must be submitted when reported.

This brochure addresses the most commonly asked questions by individuals with criminal convictions. For additional information, contact the Board office or visit our website.

**KENTUCKY BOARD OF NURSING  
312 Whittington Pky, Suite 300  
Louisville, KY 40222-5172**

**1-800-305-2042 or 502-429-3300, Ext. 238 or 243  
<http://kbn.ky.gov>**

## **What criminal convictions must I report to KBN?**

The *Kentucky Nursing Laws* require that **ALL** misdemeanor and felony convictions occurring in Kentucky or any other state, regardless of when they occurred, must be reported to the Kentucky Board of Nursing (KBN). Federal and military convictions must also be reported. Effective July 14, 2000, any person licensed by KBN shall, within thirty (30) days of entry of the final judgement, notify KBN in writing of any misdemeanor or felony criminal conviction in this or any other jurisdiction. Upon learning of any failure to notify KBN under this section, KBN may initiate an action for immediate temporary suspension under KRS 314.089 until the person submits the required notification.

## **How do I know whether I've been convicted of a crime?**

You have been convicted if you have pled guilty to, entered an *Alford* plea or *Nolo Contendre* plea, or were found guilty of a criminal offense in any court. You should contact the court to determine whether the conviction was a violation, misdemeanor or felony offense.

## **Will my conviction make me ineligible for a nursing license?**

Not necessarily. The statute states that KBN may take action on criminal convictions that bear directly on an individuals' qualifications or ability to practice nursing. The regulation clarifies that the type of convictions referred to are those that involve dishonesty, substance abuse, sexual offenses, breach of trust, danger to the public safety, or physical harm or endangerment.

## **Can I be denied licensure?**

Yes, KBN can deny a license for criminal conviction(s), or action taken against your license in another state.

## **What if I am denied licensure, what can I do?**

You may request a formal hearing before a KBN panel. Your request must be in writing.

## **What happens if I request a hearing?**

You will be notified of the date, time, and location of the scheduled meeting of a Hearing Panel. You may bring legal counsel.

## **What will the Hearing Panel do?**

The Hearing Panel will consider your request for licensure. After hearing the evidence presented, the panel will make a recommendation to KBN regarding the approval or denial of your application for licensure.

## **Will a denial of licensure be on my permanent nursing record?**

Yes. Denial of licensure is a formal disciplinary action taken by KBN. The denial will be published in the Board's newsletter, the *KBN Connection*, and reported to the National Council of State Boards of Nursing's Disciplinary Data Bank.

## **I need to report my conviction(s) to KBN. What documents do I send to the KBN office?**

You must submit a certified copy of the court record of each misdemeanor or felony conviction in this or any other jurisdiction and a letter of explanation that addresses each conviction, except for traffic-related misdemeanors (other than alcohol-related) or misdemeanors older than five (5) years.

## **When do I send the information to KBN?**

The letter of explanation and certified copy of the court record must accompany your application for licensure. Your application fee is nonrefundable even if your application is denied. You may wish to consider delaying your NCLEX registration with the test service until you know the outcome of the KBN criminal conviction review process.

## **What is the letter of explanation?**

A letter of explanation is a personally written summary of the events that led to your conviction. It gives you the opportunity to tell what happened, and to explain the circumstances that led to your conviction.

## **Where do I get the certified copy of the court record?**

You should contact the court clerk in the county where the conviction occurred to obtain a certified copy of the court record (the court clerk must *certify* the copy for you). The court record should verify the conviction, date of the conviction, and the judgment entered against you.

## **What if the court can't find a record of my conviction?**

If a court record has been "purged" by the court due to a record retention schedule, you may submit a statement from the court to affirm that the physical record no longer exists. This statement will be accepted in lieu of the court record. In addition, some police departments will provide a record of the arrest and disposition.

## **What additional information may be requested from me?**

The most frequently requested information is proof of compliance with a court ordered alcohol education/treatment program or of successful completion of a court ordered probation. KBN may also request that a letter of recommendation be sent.

## **What is a letter of recommendation?**

A letter of recommendation is a letter mailed directly to KBN from a faculty member of a nursing program or a nursing employer to tell why you should be considered for licensure.

## **What if my charge was dismissed?**

You are not required to report charges that have been dismissed by the court.

## **Do I report convictions when I was a juvenile?**

Juvenile convictions that occurred when you were under the age of 18 do not need to be reported unless you were convicted as an adult.

## **Do I report the conviction if it has been expunged?**

You do not need to report convictions that have been removed from your record as a result of a formal court ordered expungement. You must check with the court to make sure it was actually expunged before answering "NO" to the conviction question on your application.

## **Do I report a conviction that has been appealed?**

You should report the conviction to KBN and let KBN know that the case has been appealed.