

Frequently Asked Questions
Criminal History Records Checks (“CHRC”)
(commonly known as criminal background checks)

Read carefully to assist in timely processing of your application.

1. Who is required to get a criminal history records check?

As of October 1, 2006, [House Bill 1318](#) and [Senate Bill 769](#) were passed requiring criminal history records checks. All RNs, LPNs, and CNA applicants seeking initial licensure or certification, by examination, endorsement or reinstatement, are required to obtain a CHRC.

In addition, a selected population of renewing RN, LPN and CNA will be required to complete a CHRC to renew an existing license or certification.

2. Do I have to use the fingerprint card and the state system as instructed?

Yes. The fingerprint form or card that you receive from the Maryland Board of Nursing (the “Board”) will have the required routing information. Otherwise, the Board will not receive the background check. Electronic fingerprint scans done in another state will not come to Maryland.

If in the State of Maryland, click here:

<http://mbon.maryland.gov/Pages/chrc-initial.aspx>

If outside the State of Maryland:

First time exam applicants, please contact the Examination Staff at (mdbon.nbexam@maryland.gov) include your name and complete postal address for a fingerprint card to be sent directly to you

License by Endorsement applicants, please contact the Endorsement Staff at (mdbon.nets@maryland.gov) include your name and complete postal address for a fingerprint card to be sent directly to you

3. How long will it take for my fingerprints to be processed?

Results are typically processed within 3-4 business days when electronically completed in Maryland. If you choose to have your fingerprints done manually in a different state, if the fingerprints are not clear, or the form is not filled in according to the instructions, the results will be delayed. You must use fingerprint cards to have printing completed outside the State of Maryland. You do not need to live in Maryland to get your fingerprints scanned in Maryland.

- **NOTE:** Results are ultimately dependent upon processing times of the Maryland State Police, CJIS Central Repository, and the Federal Bureau of Investigations (FBI). **The staff at the Maryland Board of Nursing cannot verify receipt of results or release results, contact CJIS Central Repository (410) 764-4501 to verify that your results have been sent to the Maryland Board of Nursing (MBON). Carefully follow the attached instructions at** <http://mbon.maryland.gov/Documents/chrc-nurse-initial-electronic.pdf>

4. Will I be able to take the NCLEX or my nursing certification test before obtaining the CHRC? Can I get a temporary license or certificate?

You will not receive permission/authorization to sit for a licensure exam (NCLEX) or receive a temporary license/certificate unless you submit verification of having started the CHRC process with your application.

If the verification is not received with the application, you must wait until the Board receives, reviews, and approves both criminal history records reports. (For on-line applications, this is accomplished by inputting the tracking number on your receipt or the number underneath the bar code on the Maryland state fingerprint card into the on-line application).

No permanent license or certificate will be issued until the full background check has been received and reviewed.

5. What happens to the background check after the Board receives it?

An initial review is completed within 7 business days of receipt of both the state and federal results. Criminal offenses may impact the Board's decision to grant license or certification to any applicant. Each applicant is considered on a case by case basis. For more detailed information, please see MD Code, Health Occupations, § 8-308(c)(1) at [https://govt.westlaw.com/mdc/Document/N05098160935011DF8F36E49109251D00?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/mdc/Document/N05098160935011DF8F36E49109251D00?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default))

6. I have a criminal history, what happens next?

Your application is considered “non-routine” which means the background check indicates arrests and/or convictions, or criminal history has been disclosed on the application. You will need to obtain your background results from CJIS Central Repository and submit the necessary supporting documentation to complete your application.

The burden is on the applicant to provide any documentation that would prove or disprove a criminal conviction, include true test copies of court documents, proof of completed court ordered requirements, letters of explanation for each conviction, and if appropriate, provide any mitigating and aggravating evidence regarding the criminal conviction. **Your application is considered incomplete with submission of these documents and will not be processed.** BOARD STAFF CANNOT HELP YOU WITH THIS PROCESS. The Board will review the application for licensure or certification and the background results after you submit the requested documents. Therefore, if you do not submit information as requested on the application, the approval process will be delayed.

After that, a Background Review Specialist will put your case together to be presented to the Board.

7. What do I need to submit if I check “yes” to any of the discipline questions on my application (what does the application state to send in)?

You must send documents from the local, state or federal court for each guilty conviction or guilty plea that ends with Probation before Judgment (PBJ). PBJs are referred to differently in different states, but they all mean that final disposition of the case has been deferred until certain conditions have been met.

These documents **MUST** be **true test or court-certified copies** (the Court Clerk stamps the papers as authentic) of statements of charges, police reports with the facts of the case, pleas and dispositions and documentation showing completion of court-ordered requirements (probation reports, certificates of attendance, receipts of money/fines paid).

The Court Clerk will understand what you mean when you request this type of record. If the court no longer has the record(s), you must obtain and submit a letter from that court stating that record(s) are no longer available. (No other documentation, judiciary case searches or printouts will be accepted.)

You must specifically address each arrest, charge and/or conviction in a written explanation. Include dates, specific circumstances surrounding incident(s), and what you have learned and how you have changed from the experience. If the violation involved controlled dangerous substances (CDS) or was related to alcohol, you must provide records of any court-ordered or voluntary assessments or treatment that you had. Your explanation is part of the legal document of your application and must be typed (or is legibly printed), dated, and signed. Any personal statement that you submit that illegible or unsigned or undated will be returned to you. Your application is INCOMPLETE and WILL NOT BE PROCESSED until you provide all the required documents.

NOTE: If you have not submitted documentation and completed your application within 1 (one) year, your application and background check will be destroyed and you will need to restart the application process and meet minimum qualifications for reconsideration.

The Nurse Practice Act, Health Occupations, §8-308(c)(1) for nurses or §8-6A-07(i)(1) for nursing assistants requires the Board to consider aggravating and mitigating factors (as follows below) to determine if an applicant is safe to be licensed/certified. If you do not submit documents providing these details, the Board may not have enough information to approve your application. It is in your best interest to provide detailed responses to each of the factors below:

- The age at which the crime was committed;
- The circumstances surrounding the crime;
- The length of time that has passed since the crime;
- Subsequent work history;
- Employment and character references; and
- Other evidence that demonstrates whether you pose a threat to the public health and/or safety.

This is an example of an inadequate explanation:

“I was arrested, went to court, was convicted, did my time and it’s over.”

This is an example of a good explanation:

“Five years ago, when I was 22, I was shopping with friends at Woolworths. I had just broken up with my boyfriend and was feeling miserable, so when they challenged me to take several items of cosmetic jewelry without paying for them, I did it. I was caught as I left the store and arrested for the shoplifting. I plead guilty and was given a supervised PBJ with 40 hours of community service and restitution of \$40. The court order said that if I completed the 40 hours of community service, my probation would become unsupervised. I completed the community service and have had no problems with the law since. I really learned my lesson and have been steadily employed in the food service industry for four years. Included with this explanation are two personal references, one work reference, the certificate of my completion of community service, certified court documents, and a receipt for payment of restitution.” Signature/date

Submit complete Board Orders and Reinstatement orders if you have been disciplined in another state or in the State of Maryland by another health occupations board. This includes all out- of state **nursing licenses or certificate as a nursing assistant, medication technician, or any professional license or certificate**. This does not refer to your motor vehicle driver’s license.

We understand that it may take time for you to gather all of the necessary documents. **Your application will not be reviewed or taken to the Board until ALL the required information is received. Due to the non-routine status of your application,** there is no timeline for when you will receive your license or certificate. This may take a long time as the Board receives 10,000 initial and renewal applications EVERY MONTH. Board Staff will not estimate a timeline for you; therefore, do not contact Board offices requesting the status of application. Those applications with full submission of required documents are reviewed and processed first. If you have not received your license or certificate number and your status remains pending, ensure all required documents have been submitted and be certain your most current mailing address is on file at Board offices. Status updates, request for additional information and Board decisions are mailed to the applicant’s last known address.

No information or updates will be shared by phone.

8. What if I disagree with the background results, can I challenge them?

You have the right to challenge the results. Result may be challenged through CJIS Central Repository. Please contact CJIS for additional information.

9. Who will have access to my criminal history records report?

Only designated Board staff has access to the results and submitted through a secure site. The results are maintained under highly confidential standards. The criminal history records are not available to the public, will not be disclosed, and required to be securely destroyed as soon as they are no longer needed for application. *Additionally, Board staff is not permitted to discuss the background check with you. This is seen as dissemination, which is prohibited by state and federal law.*

10. Will a conviction automatically prevent me from being licensed?

No. The Board reviews each positive criminal history on a case-by-case basis. The law requires the Board to consider these factors when deciding on approving licensure or certification:

- The age at which the crime was committed;
- The circumstances surrounding the crime;
- The length of time that has passed since the crime;
- Subsequent work history;
- Employment and character references; and
- Other evidence that demonstrates whether you pose a threat to the public health or safety.

The more information and explanatory details you can provide to the Board about those factors, the more likely it is that they will have an accurate picture of who you are and be able to determine if licensing or certifying you will not risk public safety. **IT IS UP TO YOU TO PROVIDE THE FACTS AND EXPLANATIONS THAT WILL ASSURE AN ACCURATE ASSESSMENT OF YOUR ABILITY TO SAFELY CARE FOR THE PUBLIC.**

11. I had a CHRC for the Board of Nursing of another state a few years ago. Do I need to get another one?

Yes, you will need to be fingerprinted for your application to be processed. Any fingerprints you had collected in the past are not retrievable or transferable from other states or agencies.

12. I am not moving to Maryland, but will practice in Maryland on my compact license. Will I need a Maryland criminal history records check?

No, if you are not required to submit an application for licensure.

13. Will my application be processed without the criminal history record check?

No.

14. Where do I get the ORI or authorization number?

That information is preprinted on the electronic fingerprint paper on the Board's website or on the fingerprint card that will be sent to you by the Board upon your request.

15. How will I know that my fingerprints are processed?

Within 7 business days from getting your fingerprints done, you will receive a letter from the Department of Public Safety and Correctional Services. This letter will give you the results of your state background check and inform you that a national background check has been initiated. This is not your complete background check, but shows that your prints were transmitted and the background check should be completed shortly. If you have questions about completion, please contact CJIS at the number indicated on the top of your letter.

16. What if my fingerprints are rejected?

You must repeat your fingerprints as instructed in the "rejection letter". If your fingerprints are rejected a second time, please notify the Board as instructed to be sure that we have received notification of two rejections. As soon as the second rejection number is obtained by us, a name and date of birth check will be initiated to complete your background check. When the results are received, your background check will be entered into the board's licensing system and your application will continue to be processed. It may be possible to extend your temporary license/certificate. If you are applying for a permanent license and you need to start to practice, you may need to apply for a temporary license which is granted on application and fee, an active license in another state, and evidence that you have had your fingerprints done for your background check.

When leaving a message state your name, social security number or license number, and the numbers at the end of the first paragraph of each letter that begin with "E", for example E20162220000001234. This process can take weeks; calling for frequent status reports will not help. When the results are received, your background check will be entered into the board's licensing system and your application will continue to be processed.

17. I had my prints and background check done for another purpose; can I use those results or get the results from the Board for my job?

No. State and federal law prohibit use of background check information for a purpose other than the purpose requested. Each license type requires a background check. You will also need a new background check if you go from CNA to RN or LPN (or the reverse).