

# Frequently-Asked Questions

## Criminal History Records Checks (“CHRCs”) (Commonly known as background checks)

*Read carefully to assist in smooth processing of your application.*

### **1. Why must I get a criminal history records check?**

The Maryland State Legislature mandated criminal history records checks as of October 1, 2006. Federal law will also require background checks for healthcare workers in the near future.

### **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.

### **3. How fast are the results?**

The quickest results are obtained if you do electronic fingerprinting 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 take longer. You must use fingerprint cards if you do not get your fingers printed in Maryland. You do not need to live in Maryland to get your fingerprints scanned in Maryland.

### **4. Will I be able to take the NCLEX or my nursing certification test before obtaining the CHRC?**

You will be allowed to take the NCLEX or nursing certification test if you submit the receipt that shows the Board that you have initiated the CHRC. (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 license or certificate will be issued until the full background check has been received and reviewed.

### **5. Can I get a temporary license or 90- day temporary practice certificate if the background check is not completed?**

Yes. You must provide evidence that you had your fingerprints taken for the required background check and are awaiting the results. A temporary license is not available for candidates for licensure by exam.

## **6. What happens to the background check after the Board receives it?**

The Board has processes in place to do an initial review within 5 business days of receipt of both reports. If the background check indicates arrests and/or convictions, and you have not provided information with your application, you will be asked for additional information. The Board will review the report after you submit the requested information. Therefore, if you submit information as requested on the application, the process will move quicker. If you delay in submitting the information, the delay will be longer.

## **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 conviction or Probation Before Judgment (PBJ). PBJs are referred to differently in different states, but all mean that final disposition of the case has been delayed 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, pleas and dispositions and documentation showing completion of terms of sentence (probation reports, certificates of attendance, receipts of money 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 records are no longer available. (No other documentation or judiciary searches 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 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.

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 following factors:

- 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.

**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 your **nursing license or certificate as a nursing assistant** was previously disciplined in another state. This does not refer to your driver’s license!

**Your application will not be reviewed or taken to the Board (if necessary) until ALL the required information is received. Please do not call the board to check on the timeline or Board decision UNLESS YOU HAVE ALREADY PROVIDED ALL OF THESE DOCUMENTS.** There is no timeline for when you will receive your license or certificate if you have a positive background. We understand that it may take time for you to gather all of the necessary documents. After that, a Background Review Specialist will put your case together to be presented to the Board. This may take a long time as the Board receives 10,000 initial and renewal applications EVERY MONTH. You can speed the process along by submitting all of your required documents exactly as instructed. Repeatedly calling the board’s offices to check on your application only delays the process.

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

Only designated staff at the Board will have access to the report and all employees are held to high confidentiality standards. The criminal history records are not

available to the public, will not be disclosed, and will be securely destroyed as soon as they are no longer needed.

**9. 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 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.**

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

Yes.

**11. 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.

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

No.

**13. 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.

**14. How will I know that my fingerprints are processed?**

A week or so after getting your fingerprints done, you should get 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 the letter.

**15. 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 E2016222000001234. 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.

**16. 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. You will also need a new background check if you go from CNA to RN or LPN (or the reverse).