

# ARKANSAS STATE BOARD OF NURSING

1123 S. University Ave., Suite 800  
Little Rock, AR 72204  
501.686.2700



## Arkansas Department of Health

Division of Healthcare Related  
Boards & Commissions

Dear Licensure Applicant,

Thank you for submitting your Arkansas State Board of Nursing (ASBN) Application for Licensure. The information contained in this material is for you to use if you have ever been convicted of a misdemeanor or felony, pled guilty or nolo contendere to any charge in any state or jurisdiction. This material is designed to provide you with information and identify documentation that you must submit to ASBN as part of your application process.

The ASBN requires all applicants for nursing licensure to answer specific eligibility questions as identified on the application. In addition, all applicants must submit their fingerprints for a state and federal criminal background check.

If you have responded "yes" to respective screening question(s) and/ or have a positive result on either of the criminal background check(s), you are required to submit documentation to the ASBN. If you answer "yes" to respective eligibility question(s) and/ or have a positive result on either of the criminal background check(s) and do not provide the required documents, your application will not be considered by the ASBN until you provide the required documents.

You are required to report all misdemeanor and felony convictions that occurred in Arkansas or any other state or jurisdiction, regardless of when they occurred, even if adjudication is withheld. DWI/DUIs and similar offenses must be reported. An offense(s) must be reported even if a suspended imposition of sentence occurred, or is a juvenile, sealed or expunged offense.

Applications are reviewed and investigative cases are opened in the order that they are received. Please read the information carefully and provide all required documentation. Additional documentation may be required on a case-by-case basis. Failure to submit a complete application, correct application fee(s), and required documents will delay review of your licensure application. An investigative case will not be complete for final review and action until you have provided all required documentation.

The ASBN is unable to provide a specific timeframe regarding processing of your application. Review is on a case-by-case basis and may take longer depending on the nature of your offense(s), the rate at which you submit required documentation and the volume of applications received by ASBN.

A formal Board hearing may be required depending on the nature of your offense(s); identified in the ASBN *Nurse Practice Act* in Arkansas Code, Act 1208 of 1999 Legislative Session- ACA 17-87-312. Specific offenses are ACA 17-3-102.

Sincerely,

Arkansas State Board of Nursing Staff

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## CRIMINAL BACKGROUND CHECK

### INFORMATION

#### GENERAL INFORMATION

A complete application and correct amount of required fee(s) must be submitted to the ASBN office before your application will be processed and an investigative case will be opened. Instructions for completing the Examination or Endorsement Application are located on the website and within application.

You should be forthcoming and honest when answering the ASBN Examination or Endorsement Application eligibility questions. The criminal background check conducted by ASBN is very thorough and offenses may appear on the report that may not have appeared in previous reports that you have had conducted.

You are encouraged to review the ASBN *Nurse Practice Act and Rules* located at [www.arsbn.org](http://www.arsbn.org). According to the ASBN *Nurse Practice Act* (Sub Chapter Section 3- 17-87-312), no person who shall be eligible to receive or hold a license issued by the board if that person has pleaded guilty, nolo contendere, or been found guilty of any of the offenses (as identified in Arkansas Code Annotated § 17-3-102).

ACA § 17-87-312 provides the applicant an opportunity to request a waiver of eligibility criteria related to a criminal background in certain circumstances depending on the offense(s). You should review the ASBN *Nurse Practice Act* (Sub Chapter section 3- 17-87-312.)

For examination applicants, a temporary permit will not be issued and permission to take (Authorization to Test) the National Council Licensure Examination® (NCLEX®) will not be extended until completion of the investigation and eligibility has been determined.

For additional information you may refer to the *Criminal Background Frequently Asked Questions* located at [www.arsbn.org](http://www.arsbn.org). Click on the *Criminal Background Check* box.

#### DOCUMENTATION

You are required to submit documentation to the ASBN if you respond "yes" to respective eligibility question(s), if notified that you have a positive criminal background check report(s) or as directed by the ASBN. The required documentation shall be uploaded through your nurse portal account.

Behavioral evaluation reports, if required by ABSN, must be submitted directly to the ASBN, Attention Education Department, from the respective agency.

##### 1. Personal Documentation

You must upload a personal letter of explanation to the ASBN. The brief, but direct, self-explanatory letter should identify the timeline of offense(s) and describe each offense in your own words. You should discuss specific information in the letter including but not limited to the circumstances related to the offense(s), behavior(s) that led to offense(s), and your conduct since. If applicable, you should discuss any rehabilitative efforts since the offense(s). The letter needs to be legible and may be handwritten or typed. Please sign and date the letter and submit it as identified herein.

##### 2. Court Documentation

You will need to contact the court in the county where each of your offense(s) occurred and request them to submit a certified copy of each of your offenses. You will need to request a certified copy of documentation for all offenses that reflects: —**Charge(s)/conviction(s)**; —**Disposition of charge(s)** (order, judgment, fine(s), community service, probation, sentence, or deferred orders); and —**Evidence that the conditions of the court/restitution have been met** (i.e., all fines paid in full, parole/probation terms complete etc.)

## CRIMINAL BACKGROUND CHECK INFORMATION

### PAGE TWO

#### Important notes:

- If any of your offenses are identified as a bar for licensure, the statute number of the offense must be included on the respective court document or submitted to ASBN from the court. You may need to specifically request that the statute number is reflected on your court documentation.
- The name(s) on your documents should match the name(s) on your application. If the name(s) on your court document(s) are different from the name(s) that you have listed on the ASBN Application, you will be required to provide documentation that validates the name(s) on the court document(s). Such documentation used to validate your name(s) would include a copy of a marriage license, divorce decree or other court ordered documentation officially reflecting your name change.
- If a case number(s) on your court documentation does not reflect the actual name of the respective offense(s), you will be required to obtain documentation that will reflect the association of the case number to the offense.
- If your offense(s) have been officially sealed or expunged, you must submit the order to seal documentation or order of expungement documentation to ASBN for review. You must mark “yes” on the ASBN application screening question regarding a prior conviction.
- If your offense(s) occurred as a juvenile, you should contact the juvenile division of the court in the county where the offense(s) occurred to obtain a letter regarding the status of your offense(s).
- If court records have been purged or destroyed, you will need to request that the court provide you a letter that reflects that a records search was conducted for identified timeframe and the outcome.
- All criminal convictions, deferred orders, dismissed orders, suspended imposition of sentence orders, and/or adjudication orders must be reported to the board, including those from another state or jurisdiction.

#### 3. Rehabilitative Documentation

You must upload documentation to the ASBN if you have responded “yes” to either of the application screening questions regarding current drug related behavior or participation in a chemical or alcohol dependency treatment/rehabilitation program.

Documentation that needs to be uploaded should include information such as:

- Verification of treatment for substance abuse
- Admission summary
- Verification of compliance with aftercare recommendations
- Evidence of continuing sobriety, support group, etc.
- Rehabilitative program completion
- Discharge summary
- Recommendations

#### Important notes:

The ASBN may require that you have an addictive behavioral evaluation completed based on the nature of your response(s) and /or the nature of your offense(s). If the ASBN requires an addictive behavioral evaluation, you will be notified of the requirement. You will be provided with a list of evaluators that provide these services. Be aware that the evaluation must be completed by a person who specializes in addiction and credentialed appropriately as approved by the Board. The evaluation must consist of an in-depth psychological/addiction evaluation sent directly to the Board. The evaluation must note that the evaluator has read the letter that the ASBN will send to you. The Board will not accept evaluations that are done by social workers.

#### 4. Board Documentation

You must provide documentation to the ASBN if you have responded “yes” to the application eligibility question regarding discipline or voluntarily surrender of your license, certificate, or privilege to practice in any state or jurisdiction or if it is determined that you have had discipline in another state or jurisdiction. This includes any license or certificate (CNA, pharmacy, massage, etc.).

You need to upload documentation to your nurse portal account.

Documentation that needs to be submitted should include:

- Copy of Facts and Finding from the respective Board of Nursing
- Evidence of completion of respective Board of Nursing’s stipulations
- Evidence of reinstatement of license