

To Prospective Nursing Applicants:

Individuals who are considering entering the nursing profession and who may have a criminal history often ask about potential barriers to licensure following successful completion of an approved nursing program.

The West Virginia Board of Registered Nurses (Board) makes decisions about licensure based upon several questions on the application, results of the criminal background check and on an individual basis. The application (or the background screening) that indicates a criminal history is considered a non-routine application and must be reviewed by the Board staff and possibly referred to the Board's Disciplinary Review Committee. Each application is reviewed on its own merits. The Board of Nursing has created guidelines for specific offenses to be approved in the Board office.

However, West Virginia Code §30-1-24 "Use of Criminal Records as Disqualification from Authorization to Practice" states the following:

(4) An individual with a criminal record who has not previously applied for licensure may petition the appropriate board at any time for a determination of whether the individual's criminal record will disqualify the individual from obtaining a license. This petition shall include sufficient details about the individual's criminal record to enable the board to identify the jurisdiction where the conviction occurred, the date of the conviction, and the specific nature of the conviction. The Board shall provide the determination within 60 days of receiving the petition from the applicant. The board may charge a fee to recoup its costs for each petition. You will need to request a paper application and complete the form and include any court documents and narrative to questions on the application as needed. The information provided will be evaluated to determine if your criminal record, available at this time, will disqualify you from licensure as a Registered Nurse upon graduation from a board-approved nursing education program.

Felony convictions, violent crimes, other more serious misdemeanors, and repeat offenders are required to go before the Disciplinary Review Committee. Simple misdemeanors, such as some traffic violations, loitering and disturbing the peace can be approved by the disciplinary section of the Board. Any evidence of rehabilitation is important to the Board members when making a licensure decision.

Board applications require the applicant to provide the Board with an original certified copy of all court documents relative to a conviction. This means the applicant must go to the county or other appropriate authority where the conviction occurred and have the clerk of the court certify with a raised seal that the documents are a complete copy of the record. Applicants cannot pick and choose what documents are provided to the Board. A complete copy of the criminal record must be provided. The Board's applications require the applicant to provide a letter of explanation as to the events surrounding the conviction. This means the applicant must write in his/her own words what happened to cause the conviction.

Board applications also require an applicant who has substance use and/or mental health disorder to provide to the Board a copy of all treatment records. The applicant must sign a release with the treatment provider and have the documents sent directly from the provider to the Board office. A letter of explanation from the applicant must also be provided with this information. This letter should

explain the applicant's history of use/abuse of drugs and/or alcohol and treatment for the condition(s) as well as any maintenance medications prescribed. Also, information as to the progress since treatment was completed.

The Board may issue a license under probationary conditions, which could include, direct supervision, random drug screens, employer reporting, counselor reporting and other necessary monitoring requirements. Further, the Board may deny licensure until certain requirements are met. The law allows the Board to require applicants to submit to a physical or psychological examination and to have the results of the examination provided directly to the Board. Refusal to submit to an examination when required will result in the application being denied.

Applicants who qualify may be referred to the Board's Alternative to Discipline Program. Alternative-to-discipline programs can help nurse licensees receive needed treatment and maintain an unencumbered professional nursing license. WV Restore is the WV Registered Nurses Board's Alternative to Discipline Program. Its goal is to protect the public by providing a monitoring and recovery program for registered professional nurses with a substance use disorder or a qualifying mental health condition. WV Restore offers services in many different fashions including but not limited to case management and monitoring, nurse health coaching, peer support and outreach education.

As stated above, the license application requires disclosure of any criminal history and the disposition of all cases prior to Board review. The Board can also aid its nurses through Nurse Health Coaching. The West Virginia Registered Nurses Board has sponsored Nurse Health Coach Training for 80+ Registered Nurses. The coaches have been educated to provide support, resources, advocacy, and accountability for health care professionals experiencing any difficulty that would affect the nurse's ability to practice safety.

Acceptance into a nursing education program is the decision of the school. Entering and staying in the nursing education program is the prospective student's decision based upon the knowledge that he/she may, or may not, be granted a nursing license by West Virginia. However, every state has its own requirements, so an applicant may be licensed in another state even if West Virginia denies licensure.

Each school of nursing makes independent decisions about admissions into their program and may require criminal background screening and/or other information as part of that process. Clinical facilities may limit or prohibit students with criminal histories from participating in clinical experiences. Other options may not exist for the student to complete required clinical hours to obtain a nursing degree; thus, such a student may not be eligible for licensure in West Virginia.

All the above factors should be taken into consideration prior to deciding about a nursing career.

For more information or request a paper application, please contact the Board office at:

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