

## **MANDATORY REPORTING OF CRIMINAL CONVICTIONS & DISCIPLINARY ACTIONS**

### **Reporting Requirement**

Licensed/credentialed individuals must report criminal convictions to the Kentucky Board of Nursing (KBN).

The Kentucky Nursing Laws require that **all** misdemeanor and felony convictions in Kentucky courts or those of any other state, federal, military or other U.S. jurisdiction, regardless of when they occurred, must be reported to the KBN. Any person licensed/credentialed by the KBN shall, within ninety (90) days of entry of the final judgment, notify the KBN in writing of any misdemeanor or felony criminal conviction in this or any other jurisdiction. See, Kentucky Revised Statutes (KRS) 314.109.

All disciplinary action taken by another state's board of nursing or on other professional or business license/certification or privilege to practice must be reported to KBN within thirty (30) days of entry of the disciplinary order. See, KRS 314.108.

Failing to report a conviction or disciplinary action taken on your application or failing to report them once licensed within the mandated 90 days or 30 days of entry of the final judgment or disciplinary order, is a violation of the law that could subject the license or credential issued to you by the KBN to further disciplinary action.

Applicants must report criminal convictions and disciplinary action taken in other jurisdictions. See, Kentucky Administrative Regulations (KAR), 201 KAR 20:370.

### **What is Considered a "Conviction"?**

A conviction is defined as:

- (a) An unvacated adjudication of guilt;
- (b) Pleading no contest or nolo contendere or entering an Alford plea; or
- (c) Entering a guilty plea pursuant to a pretrial diversion order; Regardless of whether the penalty is rebated, suspended, or probated.

See, KRS Chapter 314.011(21).

You should contact the appropriate court to determine whether the above definition of conviction applies to your record. However, a person has been convicted if they pleaded guilty, entered an Alford plea or *Nolo Contendere* plea, entered a pre-trial diversion program, or was found guilty of a criminal offense in any court.

You should contact the appropriate court to determine whether the conviction was a violation, misdemeanor, or felony offense.

Driving Under the Influence (DUI) convictions must be reported. Other traffic related misdemeanor convictions do not have to be reported, unless they involve drugs, alcohol, physical harm, or endangerment to others. Traffic violations do not need to be reported.

Juvenile adjudications that occurred when you were under the age of 18 do not need to be reported, unless the charges resulted in a conviction as an adult.

You are not required to report charges that have been dismissed by the court. But you may be required to provide records verifying the charges have been dismissed, if KBN staff requests verification.

## **Review of Convictions or Disciplinary Actions**

There are three methods of criminal conviction and disciplinary action review:

- Staff Member
- Board Member
- Credentials Review Panel

The Panel meetings occur monthly. At any point during the review process, the KBN can require additional information by requesting an investigative interview with you; reference letters; or verification of compliance with another jurisdiction's disciplinary action or court's order, including a diversion program, probationary terms.

Depending upon the nature of the conviction or disciplinary action, the KBN may order a Mental Health, Substance Use Disorder, Physical, Neuropsychological, Psychosocial, or Psychosexual Evaluation.

The KBN may approve or deny your application for licensure or license reinstatement. A denial of your application will prohibit you from being allowed to take the NCLEX examination in Kentucky. The KBN may act on criminal convictions or offensive actions that bear directly on an individual's qualifications or ability to practice, and those that involve dishonesty, substance abuse, sexual offenses, breach of trust, danger to the public safety, or physical harm or endangerment. An investigation may take several months.

If the KBN denies your application, you may request a formal hearing before a hearing panel. Your request must be in writing. You have a right to retain legal counsel. You will be notified of the date, time, and location of the hearing. The panel will make a recommendation regarding the approval or denial of your application for licensure or license reinstatement. Denial of licensure or license reinstatement is formal disciplinary action, which is published in the KBN Connection and reported to the National Council of State Boards of Nursing Disciplinary Data Bank.

The KBN may issue a single-state license restriction at any time, under the Nurse Licensure Compact, KRS 314.475. Kentucky licensees and/or applicants are restricted to a single state license if they have a record of one or more of the following:

1. A felony conviction;
2. A practice-related misdemeanor conviction; or
3. An encumbered license or multistate privilege to practice in any state/jurisdiction.

If KBN previously reviewed your conviction(s) or disciplinary action, upload a letter of explanation to the application to inform the KBN about previous conviction review.

In some situations, the Board may issue a consent decree. A consent decree is not "formal" disciplinary action taken by the Board. The consent decree will consist of the applicant/licensee/credential holder paying a civil penalty to the Board before the license/credential is issued and/or the investigation is

lifted. It may involve obtaining additional continuing education hours if ordered by the Board.

## Documents Required when Reporting Conviction(s) or Discipline

Felony Conviction(s):	Misdemeanor Conviction(s) Including Driving Under the Influence Conviction(s) Five (5) Years Old or Less:	Misdemeanor Conviction(s) Including Driving Under the Influence Conviction(s) Over Five (5) Years Old:	Disciplinary Action(s):
Certified/Attested Copy of Court's Disposition Records	Certified/Attested Copy of Court's Disposition Records	No Documentation Required Unless Requested by Board Staff	Certified Copy of the Disciplinary Order.
Letter of Explanation (Letter 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.)	Letter of Explanation (Letter 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.)		Letter of Explanation (Letter is a personally written summary of the events that led to the disciplinary order. It gives you the opportunity to tell what happened and to explain the circumstances that led to your disciplinary order.)
The Board may request additional information at any time during the process.			

A **Letter of Explanation** is a personally written summary of the events that led to your conviction or disciplinary order. It gives you the opportunity to tell what happened and to explain the circumstances that led to your conviction or disciplinary order.

**Certified/Attested Copy of Court's Case Disposition Records.** You should contact the court clerk in the jurisdiction where the conviction occurred to obtain a certified/attested copy of the court record. The certification/attestation verifies the conviction, date of the conviction, and the judgment entered against you.

If the court is unable to locate a record of your conviction, for example, a court record has been “purged” or expunged, 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.

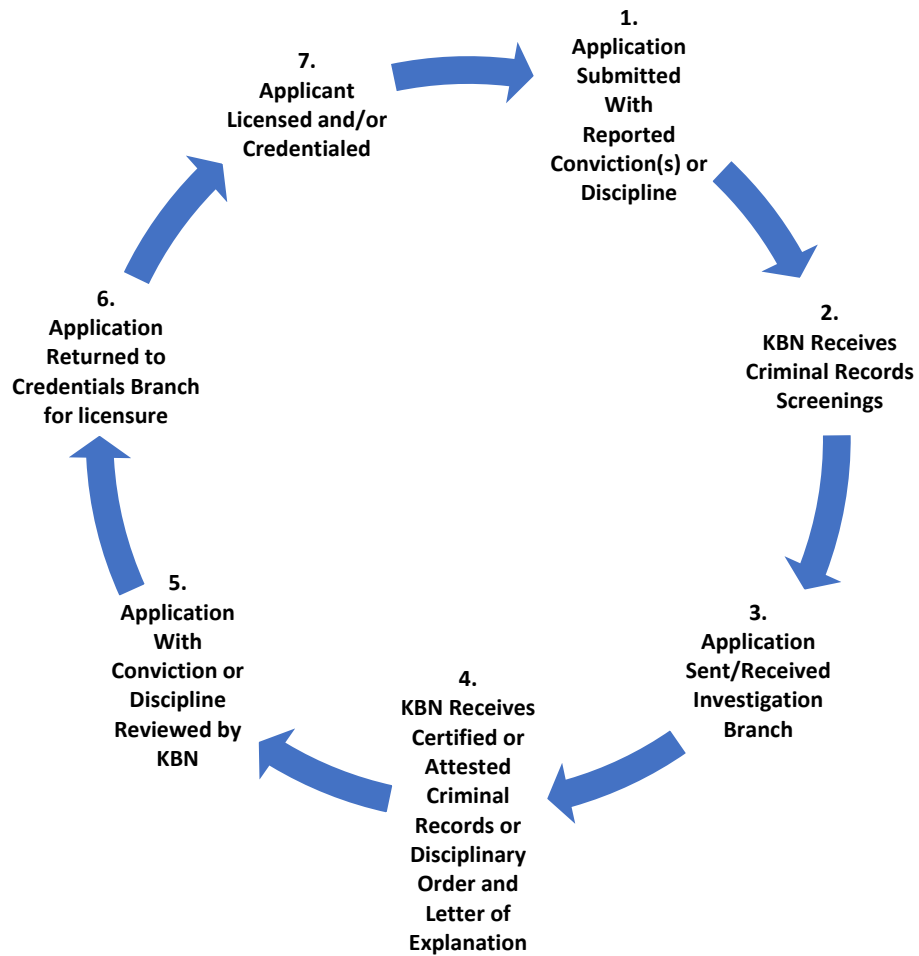
**A Certified Copy of the Disciplinary Order.** You should contact the professional regulatory agency that issued the disciplinary action to obtain a certified copy of the order. If the action has been cleared or satisfactorily completed, you should submit a copy of the professional regulatory agency’s notification letter to the Board along with the disciplinary order.

The most frequently requested information in situations involving prior convictions or disciplinary actions is proof of compliance with a court or regulatory agency’s ordered alcohol education, treatment program, or of successful completion of a court ordered probation.

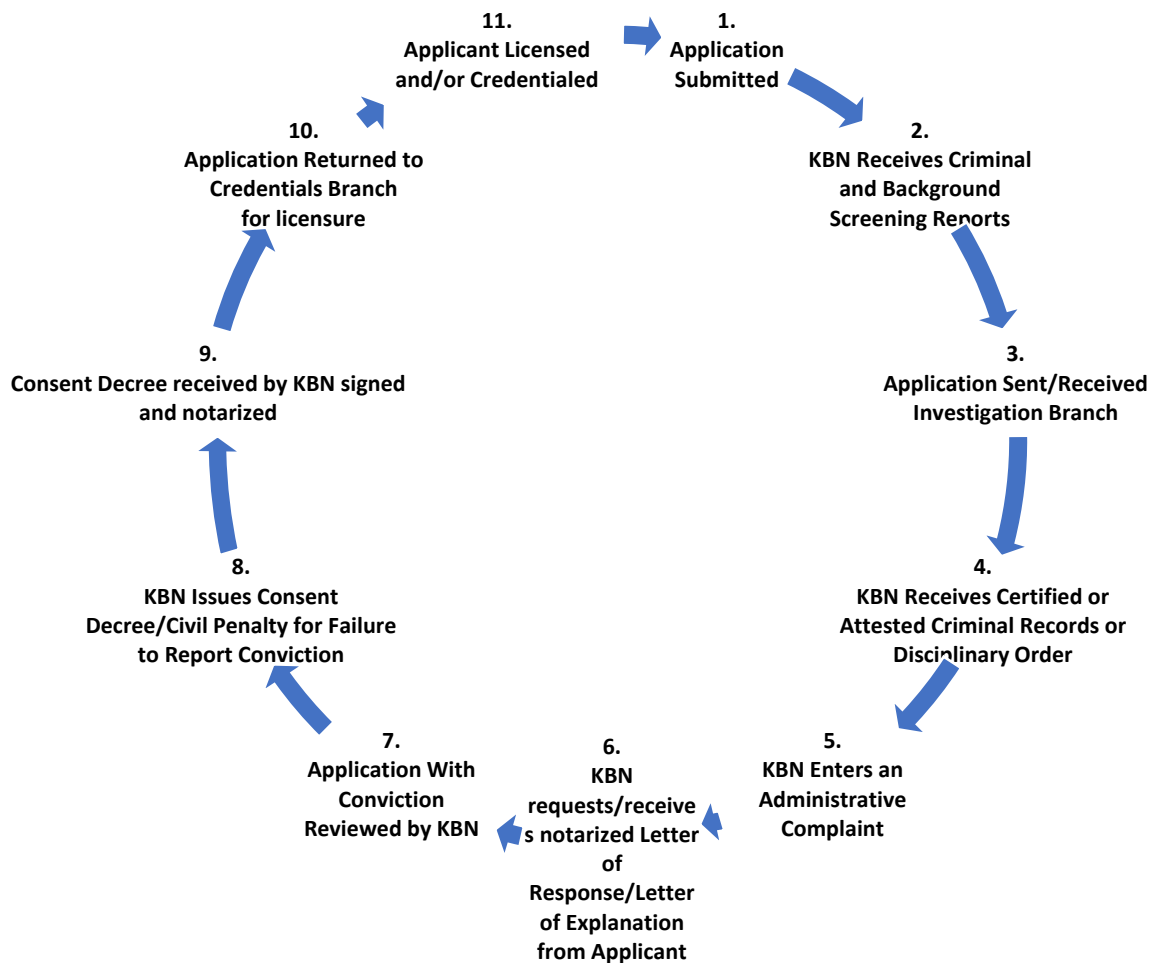
You should report appealed conviction(s) or disciplinary action to the KBN, unless the conviction or disciplinary action has been reversed and vacated by the appellate court.

KBN requires a state and federal criminal history search and disciplinary action screening on initial applicants for licensure or credentialing. The record search is NOT the official record. Discrepancies related to criminal convictions or disciplinary action(s) or failure to report them will delay the processing of an application.

## Reported Conviction or Disciplinary Action



# Failed to Report Conviction or Discipline



**Mission Statement:**

**The Kentucky Board of Nursing protects the public by development and enforcement of state laws governing the safe practice of nurses, dialysis technicians, and licensed certified professional midwives.**