

# Arkansas State Board of Nursing



What if an Applicant Marks  
“Yes” to an Eligibility  
Question

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Information in this presentation is intended for the purpose of providing training for program directors and faculty that teach in Arkansas nursing programs.

This presentation is not intended for distribution to students, applicants or graduates but information may be used in your discussion and training.

# What if an Applicant Marks “Yes” to Eligibility Questions?



On the Arkansas State Board of Nursing Application, there are a series of questions that the applicant must answer.

Applicants are encouraged to respond honestly.

Screen shot follows



# Eligibility Questions



## Eligibility Questions

1. Have you ever had any disciplinary action on a nursing license or a privilege to practice in any state, jurisdiction, country, or province? (required)

2. Do you have an investigation or complaint pending on a nursing license or a privilege to practice in any state, jurisdiction, country, or province? (required)

The applicant should respond honestly to all questions.

# Eligibility Questions



3. Do you have any condition or impairment (including, but not limited to, substance abuse, alcohol abuse, or a mental disorder or condition) which in any way currently affects or limits your ability to practice safely and in a competent and professional manner? (required)

Please Select



4. Are you currently a participant in an alternative to discipline, diversion, or a peer assistance program? (This includes all confidential programs) (required)

Please Select



# Eligibility Questions



5. Have you been convicted of a misdemeanor or felony, pled guilty or nolo contendere to any charge in any state or jurisdiction?:(With the exception of DWI, traffic violations do not constitute a crime)  
(required)

Please Select



6. Have you had any licensing or regulatory authority in any state, jurisdiction, country, or province ever revoked, annulled, cancelled, accepted surrender of, suspended, placed on probation, refused to renew or otherwise discipline on any other professional or occupational license, certificate, nurse aide registration or multistate privilege to practice that you have held? (required)

Please Select



# What if an Applicant Marks “Yes” to Eligibility Questions?



- ☞ In the event applicant marks “yes” to respective eligibility question(s) and/ **OR** has a positive result on either of the criminal background check(s), they are required to upload documentation to the ASBN.
- ☞ If 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, application will not be considered by the ASBN until provide the required documents.
- ☞ Upload documentation via their Arkansas Nurse Portal account as soon as an application has been submitted

# What if an Applicant Marks “Yes” to Eligibility Questions?



- ❧ 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 licensure application.
- ❧ A formal Board hearing may be required depending on the nature of offense(s); such offenses are identified in the ASBN *Rules* in Arkansas Code, Act 1208 of 1999 Legislative Session-ACA 17-87-312.



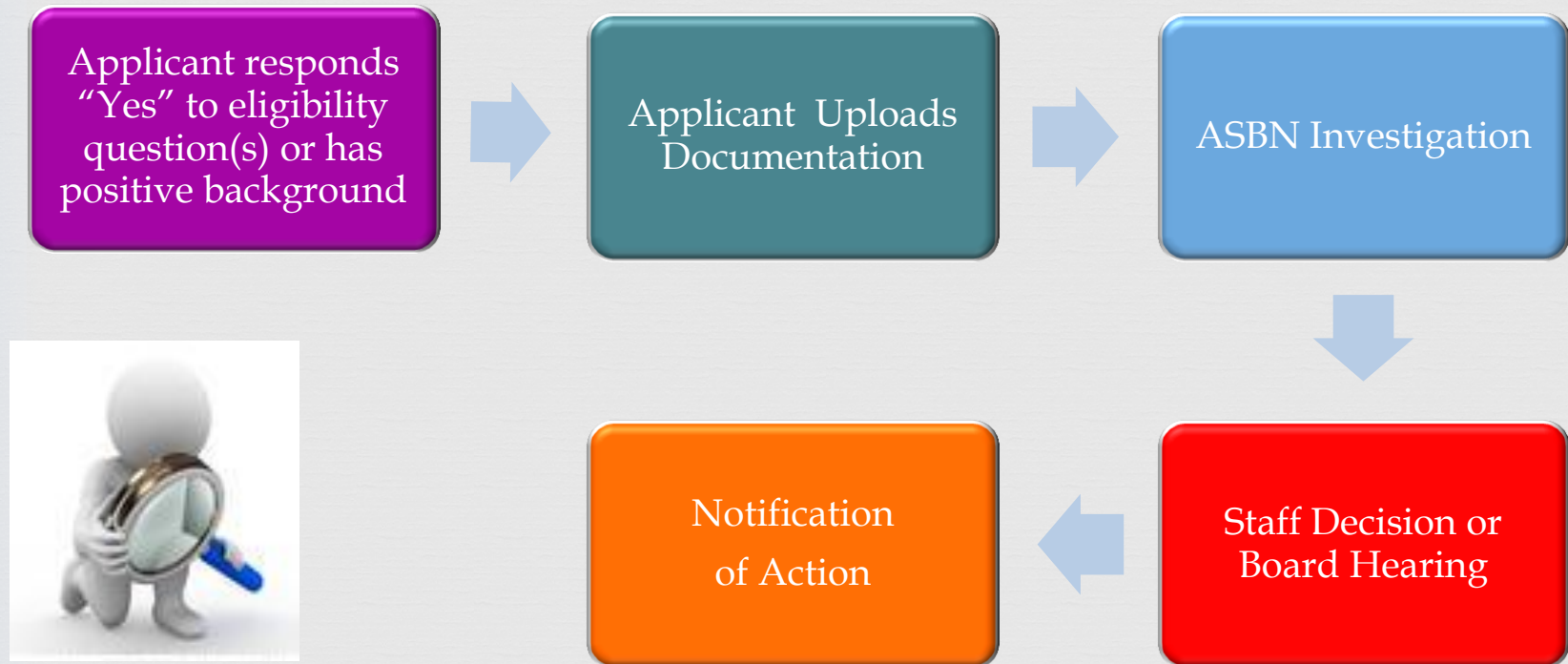
# What if an Applicant Marks “Yes” to Eligibility Questions?



Applications are reviewed and investigative cases are opened in the order that they are received. Applicant should read the Information online carefully and provide all required documentation.

The basic investigation process algorithm follows

# Investigation Process



**An investigative case will not be complete for final review and action until all required documentation is received.**

# Criminal Background Checks: Notes to Remember



- ❖ Applicant will **NOT** receive a temporary permit or be deemed eligible to test (examination applicant) until closure of investigation and final action.



# What Documentation Should be Submitted?



**Applicants are able to access and read the additional information regarding documentation that should be submitted to ASBN.**

## Location

Criminal Background Frequently Asked Questions and Criminal Background Check information documents are located on the ASBN website at [www.arsn.org](http://www.arsn.org).

Click on the Licensing Tab.

Click on the document link in the left column.

# Criminal Background Checks: Documentation



Required to upload documentation to ASBN if respond “yes” to respective eligibility question(s), and/ **OR** if notified that have a positive criminal background check report(s) or as directed by the ASBN.

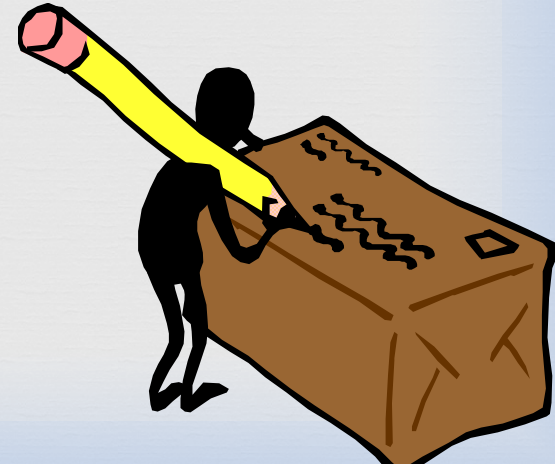
The required documentation shall be upload via the Arkansas Nurse Portal account



# Criminal Background Checks: Personal Documentation



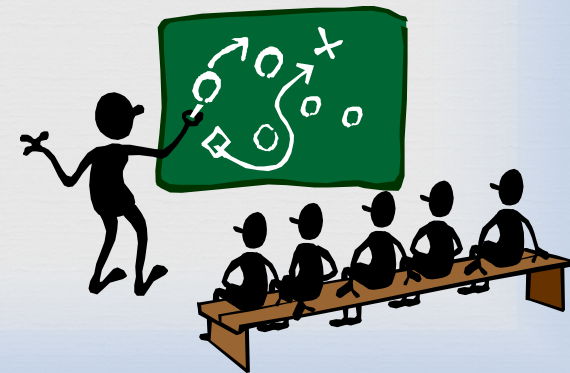
- ❖ Upload a personal, letter of explanation.
- ❖ Discuss rehabilitative efforts since offense(s).
- ❖ Identify timeline of offense(s) and describe each.
- ❖ Legible; handwritten or typed.
- ❖ Specific information related to the offense(s), behavior(s) that led to offense(s), and conduct since.
- ❖ Sign and date.



# Criminal Background Checks: Court Documentation



- ❖ Contact the court in county where each offense(s) occurred; certified copy of each offenses:
  - Charge(s)/ conviction(s);
  - Disposition of charge(s): order, judgment, fine(s), community service, probation, sentence, or deferred orders;
  - Evidence that conditions of court / restitution has been met.



# Criminal Background Checks: Rehabilitative Documentation



- ❖ Responded “yes” to questions regarding current drug related behavior or participation in a chemical or alcohol dependency treatment/rehabilitation program.

Documentation should include:

- Verification of treatment for substance abuse;
- Rehabilitative program completion;
- Drug screens;
- Admission summary;
- Discharge summary;
- Recommendations;
- Verification of compliance with aftercare recommendations; and
- Evidence of continuing sobriety/- support group etc

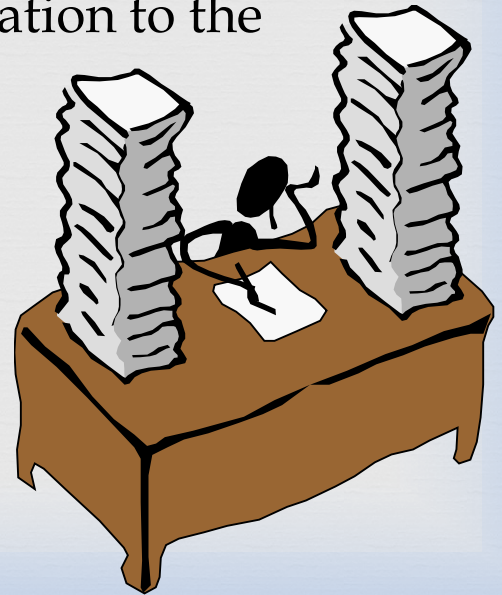




# Criminal Background Checks: Board Documentation



- ❖ Responded “yes” to question regarding discipline or voluntarily surrender of license, certificate or privilege to practice in any state or jurisdiction or if it is determined discipline in another state or jurisdiction.
  
- ❖ Respective Board of Nursing submits documentation to the ASBN:
- ❖ Documentation should include:
  - Copy of Facts and Finding;
  - Evidence of completion Board stipulations; and
  - Evidence of reinstatement of license.



# Criminal Background Checks: Important Documentation Notes



- ❖ ASBN may require an addictive behavioral evaluation completed based on the nature of response(s) and /or the nature of offense(s).
- ❖ If ASBN requires an addictive behavioral evaluation, applicant is notified of requirement.
- ❖ Evaluation can be completed by one of the healthcare providers on a list provided, but must be completed by an evaluator with required credentials and according to approved criteria.
- ❖ Evaluation must be, in history and physical format, and include the reason for the evaluation, a diagnosis, and recommendations for treatment.
- ❖ Evaluation must note that evaluator has read the ABSN letter sent to applicant.
- ❖ Applicant should not have evaluation conducted before being notified of the requirement by ASBN.

# Criminal Background Checks: Important Notes



- ❖ In the event that any offenses are identified as a bar for licensure, the statute number must be included on the court document. Applicant may need to specifically request that the statute number is reflected on court documentation.
- ❖ The name(s) on documents should match the name(s) on application. If the name(s) on court document(s) are different from the name(s) listed on the ASBN Application, applicant will be required to upload documentation that validates the name(s) on the court document(s).

# Criminal Background Checks: Important Notes



- ❖ If a case number(s) on court documentation does not reflect the actual name of the respective offense(s), applicant will be required obtain documentation that will reflect the association of the case number to the offense.
- ❖ In the event offense(s) have been officially sealed or expunged, applicant must have the court submit the order of expungement documentation to ASBN for review. Must mark “yes” on the ASBN application eligibility question regarding a prior conviction.

# Criminal Background Checks: Important Notes



- ❖ In the event offense(s) occurred as a juvenile, applicant should contact the juvenile division of the court in the county where the offense(s) occurred to obtain a letter regarding the status of offense(s).
- ❖ If court records have been purged or destroyed, applicant should request that the court submit a letter to the ASBN 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.

# What Does the School Need to do Regarding Court Documentation?



The school is not required to submit any documentation on behalf of the applicant as it is the applicant responsibility to do so; however please have the student read the documents identified and guide the applicant as they ask questions.

(Specific applicant documentation may be required at a later date if ASBN issues a subpoena)

## **Location of Documents for Applicant Review**

Criminal Background Frequently Asked Questions and Criminal Background Check information documents are located on the ASBN website at [www.arsn.org](http://www.arsn.org).

Click on the Licensing Tab.

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# Training Modules that are available



Training Modules are available on the ASBN website at  
[www.arsbn.org](http://www.arsbn.org).

Click on Education/ Program Director and Faculty  
Information.



# Training Modules that are available continued...



## Modules that are available

- What if an Applicant Marks “Yes” to a Eligibility Question
- State Licensure Process: Most Common Mistakes that Delay Processing