

# Criminal Background Check Guidelines

Developed by  
Oregon Nursing Leadership Council  
Education Committee

Preamble: Over the past several years, healthcare agencies and schools of nursing have given increased attention to the importance of identifying individuals who may pose a threat to others. Many healthcare agencies have established policies and procedures for criminal background checks. These policies and procedures vary from place to place, and frequently apply to nursing students as well as agency staff. When students use a variety of agencies for their learning experience, the process of assuring that they have met the requirements may be complex and costly. In addition, graduates of nursing programs must meet Board of Nursing requirements regarding any criminal history.

The ONLC Education Committee developed these guidelines for policy development to give assurance to clinical agencies that students who assist in the care of their patients have been sufficiently screened and to assist schools of nursing to admit and retain students in the program who meet the requirements for licensure and safe practice.

The committee believes that agreement on policies and procedures for criminal background checks by Oregon schools would have three primary advantages. First and foremost, the primary intention is protection of the public by denying or removing from nursing an individual with predictable potential to do harm. Second, with a looming shortage of nurses, it becomes increasingly important that nursing education resources be focused on students most likely to be successful. Finally, agreement among all schools would close loopholes that students with criminal history might use to gain entrance to nursing.

Guidelines for policy and procedure development:

1. All pre-licensure nursing students are required to have a national criminal background check. Background checks shall include all states of residence in the past and records verified against all known names and social security numbers.
2. The student is responsible for the cost of the criminal background check. Schools will provide students with Background Agency vendor information.
3. Background Agency vendors will be provided eligibility screening criteria.
4. Students must have the criminal background check no sooner than six months prior to enrollment in the nursing program and with sufficient time for results

- review prior to the first day of clinical. Students must authorize release of the results of the background check to their school and to clinical sites.
5. Schools shall encourage students to begin the criminal background check process as soon as possible after admission is offered.
  6. Program admission applications shall require students the opportunity to self disclose outstanding warrants, arrests, charges, and convictions. Self disclosure shall be required during the nursing program as well. Schools of nursing reserve the right to require additional criminal background checks for cause or for an interruption in a students' course of study.
  7. Schools of nursing will deny admission or continuation in the nursing program to any nursing student whose background poses a threat to an individual, the college, the nursing profession and or the community.
    - Schools of Nursing have the right to deny admission or program continuation for felony or misdemeanor convictions as determined by the Department of Human Services Criminal History Rules available at [www.oregon.gov/DHS/admin/crim\\_checks](http://www.oregon.gov/DHS/admin/crim_checks).
    - Schools of nursing also have the right to deny admission to individuals who have committed crimes, or have a history of arrests that will not allow them to be licensed as a nurse in the State of Oregon or as noted in (OAR 851-045-0016, available at [www.oregon.gov/osbn](http://www.oregon.gov/osbn)).
    - Students may also be denied admission or program continuation for failure to disclose or for concealing a criminal background.
  8. Nursing students may be required to have an additional criminal background check for certain healthcare settings as the agencies set their own criteria around criminal background clearance. This may mean that a student in the nursing program with a criminal record may not have a clinical placement in certain agencies that have stricter requirements. Should a students' criminal background lead to insufficient clinical experience to meet program objectives, the student will be denied program continuation.
  9. Facilities will be responsible for the cost and process of performing additional background checks if a higher standard is required than what these guidelines require.
  10. Each school will establish an appeals process.