

Dr. Sue Painter, DNP, RN
Executive Director

email: rnboard@wv.gov
web address: wvnrnboard.wv.gov



TELEPHONE:

304-744-0900

FAX: 304-744-0600

STATE OF WEST VIRGINIA
BOARD OF EXAMINERS FOR REGISTERED PROFESSIONAL NURSES
90 MacCorkle Ave., SW, Suite 203
South Charleston, WV 25303

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. While it would be nice to know this prior to making a decision to enter the program, obtaining that information is not possible under current West Virginia law.

The West Virginia Board of Examiners for Registered Professional Nurses (Board) makes decisions about licensure based upon a number of 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, the staff cannot make determinations in advance as laws and rules do change over time. 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.

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email: mboard@wv.gov
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Board applications also require an applicant who has a drug or alcohol problem 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 his/her progress since treatment.

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.

Each school of nursing makes independent decisions about admissions into their program and may require criminal background screening as part of that process. It is important for schools of nursing to know the admissions policies that exist on their campuses relative to criminal convictions and drug and alcohol use/abuse. Administrators should know the policy and actively enforce it. For those nursing programs without crucial admissions policies, administrators need to lobby the campus leaders to create realistic policies that can guide the individual programs as they make admission decisions. The school's general counsel should be contacted for assistance.

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 in order to obtain a nursing degree; thus, such a student may not be eligible for licensure in West Virginia.

As stated above, the license application requires disclosure of any criminal history and the disposition of all cases prior to Board review. 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. All of the above factors should be taken into consideration prior to making a decision about a nursing career.

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For more information, please contact the Board office at:

90 MacCorkle Ave. SW, Suite 203
South Charleston, WV 25303
Phone: (304) 744-0900 or 1-877-743-NURS (6877)
Fax: (304) 744-0600
Web Address: www.wvrnboard.wv.gov
Email: rnboard@wv.gov

Sincerely,

A handwritten signature in cursive script that reads "Sue Painter".

Sue A. Painter, DNP, RN
Executive Director
West Virginia Board of Examiners for Registered Professional Nurses