



# FAQ

## Criminal Background Checks (“CBCs”)

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### **Why does the Board of Nursing conduct CBCs?**

All Minnesota Health-Related licensing boards are required by law to conduct a criminal background check prior to issuing a license. The public expects the boards to assure that health care providers are safe, ethical and competent. One step in this process is to review an applicant’s criminal history by using fingerprint-based state and federal CBCs. The criminal history report is one means to determine whether an applicant is safe to practice.

### **Can I get my Criminal Background Check before I apply for my license?**

No. You need to submit your licensure application and pay the licensure fee and CBC fee first. Once you do this, a CBC packet will be emailed to you.

### **Will I have to wait to take my RN or LPN licensure examination?**

No. The CBC requirement will not cause delays in taking the licensure examination.

### **How much does a CBC cost and who pays for it?**

The cost for both the state and federal criminal background check is \$32.00. An applicant must pay this fee to the Board when submitting an application for licensure. This is in addition to any cost for being fingerprinted. NOTE: The CBC fee is not refundable if the applicant decides not to complete the licensure process.

### **What methods are used to obtain fingerprints?**

The ink and paper method or the electronic scanning method (“digital fingerprints”) are both acceptable. Digital fingerprints are preferred because they are less likely to be rejected as unreadable.

### **Where are fingerprints taken?**

There are three options for obtaining fingerprints:

1. The Minnesota Bureau of Criminal Apprehension (“BCA”). The BCA is located at 1430 Maryland Avenue East, St Paul, MN. The hours of operation are 8:00 am – 4:00 pm, Monday through Friday, except holidays. Fingerprints taken at the BCA are digital and cost \$10. Acceptable payment methods are cash, personal check, money order or cashier’s check. Checks should be made payable to the BCA.
2. A local law enforcement agency, such as a police station or sheriff’s department. The availability of fingerprinting and cost will vary by location. It is recommended that you contact the office before going there. Fingerprints taken at law enforcement agencies may be ink and paper or digital.
3. Private vendors may offer fingerprinting. Locations, hours, and cost will vary. The vendor must provide the applicant with the fingerprints on a card, which the applicant will send to the CBC office. The vendor cannot electronically transmit the fingerprints.

You must bring government-issued photo identification to the fingerprinting location.

### **What if my fingerprints are unreadable?**

If the first set of fingerprints are returned to the Board by the BCA as unreadable, you will be contacted by the CBC program office and asked to submit a new set of fingerprints. There is no additional charge for this repeat CBC. If the second set of fingerprints is also unreadable, you will need to submit a third set of fingerprints and an additional CBC fee of \$32.00. If the third set of fingerprints is unreadable, the Board will obtain your criminal history using your name and date of birth.

Please review the tips for good fingerprinting found on the CBC instruction forms.

**I have had a criminal background check while I was in school or when I was hired for my job. Can the Board use that information?**

No. Obtaining information from the FBI is controlled by federal law. The law requires that criminal history information be released only to the agency requesting the information and cannot be shared between agencies. In addition, the Board must have the most up-to-date information to make licensure decisions.

The state law that requires Background Studies for employment at many licensed health facilities remains in effect. This means you may still be required to complete a Background Study before you begin working at certain types of facilities. There are similarities between the Background Study and CBCs, but they are conducted by different agencies and for different purposes.

**How long will it take the Board to review my criminal history report?**

The usual turn-around time from the submission of your fingerprints to the BCA and receiving your criminal history report can be up to three weeks. It can take longer when the Board is processing an increased volume of applications. The amount of time it takes to review your criminal history report will depend on the information contained in the report. If you have a history of one or more criminal convictions, the Board may require additional information from you.

**What criminal convictions do I need to report?**

You need to report all convictions, guilty pleas, and nolo contendere or no contest pleas –except minor traffic violations not related to the use of drugs or alcohol. This includes misdemeanors, gross misdemeanors and felonies. You need to disclose the crime even if the conviction has been pardoned, dismissed, stayed or deferred or if your civil rights have been restored. Please be aware: You could have been convicted even if you didn't spend any time in jail. Criminal convictions include misdemeanors and felonies.

**Will a criminal history automatically prevent me from obtaining a license?**

Generally, no. Each application is evaluated on a case-by-case basis. The Board considers a number of factors when evaluating a criminal history, including the nature, severity, and recency of the crimes, the relationship of the crime to the practice of nursing, as well as rehabilitation and remediation. The Board cannot make a determination for approval or denial of licensure without evaluating the entire application and supporting documentation. The Board cannot tell you prior to application what the likely result of a conviction will mean for possible licensure.

The exception to the statement above is conviction of a felony-level criminal sexual offense. The Board may not grant or renew a license to practice nursing to any person convicted of specific felony-level criminal sexual misconduct crimes.

**Can I be denied a license?**

Yes. After reviewing your application and information related to a criminal conviction, the Board may deny licensure. The Board may also deny a license due to failure to provide additional information regarding the criminal history requested by the Board.

**What type of documentation do I need to submit in support of my application if I have a prior criminal record?**

The application form you submit will ask you a series of questions, including a question asking about your criminal history. You must submit an explanation for any question to which you respond "yes." Your response should be brief but include detailed information about the criminal conviction. Include the date and location of the crime and the exact crime for which you were convicted. Include a concise statement of the circumstances surrounding the crime.

You may be asked to provide certified official court documents related to your criminal record. To avoid delay, you may wish to obtain those documents when you submit your application, however, do not submit them to the Board unless you are requested to do so.

**Where do I get certified copy of the court record?**

You should contact the court clerk in the county where the conviction occurred to obtain a certified copy of the court record. The court clerk must certify the copy for you. The court record should verify the conviction, date of the conviction, and the judgment entered against you. If a court record is no longer available, you may submit a statement from the court to affirm that the physical record no longer exists. In addition, some police departments will provide a record of the arrest and disposition.

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