

SB1096 - Felony Bar

FELONY BAR FOR NURSES

SB1096 went into Effect August 21, 1998

Since 1995, the number of applicant's applying for licensure and certification, who have a prior criminal felony conviction, has increased by 1400%. Senate Bill 1096 and its amendments ("the Bill") is intended to respond to this dramatic increase in individuals with criminal histories who are electing to enter the nursing profession.

The Bill bars an applicant who has been convicted of a felony, from obtaining a nursing license or nursing assistant certificate, for five years following the completion of a sentence. The legislation also provides that the Board will initiate disciplinary proceedings for revocation against applicants for renewal, reactivation, or recertification of their licenses/certificates who have failed to previously disclose a felony conviction to the Board or who have been convicted of a felony since the date of their last application, renewal, reactivation or recertification. This legislation does not apply to nurses or certified nursing assistants who disclosed a felony conviction and who were granted licensure/certification or allowed to renew, reactivate or recertify. The Bill will also require that all nurse and nursing assistant applicants be fingerprinted to permit the Department of Public Safety to obtain state and federal criminal history information.

The rationale for the five year bar is to permit individuals to complete their sentences and other obligations associated with a conviction such as restitution to the victim. The five year bar also provides sufficient time for individuals to demonstrate rehabilitation and safety to practice.

Senate Bill 1096 was signed by Governor Hull and will become effective on August 21, 1998.