

**Maine State Board of Nursing
Criminal Background Check (CBC) Frequently Asked Questions**

Criminal Background Check Requirements

1. Why has the Maine State Board of Nursing (MSBON) implemented a criminal background check for licensure? The Maine State Board of Nursing (MSBON) has implemented criminal background checks (CBCs) under Title 32, Chapter 31, subchapter 1, §2111 to protect the public, especially the vulnerable populations that nurses serve. While applicants are required to self-disclose criminal conviction histories, the MSBON has found that these self-reports are not always reliable. Additionally, Maine is one of twenty-nine (29) current participants in the Enhanced Nurse Licensure Compact (eNLC) which allows nurses to practice in all compact states on a multi-state privilege authorized by their home state or base license. The eNLC's goal is to remain consistent among all member states with the implementation of CBCs for licensure.

2. Why isn't it good enough for applicants to self-disclose a history of criminal activity? The MSBON requires applicants to self-disclose criminal conviction histories and makes licensure decisions based on those self-reports and court records that are subsequently obtained. The MSBON processes approximately 4500 nursing licensure applications a year and about 4% of these applications are "non-routine" based on criminal history disclosed. However, the MSBON has found that those self-reports are not always complete and reliable. Data from other states indicates that 15-19% of applicants failed to disclose a criminal history record. The new CBC process is the mechanism to ensure that the MSBON is fully aware of an applicant's criminal history before determining eligibility for a license in order to adequately protect the public.

3. Who is required by the MSBON to receive a criminal background check? All Registered Nurse (RN) and Licensed Practical Nurse (LPN) applicants seeking initial licensure by examination and endorsement.

4. Will I be required to obtain a criminal background check when I renew my license? No, CBC requirements do not apply to licensure renewal applicants.

5. When am I required to obtain a criminal background check? Upon application for initial RN or LPN licensure by examination or endorsement.

6. If I am applying for initial licensure or licensure by endorsement, how far in advance from when I plan to begin working should I get fingerprinted in order to expedite my approval of licensure? You may request a CBC when you submit your application and fee to the MSBON (See FAQs related to fingerprinting process).

7. If I recently moved to Maine from a compact state, do I need to have another criminal background check? Yes, CBCs are required if a RN/LPN licensure application is submitted to the MSBON, including by endorsement from another state. Boards of Nursing may not share CBC information with each other.

8. I currently have a multi-state license privilege and will soon be practicing in Maine but will not be declaring Maine as my Primary State of Residence; do I need to have a criminal background check? If you are not required to submit an application for licensure as an RN or LPN, then the CBC requirement does not apply to you.

9. I am a new graduate; can I take the NCLEX® while my application and criminal background check are being processed and reviewed? If you submitted an application for licensure by examination and you meet the minimum applicable MSBON regulation requirements, you may be eligible to receive an Authorization to Test (ATT/Eligibility) letter, which allows you to take the NCLEX exam.

10. I am a new graduate and I want to go to work as soon as possible, can I obtain my license while my criminal record background check is pending? No

11. Do I need to complete a criminal background check if I am applying for an advanced practice registered nurse license? Yes, a CBC is required for APRNs seeking initial licensure and/or licensure by endorsement.

Fingerprinting Process

12. Why is it necessary to obtain my fingerprints rather than running a search on my name?

Fingerprint-based background checks are processed through both FBI and state criminal databases presenting a complete criminal profile of the applicant. Conversely, non-fingerprint background checks or “name checks” are not nearly as comprehensive and run the applicants background against a limited amount of predetermined records which are commercially available. Therefore, a name search only would not give the MSBON complete information.

13. Who is responsible for paying for the criminal background check and how much does it cost? The applicant is responsible for paying for the criminal background check fee directly to [IdentoGo Maine](#). The cost is \$52.00.

14. I was recently fingerprinted by another agency do I still need to be fingerprinted for the MSBON?

Yes, you will need to be fingerprinted for the MSBON licensure process. Any fingerprints that you had collected in the past are not retrievable or transferable from other state or federal agencies

15. Who will be obtaining the fingerprints for my criminal background check? Your fingerprints will be collected at a IdentoGo Maine site location. The prints will be sent to the Maine State Bureau of Identification (SBI).

16. Where can I get my fingerprints electronically processed? You will get your fingerprints electronically processed by IdentoGo at a IdentoGo Maine site location. Once you register on the IdentoGo site you will be able to choose a location closest to you.

17. Is there a different fingerprinting process for out of state applicants? If you are out of state, the process is similar to the one for applicants in Maine.

18. What about applicants from out of the country? If you are out of the country, you will not be able to have your fingerprints collected until you are physically present in the United States.

19. Am I able to cancel or change my scheduled fingerprinting appointment if needed? Yes, you will need to contact the IdentoGo appointment location you selected 24 hours prior to your appointment time to cancel or reschedule, or change your appointment on the IdentoGo Maine site.

20. What do I need to bring with me to the electronic fingerprinting site? Two (2) forms of identification, at least one (1) of which must be a valid government-issued photo ID and your appointment number (found on your appointment confirmation receipt received through IdentoGo Maine).

21. How does the electronic fingerprinting process actually work? Livescan (electronic) fingerprints are captured electronically, via a digital image that can be transmitted electronically; this provides for a faster and more accurate fingerprint collection process.

22. How long will it take for my fingerprints to be processed? Results of fingerprint-based checks are typically processed within 2-4 business days. Note: Results are ultimately dependent upon processing times of the Maine State Bureau of Identification (SBI) and Federal Bureau of Investigation (FBI), which are subject to change.

23. I am nearing graduation from my nursing program. How far in advance from my graduation date can I get fingerprinted in order to expedite my approval of examination? You may request a CBC once you fill out your application but no more than 90 days prior to receipt of your application and fee by the MSBON.

24. Who has access to my fingerprints and criminal record? The applicant's fingerprints are submitted directly to IdentoGo (contractor with MSBON) and are electronically scanned through a secure site to the Maine State Bureau of Identification (SBI) Central Criminal Records Exchange (CCRE) and the Federal Bureau of Investigation (FBI). No other entities have access to the applicant's fingerprints. The criminal history record of arrests and prosecution ("RAP" sheet) will only be accessible by MSBON designated CBC staff.

25. How can I be assured that my fingerprints and personal information are kept safe and confidential? IdentoGo is committed to safeguarding the privacy of the data received and processed. It is the policy of the MSBON that data defined as confidential shall be protected from unauthorized access and release. Criminal History Record Information (CHRI) shall not be made available to any agency of state, federal, or local government or any individual except pursuant to such process, order, or subpoena as may be authorized by federal, state, or local law relating to civil, criminal, or administrative discovery procedures or legislative investigative power. Upon receipt of any process, order, or subpoena seeking confidential information, the Executive Director and the Board Attorney(s) shall determine if such process, order or subpoena is in proper legal form.

26. Will my fingerprints be kept on record and for how long? IdentoGo will maintain, archive and store all live-scan fingerprint transmissions to SBI. The main purpose of maintaining an archived database is to eliminate redundant fingerprinting of applicant, in rare cases of lost prints or to satisfy any statutory record keeping/retention requirements.

27. What should I do if I am notified that my electronic fingerprints were lost or illegible? Applicants should contact IdentoGo by accessing your account through IdentoGo Maine directly to reschedule an appointment free of charge.

Criminal Background Check Results

28. Whose responsibility is it to make sure that the criminal background results are securely delivered to the MSBON? The Maine State Bureau of Identification (SBI) Central Criminal Records Exchange (CCRE) will submit results electronically via secure transmission or by confidential mail directly to the MSBON CBC staff.

29. If I have a criminal history, what documents am I required to provide? The burden is on the applicant to provide any documentation that would prove or disprove a criminal conviction, or if appropriate, provide any mitigating or aggravating evidence regarding a criminal conviction and proof of completed court ordered requirements. The BON may request additional information, on a case-by-case basis.

30. Are there any convictions that are considered a permanent bar to licensure? Each applicant is considered on a case-by-case basis. Maine law related to nursing licensure does not include any permanent bars to licensure.

31. What criminal offenses on my criminal record may interfere with my ability to get licensed? The MSBON can consider certain criminal history record information in accordance with state law, Title 5, Chapter 341 and nursing regulations. Licensing agencies may refuse to grant or renew, or may suspend, revoke or take other disciplinary action against any occupational license, registration or permit on the basis of the criminal history record information relating to convictions denominated in section 5301, subsection 2, but only if the licensing agency determines that the applicant, licensee, registrant or permit holder so convicted has not been sufficiently rehabilitated to warrant the public trust. The applicant, licensee, registrant or permit holder shall bear the burden of proof that there exists sufficient rehabilitation to warrant the public trust. Please see detailed information at <http://legislature.maine.gov/statutes/5/title5ch341.pdf>

32. Who is responsible for interpreting the results of the criminal background check? The Board has delegated authority to the MSBON designated CBC staff who receives and interprets the CBC results.

33. Can I get a copy of my criminal background check results? After the MSBON receives the results, an individual has the right to access or review his or her State of Maine and federal record response, as provided in Maine law at Title 16, Section 620 of the Maine Revised Statutes, and in federal law in the Code of Federal Regulations, Title 28, Sections 16.32 and 16.33. These laws are available on the Internet or by calling the Maine State Bureau of Identification or the Maine State Law and Legislative Reference Library.

To challenge, change or complete the accuracy of, or to obtain a copy of your Maine State criminal history record information, write to:

Maine State Bureau of Investigations (SBI)
State Bureau of Identification
State House Station #42
45 Commerce Drive, Suite 1
Augusta, ME 04333-0042

Phone: (207) 624-7240

To challenge, change or complete the accuracy of, or to obtain a copy of your federal criminal history report, contact the FBI at the following Internet website: <https://www.fbi.gov/services/cjis/identity-history-summary-checks> or write to:

FBI CJIS Division
Attn: Criminal History Analysis Team 1
1000 Custer Hollow Road
Clarksburg, West Virginia 26306

34. What if I disagree with the results on my criminal background check, can I challenge them? You will have an opportunity to challenge the accuracy of the results, in accordance with the Applicant's Rights (See #33).

35. Can the same criminal background check be used to satisfy the requirements for both the MSBON and an employer? No, the MSBON has no authority under the law to disseminate an applicant's CBC results to another entity.

36. What does it mean that my application is 'non routine' and will this slow down or impair my licensure process? A "non-routine" application means that an applicant has disclosed or the CBC revealed information on their licensure application that may be grounds for a denial under Title 5, Chapter 341, to include criminal conviction history, possible impairment of disciplinary action taken in other states. This will add time to the licensure application approval process.

37. Does the MSBON have the right to deny my application for licensure or otherwise discipline my license and/or privilege to practice based on my criminal history record results? See FAQ answer #30.

38. I have received a letter from the MSBON that states my application has been preliminarily denied based upon the criminal background check, but I do not have any convictions that are cause for licensure denial. Why would this occur? See also FAQ #35. Each application is considered on a case-by-case basis. An applicant can appeal his or her case, requesting reconsideration of the MSBON's decision and request an Informal Meeting (IM) to meet with representatives of the MSBON to consider your application. This information would be included in communication received by the MSBON.

39. If I am not approved for licensure based on my criminal background check results what are my options? See FAQ answer #31 and #38.

40. If I do not pass the NCLEX and have to reapply for licensure, will I have to resubmit fingerprints for another criminal background check? How long are the criminal record check results considered valid? If you re-apply for licensure by examination and it has been over ninety (90) days from the date your CBC results were previously determined by the MSBON as complete, you are required to have another CBC.