

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION
380 STATE BOARD OF NURSING

Chapter 13 CRIMINAL HISTORY RECORD INFORMATION

SUMMARY: Chapter 13 implements fingerprint-based background checks for all applicants for initial licensure or licensure by endorsement, including applications for multistate licensure.

SECTION 1. DEFINITIONS

1. “Applicant” means a person who submits to the Board an application for initial licensure or licensure by endorsement, including an application for multistate licensure pursuant to M.R.S. Title 32, chapter 31, subchapter 2-A.
2. “Board” means the State Board of Nursing.
3. “Criminal background check” or “CBC” means a background check that includes a search and analysis of criminal history record information from the Maine Criminal Justice Information System, which is maintained by the SBI, and the FBI. A CBC is performed using the applicant’s fingerprints. Fingerprint-based CBCs are processed through both the FBI and SBI criminal databases, which results in a complete criminal profile of the applicant. The FBI and SBI allow the Board to access the result of a CBC pursuant to confidentiality and security protocols.
4. “FBI” means the Federal Bureau of Investigation within the U.S. Department of Justice.
5. “SBI” means the Maine State Bureau of Identification.

SECTION 2. CRIMINAL BACKGROUND CHECKS REQUIRED

1. Applicants shall submit a set of fingerprints to the State police or its agent so that the SBI can conduct a state CBC and a federal CBC on behalf of the Board. Applicants who fail to comply with this requirement shall not qualify for licensure.

2. State and federal criminal history record information may be used by the Board for the sole purpose of screening each applicant. Any final Board action, including but not limited to the denial of a license, based upon CBC information shall occur pursuant to the provisions of M.R.S. Title 5, chapter 341.

SECTION 3. CBC FINGERPRINT PROCESS

1. Applicants shall use the fingerprint process established by the Board.
2. Applicants shall pay a fee for fingerprinting in the amount set by the SBI or its agent directly to the SBI or its agent.
3. Applicants shall sign an authorization and release form authorizing the release of the CBC information to the Board.
4. Applicants shall repeat the CBC if the original/prior CBC results received by the Board are more than 90 days old.

SECTION 4. CONFIDENTIALITY OF AND ACCESS TO CBC INFORMATION

1. CBC information obtained by the Board on an applicant is confidential under State and federal law. The Board and Board staff shall maintain the confidentiality and security of CBC information pursuant to protocols developed in consultation with the SBI and FBI.
2. CBC information may be disclosed only to facilitate investigation of the criminal history of the applicant and completion of the licensing process.
3. The results of CBC checks are confidential and may not be disseminated to the Interstate Commission of Nurse Licensure Compact Administrators or to any other person or entity.
4. Applicants requesting to view or obtain a copy of their criminal history record information may contact the SBI or the FBI Criminal Justice Information Services Division. The procedures for obtaining a copy of criminal history record information from the SBI and FBI are set forth in 16 M.R.S. § 709 and 28 C.F.R. §§ 16.32-16.33, respectively.
5. Applicants who seek the opportunity to complete or challenge the accuracy of the CBC information shall contact the SBI or the FBI Criminal Justice Information Services Division. The procedures for requesting amendment or correction of SBI criminal history record information are set forth in 16 M.R.S.

§ 709. The procedures for obtaining a change, correction or update of an FBI identification record are set forth in 28 C.F.R. § 16.34.

6. An applicant whose license has expired and who has not applied for renewal may request in writing that the SBI remove the applicant's fingerprints from the SBI's fingerprint file.

STATUTORY AUTHORITY: 32 M.R.S. §§ 2111(2) and 2153-A(1)

EFFECTIVE DATE: June 13, 2022