

# NURSING REVIEW BOARD

## I. Introduction

The following procedure outlines the process to be followed in all cases where criminal findings are found in the background checks for prospective and current Nursing students. Individuals who have committed or are charged with certain crimes cannot be placed in the position of caring for older adults, children, and/or working in a health care environment in order to protect the safety of the client and the ethics of the Community College of Allegheny County's (CCAC) Nursing Program.

## II. Definitions

- A. Criminal record: Any history of conviction of a misdemeanor or felony crime.
- B. Pending charges: Any criminal charges as yet unresolved by the courts.
- C. Court documents: Original source documents identifying the outcome of any criminal charge and/or conviction.
- D. Background check: The process required by CCAC for admission into any clinical component of any health career, to include PA State Police Criminal Record Check, PA Child Abuse History Clearance and FBI Background check.
- E. Conviction: Being convicted, pleading guilty or entering a plea of nolo contendere, or receiving probation without verdict, accelerated rehabilitative disposition (ARD) or receiving any other disposition (excluding acquittal or dismissal) for any criminal offense.
- F. Prohibitive offense list: List of offenses which indicate a student is not qualified to enter the Nursing Program.

## III. Procedure

- A. Students must have a PA State Police Criminal Record Check, PA Child Abuse History Clearance and FBI Background check as a condition of admission to the Nursing Program and yearly thereafter if required.
- B. All convictions and pending or new charges must be reported to the Nursing Program prior to an offer of admission or readmission. These include all felony and misdemeanor convictions.
- C. A student with any conviction or pending charge on the attached list is not eligible for entry or continuation in the Nursing Program. Please note: This is not an all-inclusive list.
- D. Falsification of an application or any information related to a conviction will disqualify a student from admission and/or continuation in Nursing at CCAC.
- E. Failure to disclose a criminal record or charge will result in dismissal from the program.
- F. A decision by CCAC to admit a student to Nursing despite criminal convictions does not guarantee that if the student completes the program and obtains the appropriate degree or certificate, the student will be eligible for licensure or credentialing by a governmental body or will be eligible to work for a particular employer. Licensure and credentialing authorities apply their own standards for evaluating whether criminal convictions are disqualifying, as do employers. CCAC accepts no liability in

cases where a third party deems criminal convictions sufficiently serious to cause denial of the applicable license or credential, or to refuse employment opportunities. A student with a conviction or convictions is responsible for investigating the appropriate licensure or credentialing board to gauge eligibility and employability prior to entering the Nursing Program.

- G. A decision by CCAC to admit a student to the Nursing Program despite criminal convictions does not guarantee that a student will be able to participate in experiences at any clinical site. Clinical sites apply their own standards for evaluating whether or not students are eligible to undergo a clinical experience at their facility, and CCAC accepts no liability for a student's rejection by a clinical facility which may result in the student's separation from the Nursing Program.
- H. If a student has or anticipates a criminal charge or conviction, he/she must complete the following in order to participate in the Nursing Program at CCAC. The student may not participate in the program until all documentation is received and a decision is reached. Steps in the process of evaluating criminal records:
  - 1. Complete the required background clearances. (The PA State Police Criminal Record Check, PA Child Abuse History Clearance, and FBI Background check.)
    - a. Students with only summary offenses or one misdemeanor in the CC3900 series, CC5902B or CS13A series, the student may be required to submit additional information. Go to Section H 3.
    - b. If the student has more than one misdemeanor, any felony convictions, or any pending charges, the student must obtain an original copy of the court records showing how the case was concluded by the court system. No decision will be made without court documentation. (Note: Since a decision must be made prior to participating in the Nursing Program, the student should complete this process as efficiently as possible.)
  - 2. The Nursing Review Board will review these guidelines and the student's documentation. The conviction will be compared to the CCAC Prohibitive Offenses List.
    - a. If the conviction matches one on the prohibited list, the student will not be admitted.
    - b. If the conviction or convictions are not on the prohibited offense list, CCAC will consider the applicant for admission but may reject the applicant because of the conviction(s) in its discretion. Factors to be considered include the nature of the crime, how recently the crime or crimes occurred, and the number of crimes committed by the applicant, the truthfulness of the applicant and the interests of the college. In this case, the Nursing Department will forward all information to the CCAC Nursing Board and a decision will be made. This committee is appointed by the Dean of Nursing and will consist of a minimum of two people.
  - 3. In all cases, once the decision has been made, the student will receive a letter from the Dean of Nursing's office via certified mail.

## PROHIBITIVE OFFENSES

| Offense Code | Prohibitive Offense  | Type of Conviction         |
|--------------|--|----------------------------|
| CC2500       | Criminal Homicide  | Any                        |
| CC2502A      | Murder I   | Any                        |
| CC2502B      | Murder II  | Any                        |
| CC2502C      | Murder III   | Any                        |
| CC2503       | Voluntary Manslaughter                                     | Any                        |
| CC2504       | Involuntary Manslaughter                                   | Any                        |
| CC2505       | Causing or Aiding Suicide                                  | Any                        |
| CC2506       | Drug Delivery Resulting in Death                           | Any                        |
| CC2702       | Aggravated Assault   | Any                        |
| CC2901       | Kidnapping   | Any                        |
| CC2902       | Unlawful Restraint   | Any                        |
| CC3121       | Rape   | Any                        |
| CC3122.1     | Statutory Sexual Assault                                   | Any                        |
| CC3123       | Involuntary Deviate Sexual Intercourse                     | Any                        |
| CC3124.1     | Sexual Assault   | Any                        |
| CC3125       | Aggravated indecent Assault                                | Any                        |
| CC3126       | Indecent Assault   | Any                        |
| CC3127       | Indecent Exposure  | Any                        |
| CC3301       | Arson and Related Offenses                                 | Any                        |
| CC3502       | Burglary   | Any                        |
| CC3701       | Robbery  | Any                        |
| CC3901       | Theft  | 1 Felony or 2 Misdemeanors |
| CC3921       | Theft by Unlawful Taking                                   | 1 Felony or 2 Misdemeanors |
| CC3922       | Theft by Deception   | 1 Felony or 2 Misdemeanors |
| CC3923       | Theft by Extortion   | 1 Felony or 2 Misdemeanors |
| CC3924       | Theft by Property Lost                                     | 1 Felony or 2 Misdemeanors |
| CC3925       | Receiving Stolen Property                                  | 1 Felony or 2 Misdemeanors |
| CC3926       | Theft of Services  | 1 Felony or 2 Misdemeanors |
| CC2927       | Theft by Failure to Deposit                                | 1 Felony or 2 Misdemeanors |
| CC3928       | Unauthorized Use of a Motor Vehicle                        | 1 Felony or 2 Misdemeanors |
| CC3929       | Retail Theft   | 1 Felony or 2 Misdemeanors |
| CC2929.1     | Library Theft  | 1 Felony or 2 Misdemeanors |
| CC2929.2     | Unlawful Possession of Retail or Library Theft Instruments | 2 Misdemeanors             |
| CC3930       | Theft of Trade Secrets                                     | 1 Felony or 2 Misdemeanors |
| CC3931       | Theft of Unpublished Dramas or Musicals                    | 1 Felony or 2 Misdemeanors |
| CC3932       | Theft of Leased Properties                                 | 1 Felony or 2 Misdemeanors |
| CC3933       | Unlawful Use of a Computer                                 | 1 Felony or 2 Misdemeanors |
| CC3934       | Theft From a Motor Vehicle                                 | 1 Felony or 2 Misdemeanors |
| CC4101       | Forgery  | Any                        |
| CC4114       | Securing Execution of Documents by Deception               | Any                        |
| CC4302       | Incest   | Any                        |
| CC4303       | Concealing Death of a Child                                | Any                        |
| CC4304       | Endangering Welfare of a Child                             | Any                        |
| CC4305       | Dealing in Infant Children                                 | Any                        |
| CC4952       | Intimidation of Witness or Victims                         | Any                        |
| CC4953       | Retaliation Against Witness or Victim                      | Any                        |

|                             |   |                            |
|-----------------------------|---|----------------------------|
| CC5902B                     | Promoting Prostitution  | Felony                     |
| CC5903C                     | Obscene and Other Sexual Materials to Minors  | Any                        |
| CC5903D                     | Obscene and Other Sexual Materials  | Any                        |
| CC6301                      | Corruption of Minors  | Any                        |
| CC6312                      | Sexual Abuse of Children  | Any                        |
| CS13A12                     | Acquisition of Controlled Substance by Fraud  | Felony                     |
| CS13A14                     | Delivery by Practitioner  | Felony                     |
| CS13A30                     | Possession with Intent to Deliver   | Felony                     |
| CS13A35(i), (ii), (iii)     | Illegal Sale of Non-Controlled Substance  | Felony                     |
| CS13A36,<br>CS13A37         | Designer Drugs  | Felony                     |
| CS13Axx                     | Any Other Felony Drug Conviction Appearing on a PA RAP Sheet  | Felony                     |
| Added to state list:<br>DUI | 2 or more Driving Under the Influence of drugs or alcohol, or Driving While Intoxicated convictions within 5 years of admission to the clinical component of the program, includes ARD. A DUI that is pending under or within one year of admission will also disqualify a candidate from current consideration for admission to the Nursing Program. | 1 Felony or 2 Misdemeanors |

Any felony conviction or two misdemeanor convictions within the CC3900 series would prohibit the applicant from admission. The CC3900 series is any offense that starts with CC39. The two misdemeanor offenses do not need to be the same offense.

### Pennsylvania Child Abuse History Clearance

Any student with a finding on the Pennsylvania Child Abuse History Clearance and/or FBI Clearance which indicates the student may not work with children will be ineligible for participation in the Nursing Program.

### Other Offenses Not On The Prohibitive List Which Will Be Considered In Admissions Decisions

(Note: Any felony or misdemeanor conviction or equivalent from another jurisdiction will be considered. This is not an inclusive list.)

|  |  |                                  |
|--|--|----------------------------------|
| Shoplifting                                | Fraud  | Bribery                          |
| Harassment                                 | Stalking   | Extortion                        |
| Abuse or neglect in any form               | Simple Assault   | Prostitution                     |
| Weapons                                    | Violation of protection from abuse order                             |                                  |
| Terrorism/terroristic threats              | Hate Crimes  | Possession of Paraphernalia      |
| Falsification of any legal document/record | Possession and/or distribution of a controlled drug (to include ARD) | Any other felony drug conviction |

The decisions of CCAC are based on Protection of Older Adults Act, the Child Protection Laws, the Pennsylvania Department of Education, and the standards of the clinical sites for the programs.

