

Thank you for your interest in Warren Memorial Hospital's Nurse Aide Training Program.

The program is a 120 hour class which includes 70 hours of classroom instruction and 50 hours of clinical training in our adjacent long term care facility.

Both daytime and evening classes are scheduled through-out the year. A calendar scheduled with dates and times of classes is enclosed in the content of this application packet.

Upon successful completion of the 120 hour course, you will be eligible to take the Virginia Board of Nursing State Certification Exam for Certified Nurse Aide.

Please be aware that **all completed forms and payment receipts** must be received by the Nurse Aide Education Department., Warren Memorial Hospital, 1000 N. Shenandoah Avenue., Front Royal, Virginia 22630 for **considered entrance into the program. Please print and return the following pages: 4, 5, 11 and 22.**

Tuition cost is \$750.00. A \$100.00 **non-refundable deposit** is required **with your initial application.**

The balance of \$650.00 will be due two weeks prior to commencement of class.

Due to the overwhelming interest in our program, we cannot guarantee placement in your preferred class, although every effort will be made to do so.

Final acceptance into the Warren Memorial Hospital Nurse Aide Training Program is contingent upon receipt of the following, **AT LEAST TWO WEEKS PRIOR** to the beginning of your preferred class:

- ✓ Payment in full
- ✓ Immunization record (Measles, Mumps, Rubella, Varicella, Tetanus, Diptheria, and Pertussis documentation)
- ✓ Two-Step Tuberculin Skin Test Results (PPD test)
- ✓ Urine Drug Screen
- ✓ Criminal Background Check with the Virginia State Police and

Failure to supply required information will result in placement into the next available future class.

DEPOSITS AND PAYMENTS MUST BE SENT TO:

Warren Memorial Hospital BUSINESS OFFICE, 1000 N. Shenandoah Avenue, Front Royal VA, 22630.

Please designate on your check/money order the date of your preferred class as noted on the example below.

Be sure that your name (the student) is included along with the month of the class and "AM" or "PM" noted.

Your Name _____
Address _____
City, State Zip: _____ Date _____ 101

PAY TO Warren Memorial Hospital **\$ 100.00**
THE ORDER OF _____ Dollars

HowtoWriteChecks.com

Memo Susie Student-August CNA Class

I: 210678772 |: 10321547890 101**

If you have questions, please contact us at (540) 636-0260 or (540) 636-0531 Fax 540-636-0193

CLASSES OFFERED FOR 2012

NATP (Nurse Aide Training Program)-Classes are limited to 20 students

AM January 9 – March 21

Mandatory Orientation *December 19, 2011* *8:30am-12:30pm* *CLOSED*
 Classroom MTW 8:30am-12:30pm
 Clinical MTWTH 8:30am-2:00pm

PM January 30 –April 11

Mandatory Orientation *January 17, 2012* *3:30pm -8:00pm* *CLOSED*
 Classroom MTW 3:30pm – 8:00pm
 Clinical MTWTH 3:30pm – 8:30pm

AM April 9 – June 7

Mandatory Orientation *March 26, 2012* *8:30am-12:30pm* *WAIT LIST ONLY*
 Classroom MTW 8:30am -12:30pm
 Clinical MTWTH 8:30am-2:00pm

PM April 30 – July 3

Mandatory Orientation *April 16, 2012* *3:30pm – 8:00pm* *OPEN*
 Classroom MTW 3:30pm – 8:00pm
 Clinical MTWTH 3:30pm – 8:00pm

NATP BOOT CAMP July 9 – July 30

(Limited to currently enrolled High School or College Students) *OPEN*
Mandatory Orientation *June 18, 2012* *8:30am – 12:30pm*
 Classroom MTWTHF 8:30am – 5:00pm
 Clinical MTWTHF 8:30am – 5:00pm

AM August 6 – October 4

Mandatory Orientation *July 23, 2012* *8:30am – 12:30pm* *OPEN*
 Classroom MTW 8:30am – 12:30pm
 Clinical MTWTH 8:30am - 2:00pm

PM August 27 – November 1

Mandatory Orientation *August 13, 2012* *3:30pm- 8:00pm* *OPEN*
 Classroom MTW 3:30pm – 8:00pm
 Clinical MTWTH 3:30pm – 8:00pm

AM October 22 – December 19

Mandatory Orientation *October 9, 2012* *8:30am -12:30pm* *OPEN*
 Classroom MTW 8:30am - 12:30pm
 Clinical MTWTH 8:30am – 2:00pm

FEEDING & HYDRATION

Classroom MT 9:30am-1:00pm (both days) *OPEN*

<u>2011-2012 CLASS FEES</u>	
Program Title	Cost
NATP (Nurse Aide Training Program)	\$750.00
Valley Health employees/High School Student	\$550.00
NATP(Nurse Aide Training Program) REVIEW	\$100.00 per person
	\$75.00 per person with 10/more
First review for WMH NATP students	free
DVD	
Community	\$200.00
WMH NATP students	\$25.00
FEEDING & HYDRATION	\$50.00
<u>REFUNDS</u>	
Withdrawal prior to Orientation	Total paid minus \$100.00 non-refundable deposit
Withdrawal within 1 st 2 weeks of class	½ of total paid \$375.00
Valley Health employee/former WMH NATP student	½ of total paid \$275.00
Withdrawal after 2 nd week of class	No refund
The \$100.00 deposit is NONREFUNDABLE	

FEES MAY BE SUBJECT TO CHANGE

**NURSE AIDE COURSE
STUDENT ENROLLMENT AGREEMENT**

STUDENT INFORMATION:

Name _____
Address _____ City _____ State _____ Zip _____
Home Phone _____ Cell Phone _____
Social Security Number _____ Email address _____

COURSE INFORMATION:

I understand that I will receive training as described:

- in the school's syllabus and
- I will be awarded a certificate of completion, upon satisfactory completion of this program and in compliance with the school's policies (including full payment of all monies owed),
No guarantee of employment is made hereby or in connection with such training.

The total cost of my tuition is Seven Hundred Fifty Dollars (\$750.00)

- Six Hundred Fifty Dollars (\$650.00) for the class cost
- One Hundred Dollars (100.00) Deposit, payable to Warren Memorial Hospital NATP.
 - Textbooks (which are returned at the end of class) are included in tuition costs

In addition to the tuition, the student will be responsible for the purchase of:

- appropriate shoes (white leather duty shoe)
- dial watch with a second hand (not digital)
- uniforms (scrubs- burgundy bottoms, any color scrub top except white) -after the first week, students are expected to arrive in uniforms

A separate fee of ninety four dollars (\$94.00), is required by the Virginia Board of Nursing to take the Nurse Aide Competency Evaluation Exam to become a Certified Nurse Aide.

CANCELLATION AND REFUND POLICY:

Withdrawal prior to Orientation-full refund minus \$100.00 non-refundable deposit
Withdrawal within first two (2) weeks of active classtime-50% of payment received, minus non-refundable deposit
Withdrawal after two (2) weeks of active class time-no refund
Withdrawal from current class with all monies applied to a future class, dependent upon instructor discretion

NOTE: DEPOSIT IS NON-REFUNDABLE

ATTENDANCE:

The student is **REQUIRED** to attend all classes. Failure to notify instructors prior to class for a period of illness or extenuating circumstances may result in dismissal from the course. (At the instructors' discretion, the student may be required to complete hours missed in the next available class.)

STUDENT AGREEMENT:

I acknowledge that I have read this agreement in full and acknowledge receipt of an executed copy of this same.

I realize that upon signing this agreement, I will be legally bound.

STUDENT SIGNATURE _____ **DATE** _____

INSTRUCTOR SIGNATURE _____ **DATE** _____

Prerequisites for entering the Nurse Aide Training Program:

(THE STUDENT IS RESPONSIBLE FOR ALL FEES INCURRED, IF YOU DESIRE TO HAVE TITERS OR VACCINES FILED WITH HEALTH INSURANCE, YOU SHOULD CHECK WITH YOUR HEALTH INSURANCE PROVIDER REGARDING COVERAGE)

Requirement:	Sources to Obtain (options the prospective student may utilize when complying with background checks, urine drug screen and immunization requirements)	*Cost	Associated Costs
Urine Drug Screen-10 panel	Valley Health Urgent Care Front Royal VA 540-635-0700 (order form attached next page)	\$43.00*	Rapid Drug Screen Confirmation \$32.00* (required if drug screen is not negative)
	“OneSource” 12 N. Braddock St. Winchester, VA 22601 540-450-2250	\$35.00*-request “Warren Memorial Hospital Nurse Aide Student” discount OneSource requires APPOINTMENT & CASH ONLY PAYMENT	
	Your family/personal physician	varies	
Virginia State Police Criminal Background Check and	Virginia State Police-an online form Criminal History Record Name Search (SP-167)	\$15.00*	
	OneSource 12 N. Braddock St. Winchester, VA 22601 540-450-2250	\$25.00 OneSource requires APPOINTMENT & CASH ONLY PAYMENT	
National Criminal Background Check	“OneSource” 12 N. Braddock St. Winchester, VA 22601 540-450-2250	\$48.50*-request “Warren Memorial Hospital Nurse Aide Student” discount OneSource requires APPOINTMENT & CASH ONLY PAYMENT	
Two-Step-Tuberculin Skin Test (also called PPD)-must be completed within the last 12 months	Valley Health Urgent Care 120 N. Commerce Avenue, Suite 102 Front Royal VA 540-635-0700	\$26.00 each*	
	Your family/personal physician or local health department	varies	

* prices referenced are subject to change by provider

Prerequisites for entering the Nurse Aide Training Program:

(THE STUDENT IS RESPONSIBLE FOR ALL FEES INCURRED, IF YOU DESIRE TO HAVE TITERS OR VACCINES FILED WITH HEALTH INSURANCE, YOU SHOULD CHECK WITH YOUR HEALTH INSURANCE PROVIDER REGARDING COVERAGE)

Requirement:	Sources to Obtain (options the prospective student may utilize when complying with background checks, urine drug screen and immunization requirements)	*Cost	Associated Costs
Immunity to Measles, Mumps & Rubella and Chicken Pox (Varicella) <i>Your school records may have your previous vaccinations documented</i>	Obtain ONE of the following <input type="checkbox"/> vaccination OR <input type="checkbox"/> titer (blood test confirming you are immune)		
	Vaccination Cost		Titer Cost
	Valley Health Urgent Care 120 N. Commerce Avenue, Suite 102 Front Royal VA 540-635-0700	MMR [Measles, Mumps and Rubella Vaccine] \$87* per dose Varicella (Chicken Pox Vaccine) \$117.00* per dose 2 doses may be required of each vaccine	(plus additional charge for venipuncture of \$10.00) MMR Titer \$135.00* Varicella Zoster Titer \$62.00*
	Your family/personal physician or local health department	Varies	Varies
Hepatitis B Vaccine -(the vaccine is for personal protection and is not mandatory, however a waiver needs to be signed if you are not vaccinated)	Valley Health Urgent Care 120 N. Commerce Avenue, Suite 102 Front Royal VA 540-635-0700	\$76* per dose	N/A
	Your family/personal physician or local health department	Varies	Varies
Tdap vaccine (Tetanus, Diphtheria, and Pertussis) OR A tetanus booster within the past two years	Valley Health Urgent Care 120 N. Commerce Avenue, Suite 102 Front Royal VA 540-635-0700	\$72* per dose	n/a
	Your family/personal physician or local health department	Varies	Varies

** prices referenced are subject to change by provider*

I have applied to attend Warren Memorial Hospital's Nurse Aide Training Program. I am presenting myself today to Valley Health Urgent Care for a rapid urine drug screen as a prerequisite for entering the program.

I understand that:

- I am responsible for the payment of this test at the time of service.
- There is an additional expense if the results of this test are positive and that I will be responsible for those fees as well.
- The results of my test will be reported to the Nurse aide Program only.

PLEASE PRINT CLEARLY:

Name _____

Address _____

City _____ State _____ Zip code _____

STUDENT SIGNATURE _____ DATE _____

**PLEASE BE AWARE OF THE PHYSICAL DEMANDS THAT MAY BE EXPECTED OF STUDENTS IN THE
NURSE AIDE TRAINING PROGRAM:**

Students entering the nurse aide program must possess the ability to:

- 1) Aid in the lifting and moving of patients/resident.
 - a. This class requires functional range of body mobility including: handling and lifting, manual and finger dexterity and eye-hand coordination sufficient to assist patients and/or to handle and use required instruments, machinery/tools with moving parts.
 - b. Class requires sufficient muscle strength to perform lifting, transferring, positioning, ambulating and transporting of patients and/or equipment on a daily or hourly basis.
 - c. Class requires standing, walking, pushing, bending, kneeling and reaching at arm's length and overhead for prolonged periods of time using appropriate body mechanics. You may be exposed to fluctuating temperatures.
- 2) Hear audible alarms and sounds as well as sufficient hearing to communicate with patients/residents and members of health care delivery team directly and indirectly, monitor patients/residents using electronic equipment, and hear necessary sounds during operation of equipment.
- 3) Auscultate certain physical parameters – such as blood pressure
- 4) Identify and discern the printed words, instruments and instructions and have the ability to recognize visual changes to patients/residents' medical condition with corrected vision and depth perception sufficiently. You may require normal color perception. Sufficient eyesight to observe patients/residents, read records, manipulate equipment, and visually monitor patients/residents in dim light is needed.
- 5) Interact effectively with patients/residents, families and health care team members. Students need to respond and communicate to spoken words and other auditory sounds in the workplace.

The nurse aide student should have:

- Satisfactory speaking, reading and writing skills to effectively communicate in English in a timely manner
- Satisfactory functioning intellectually and emotionally to ensure patient safety and to exercise independent judgment and discretion in performing assigned tasks
- Satisfactory functioning socially and professionally to ensure patient safety and to exercise independent judgment and professionalism

If any of the above is a student concern, or if a student is pregnant, a physician's release is required to continue into the clinical portion of the Nurse Aide Training Program.

Please call 540-636-0531 or (540)-636- 0260 with any questions or clarifications.

Background Check Requirements- Eligibility to Take CNA Exam

Please note that the following guidance documents regarding barrier crimes must be reviewed and signed as part of your application process to the Warren Memorial Hospital Nurse Aide Training Program.

CODE OF VIRGINIA §32.1-126.01

§32.1-126.01. Employment for compensation of personas convicted of certain offenses prohibited; criminal records check required; suspension or revocation of license.

- A. A licensed nursing home shall not hire for compensated employment, persons who have been convicted of murder, abduction for immoral purposes as set out in §18.2-48, assaults and bodily wounding as set out in Article 4 (§18.2-51 et seq.) of Chapter 4 of Title 18.2, robbery as set out in §18.2-58, sexual assault as set out in Article 7 (§18.2-61 et seq.) of Chapter 4 of Title 18.2, pandering as set out in §18.2-355, crimes against nature involving children as set out in §18.2-361, taking indecent liberties with children as set out in §18.2-870 or §18.2-371.1 abuse and neglect of children as set out in §18.2-371.1, failure to secure medical attention for an injured child as set out in §18.2-314, obscenity offenses as set out in §18.2-374.1 or §18.2-379, or abuse or neglect of an incapacitated adult as set out in §18.2-369. However, a licensed nursing home may hire an applicant who has been convicted of one misdemeanor specified in this section not involving abuse or neglect or moral turpitude, provided five years have elapsed following the conviction.

Any person desiring to work as a licensed nursing home shall provide the hiring facility with a sworn statement or affirmation disclosing any criminal convictions or any pending criminal charges, whether within or without the Commonwealth. Any person making a materially false statement when providing such sworn statement of affirmation regarding any such offense shall be guilty upon conviction of a Class 1 misdemeanor. Further dissemination of the information provided pursuant to this section is prohibited other than to a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination.

A nursing home shall, within thirty days of employment, obtain for any compensated employees an original criminal record clearance with respect to convictions for offenses specified in this section or an original history record from the Central Criminal Records Exchange. the provisions of this section shall be enforced by the Commissioner. If an applicant is denied employment because of convictions, appearing on his criminal history record, the nursing home shall provide a copy of the information obtained from the Central Criminal Records Exchange to the applicant.

The provisions of this section shall not apply to volunteers who work with the permission or under the supervision of a person who has received a clearance pursuant to this section.

- B. A person who complies in good faith with the provisions of this section shall not be liable for any civil damages for any act or omission in the performance of duties under this section unless the act or omission was the result of gross negligence or willful misconduct. (1992, c. 844; 1993, cc. 17, 657)

I have read and understand this information.

Signature _____ Date _____

Joint statement of the Department of Health and the Department of Health Professions on Impact of Criminal Convictions on Nursing Licensure or Certification and Employment in Virginia

INTRODUCTION

Certain criminal convictions may prevent licensure as a nurse or certification as a nurse aide in Virginia. Criminal convictions may also prohibit employment in certain health care settings.

This document provides information for persons interested in becoming a Certified Nurse Aide (C.N.A.), Licensed Practical Nurse (L.P.N.), or Registered Nurse (R.N.). It clarifies how convictions and other past history may affect the application process and subsequent licensure or certification by the Board of Nursing. It also clarifies the criminal convictions that prohibit employment in nursing home facilities, home care organizations, hospice programs, and assisted living facilities,¹ and identifies what is commonly referred to as “barrier crimes.”

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¹ Individuals licensed or certified by the Board of Nursing may be eligible for employment in other health care settings, depending upon the hiring and employment practices of the particular employer.

I. IMPACT OF CRIMINAL CONVICTIONS ON BOARD OF NURSING LICENSURE AND CERTIFICATION

Criminal convictions can affect an individual during the licensure or certification application process and may affect an individual's employment options after licensure or certification by the Board.

Until an individual applies for licensure or certification, the Board of Nursing is unable to review, or consider for approval, an individual with a criminal conviction, history of action taken in another jurisdiction, or history of possible impairment. The Board has no jurisdiction until an application has been filed.

APPLICATION PROCESS FOR LICENSURE OR CERTIFICATION WITH THE BOARD OF NURSING

After successfully completing an approved nursing or nurse aide education program, the individual is eligible to apply for licensure or certification by the Virginia Board of Nursing of the Department of Health Professions (DHP).

Applicants seeking licensure as a Registered Nurse (RN) or Licensed Practical Nurse (LPN) by examination: An application for licensure by examination is made directly to the Virginia Board of Nursing. Upon receipt of a completed application with appropriate application fee and an official transcript from the nursing education program, the Board determines and communicates eligibility for testing to the testing company that administers the NCLEX examination for licensure. The applicant must also submit a separate registration form and fee to the testing company that administers the exam for licensure. Both application for "licensure by exam" and the registration packet for the testing company are available from the Board of Nursing web site or by calling the Board office at (804) 662-7054. The applications, registration and information about testing may be obtained from the DHP - Board of Nursing website at: www.dhp.virginia.gov/nursing and choosing "Forms and Applications."

Applicants seeking certification as a Nurse Aide (CNA) by examination: The application for certification is made directly to Virginia's nurse aide testing service. Upon receipt of a completed application and appropriate fee, the testing service verifies eligibility and administers the National Nurse Aide Assessment Program (NNAAP) exam for certification by the Virginia Board of Nursing. The application for "certification by exam" and candidate handbook may be accessed directly from the DHP - Board of Nursing website at www.dhp.virginia.gov/nursing, and choosing NNAAP. They may also be obtained by calling the Board of Nursing-Nurse Aide Registry office at (804) 662-7310.

Applicants seeking licensure or certification by endorsement from another state: Endorsement applicants already licensed or certified in other jurisdictions must apply directly to the Virginia Board of Nursing, unless applicants reside and are licensed as a R.N. or L.P.N. in another state that is a member of the Nurse Licensure Compact.¹ Applications with

¹ See § 54.1-3030 et.al. of the Code of Virginia for laws related to the Nurse Licensure Compact., which Virginia began participating in on January 1, 2005. The Compact allows nurses licensed and residing in another Compact state to practice nursing in Virginia on a multi-state privilege to practice without obtaining additional licensure here. However, if the applicant is moving to Virginia and

instructions can also be accessed from the DHP- Board of Nursing web site at www.dhp.virginia.gov/nursing and choosing “Forms and Applications.”

BASIS FOR DENIAL OF LICENSURE OR CERTIFICATION

According to §54.1-3007 of the Code of Virginia, the Board of Nursing may refuse to admit a candidate to any examination, or refuse to issue a license or certificate, to any applicant with certain criminal convictions. Likewise, the Board may refuse licensure or certification to an applicant who uses alcohol or drugs to the extent that it renders the applicant unsafe to practice, or who has a mental or physical illness rendering the applicant unsafe to practice (referred to as a history of impairment).

Criminal convictions for ANY felony can cause an applicant to be denied nursing licensure or nurse aide certification.

Misdemeanor convictions involving moral turpitude may also prevent licensure or certification. Moral turpitude means convictions related to lying, cheating or stealing. Examples include, but are not limited to: reporting false information to the police, shoplifting or concealment of merchandise, petit larceny, welfare fraud, embezzlement, and writing worthless checks. While information must be gathered regarding all convictions, misdemeanor convictions other than those involving moral turpitude will not prevent an applicant from becoming a licensed nurse or C.N.A. However, if the misdemeanor conviction information also suggests a possible impairment issue, such as DUI and illegal drug possession convictions, then there still may be a basis for denial during the licensure or certification application process.

Each applicant is considered on an individual basis. There are NO criminal convictions or impairments that are an absolute bar to nursing licensure or nurse aide certification.

ADDITIONAL INFORMATION NEEDED REGARDING CRIMINAL CONVICTIONS, PAST ACTIONS, OR POSSIBLE IMPAIRMENTS

Applications for licensure and certification include questions about the applicant’s history, specifically:

1. Any and all criminal convictions ever received;
2. Any past action taken against the applicant in another state or jurisdiction, including denial of licensure or certification in another state or jurisdiction; and

declares Virginia as the primary state of residency, licensure must be obtained here and the prior Compact state license will be invalidated. For a current list of states in the Compact, go to http://www.ncsbn.org/nlc/rnlpvcompact_mutual_recognition_state.asp.

3. Any mental or physical illness, or chemical dependency condition that could interfere with the applicant's ability to practice.

Indicating "yes" to any questions about convictions, past actions, or possible impairment does not mean the application will be denied. It means more information must be gathered and considered before a decision can be made, which delays the usual application and testing process. Sometimes an administrative proceeding is required before a decision regarding the application can be made. The Board of Nursing has the ultimate authority to approve an applicant for testing and subsequent licensure or certification, or to deny approval.

The following information will be requested from an applicant with a criminal conviction:

- A certified copy of all conviction orders (obtained from the courthouse of record);
- Evidence that all court ordered requirements were met (i.e., letter from the probation officer if on supervised probation, paid fines and restitution, etc.);
- A letter from the applicant explaining the factual circumstances leading to the criminal offense(s); and
- Letters from employers concerning work performance (specifically from nursing related employers, if possible).

The following information will be requested from the applicant with past disciplinary action or licensure/certification denial in another state:

- A certified copy of the Order for disciplinary action or denial from the other state licensing entity; and certified copy of any subsequent actions (i.e. reinstatement), if applicable;
- A letter from the applicant explaining the factual circumstances leading to the action or denial; and
- Letters from employers concerning work performance (nursing related preferred) since action.

The following information may be requested from applicants with a possible impairment:

- Evidence of any past treatment (i.e., discharge summary from outpatient treatment and inpatient hospitalizations);
- A letter from the applicant's current treating healthcare provider(s) indicating diagnosis, treatment regimen, compliance with treatment, and ability to practice safely;
- A letter from the applicant explaining the factual circumstances of condition or impairment and addressing ongoing efforts to function safely (including efforts to remain compliant with treatment, maintain sobriety, attendance at AA/NA meetings, etc.); and
- Letters from employers concerning work performance (specifically from nursing related employers, if possible).

NOTE: Some applicants may be eligible for the Health Practitioner's Intervention Program (HPIP), which is a monitoring program for persons with impairments due to chemical dependency, mental health or physical disabilities. Willingness to participate in the HPIP is information the Board of Nursing will consider during the review process for applicants with a criminal conviction history related to impairment, or a history of impairment alone. Information about the Virginia HPIP may be obtained directly from the DHP homepage at www.dhp.virginia.gov.

Once the Board of Nursing has received the necessary and relevant additional information, the application will be considered. Some applicants may be approved based on review of the documentation provided. Other applicants may be required to meet with Board of Nursing representative(s) for an informal fact finding conference to consider the

application. After the informal fact-finding conference, the application may be: i) approved, ii) approved with conditions or terms, or iii) denied. The Board will notify the testing company directly of all applicants approved so that testing may be scheduled. Upon notification of successful completion of the licensure or certification exam, the Board of Nursing will license or certify the individual based on the Board's Order, including any terms imposed for practice.

NOTE: Failure to reveal criminal convictions, past disciplinary actions, and/or possible impairment issues on any application for licensure or certification is grounds for disciplinary action by the Board of Nursing, even after the license or certificate has been issued. It is considered to be "fraud or deceit in procuring or attempting to procure a license," and a basis for disciplinary action that is separate from the underlying conviction, past action, or impairment issue once discovered. Possible disciplinary actions that may be taken range from reprimand to revocation of a license or certificate.

FOLLOWING LICENSURE OR CERTIFICATION

Criminal convictions and other actions can also affect an individual already licensed as a nurse or certified as a nurse aide by the Board of Nursing. Any felony conviction, court adjudication of incompetence, or suspension or revocation of a license or certificate held in another state will result in a "mandatory suspension" of the individual's license, multi-state privilege, or certificate to practice in Virginia. This is a nondiscretionary action taken by the Director of DHP, rather than the Board of Nursing, according to § 54.1-2409 of the Code of Virginia. The mandatory suspension remains in effect until the individual applies for reinstatement and appears at a formal hearing before at least a panel of the Board of Nursing and demonstrates sufficient evidence that he or she is safe and competent to return to practice. At the formal hearing, three quarters of the Board members present must agree to reinstate the individual to practice in order for the license or certificate to be restored.

II. CRIMINAL CONVICTIONS AND EMPLOYMENT IN NURSING FACILITIES, HOME CARE, HOSPICE AND ASSISTED LIVING FACILITIES²

According to §§32.1-126.01 and 32.1-162.9:1 of Title 32.1 and §§ 63.2-1719 and 63.2-1720 of Title 63.2 of the Code of Virginia, persons with certain criminal convictions are prohibited from employment in nursing facilities, home care organizations, hospice programs, or assisted living facilities, whether or not the person is licensed or certified by the Board of Nursing. These convictions are commonly known as "barrier crimes" to employment.

² Individuals licensed or certified by the Board of Nursing may be eligible for employment in other health care settings, depending upon the hiring and employment practices of the particular employer.

The law requires that owners/operators of nursing facilities, home care organizations hospice programs, and assisted living facilities obtain a criminal record background check on each new hire within 30 days of their employment. The law requires that these background checks be obtained using the Central Criminal Records Exchange of the Virginia Department of State Police.

Generally, criminal convictions for offenses involving abuse or neglect disqualify an applicant. See a listing of the “barrier” crimes that prevent employment in a nursing facility, home care organization, hospice program or assisted living facility in the Appendix beginning on page 9.

Revised September 2006

CONVICTIONS THAT DO NOT DISQUALIFY AN APPLICANT FROM EMPLOYMENT

Under Virginia law, criminal convictions for offenses unrelated to abuse or neglect would not disqualify an applicant for employment. For example, criminal convictions such as traffic violations, possession of marijuana, and prostitution, may not disqualify an applicant. However, these convictions *may* disqualify an applicant based on a particular employer’s hiring or personnel policies, or based on other regulations or policies³.

Even if the applicant has been convicted of a barrier crime, it may not always prevent employment. An applicant may be hired if:

- (i) The individual has only one misdemeanor conviction considered to be a barrier crime;*
- (i) The criminal offense did NOT involve abuse or neglect; AND*
- (ii) Five years have lapsed since the conviction occurred.*

Examples of such misdemeanor convictions that would not necessarily be a barrier to employment may include, but are not limited to:

- Hazing
- Reckless handling of a firearm
- Access to loaded firearm by children
- Assault and battery
- Assault and battery against law enforcement officers
- Burning or destroying any other building, or structure valued less than \$200
- Burning or destroying personal property, standing grain, etc., valued less than \$200
- Threats to bomb or damage buildings or means of transportation, false information as to danger to such buildings, etc. (if person is younger than 15 years of age)
- Setting woods, etc, on fire intentionally whereby another is damaged or jeopardized
- Setting off chemical bombs capable of producing smoke in certain public buildings
- Carelessly damaging property by fire

³ Such as federal Medicare or Medicaid certification regulations.

DISCLOSURE OF CRIMINAL CONVICTIONS

If an applicant is denied employment because of convictions appearing on his criminal history record, the employer is required to provide a copy of the information obtained from the Central Criminal Records Exchange to the applicant.

While further dissemination of the results of a criminal record check by an employer is prohibited, employers may provide criminal record information and reason for employment termination to state authorities to comply with legal reporting requirements.⁴ Criminal conviction information reported to the Board of Nursing that was not revealed by the licensed nurse or C.N.A. upon initial application for licensure or certification may form the basis for disciplinary action to be taken by the Board of Nursing. Disciplinary actions for such “fraud or deceit in procuring a license or certificate” or for falsifying an employment application may range from reprimand to revocation of the license or certification.

Note: The law specifies that incomplete or false statements in an applicant’s sworn statement or affirmation disclosing any criminal convictions or any pending criminal charges constitutes a misdemeanor offense. Subsequent disclosure or discovery of a relevant criminal conviction or convictions may also disqualify the person from being hired and from continuing on in the hired employment.

III. GETTING A CRIMINAL RECORD EXPUNGED

Having been granted a pardon, clemency, or having civil rights restored following a felony conviction does not change the fact that a person has a criminal conviction. That conviction remains on the individual’s licensure/certification or employment record. Therefore, any criminal conviction *must* be revealed on any application for licensing or employment, unless it has been expunged.

Chapter 23.1 of Title 19.2 of the Code of Virginia describes the process for expunging criminal records. If a person wants a conviction to be removed from their record, the individual must seek expungement pursuant to §19.2-392.2 of the Code of Virginia. Individuals should seek legal counsel to pursue this course, which involves specific petitions to the court, State Police procedures, and hearings in court.

APPENDIX.

⁴ See § 54.1-2400.6 of the Code of Virginia for mandatory reporting requirements.

BARRIER CRIMES PROHIBITING EMPLOYMENT
IN NURSING HOME FACILITIES, HOME CARE ORGANIZATIONS,
HOSPICE PROGRAMS AND ASSISTED LIVING FACILITIES

NOTE: This list is not all-inclusive and should be used only as a guide. For further clarification regarding criminal offenses, refer to Title 18.2 Crimes and Offenses Generally of the *Code of Virginia*.

State Code	Offense
18.2 - 30	Murder and manslaughter declared felonies
18.2 - 31	Capital murder defined
18.2 - 32	First and second degree murder defined
18.2 - 32.1	Murder of a pregnant woman
18.2 - 33	Felony homicide
18.2 - 35	How voluntary manslaughter punished How involuntary manslaughter punished
18.2 - 36	Certain conduct punishable as involuntary manslaughter
18.2 - 36.1	How and where homicide prosecuted and punished
18.2 - 37	Malicious wounding by a mob
18.2 - 41	Abduction
18.2 - 47	
18.2 - 48	Abduction with intent to extort money or for immoral purposes
18.2 - 51	Shooting, stabbing, etc. with intent to maim, kill, etc.
18.2 - 51.1	Malicious bodily injury to law enforcement officers or firefighters
18.2 - 51.2	Aggravated malicious wounding
18.2 - 51.3	Reckless endangerment/throwing objects from places higher than one story
18.2 - 51.4	Maiming, etc., of another resulting from driving while intoxicated

State Code	Offense
18.2 - 52	Malicious bodily injury by means of caustic substance
18.2 - 52.1	Possession of infectious biological substances
18.2 - 53	Shooting, etc., in committing or attempting a felony
18.2 - 53.1	Use or display of firearm in committing felony
18.2 - 54.1	Attempts to poison
18.2 - 54.2	Alteration of food, drink, drugs, cosmetics, etc.
18.2 - 55	Bodily injuries caused by prisoners, probationers, or parolees
18.2 - 56	Hazing
18.2 - 56.1	Reckless handling of firearms
18.2 - 56.2	Allowing access to firearms by children
18.2 - 57	Assault and battery
18.2 - 57.01	Pointing a laser at law-enforcement officer
18.2 - 57.2	Assault and battery against a family or household member
18.2 - 58	Robbery
18.2 - 58.1	Carjacking
18.2 - 60	Threats of death or bodily injury
18.2 - 60.3	Felony stalking
18.2 - 61	Rape
18.2 - 63	Carnal knowledge of child between 13 and 15 years of age
18.2 - 64.1	Carnal knowledge of certain minors
18.2 - 64.2	Carnal knowledge of inmate, parolee, probationer, or pre-trial or post-trial offender
18.2 - 67.1	Forcible sodomy
18.2 - 67.2	Object sexual penetration
18.2 - 67.2:1	Marital sexual assault
18.2 - 67.3	Aggravated sexual battery
18.2 - 67.4	Sexual battery

State Code	Offense
18.2 - 67.4:1	Infected sexual battery
18.2 - 67.5	Attempted rape, forcible sodomy, object sexual penetration, aggravated sexual battery, and sexual battery
18.2 - 77	Burning or destroying dwelling house, <u>etc.</u>
18.2 - 79	Burning or destroying meeting house, etc.
18.2 - 80	Burning or destroying any other building or structure (valued at \$200 or more)
18.2 - 81	Burning or destroying personal property, standing grain, etc. (valued at \$200 or more)
18.2 - 82	Burning building or structure while in such building or structure with intent to commit felony
18.2 - 83	Threats to bomb or damage buildings or means of transportation, false information as to danger to such buildings, etc. (if person is older than 15 years of age)
18.2 - 84	Causing, inciting, etc., commission or acts described in 18.2 - 83 (if person is older than 15 years of age)
18.2 - 85	Manufacture, possession, use, etc. of fire bombs or explosive material or devices
18.2 - 86	Setting fire to woods, fences, grass, etc.
18.2 - 87	Setting woods, etc. on fire intentionally, where another's property is damaged or jeopardized
18.2 - 87.1	Setting of chemical bombs capable of producing smoke in certain public buildings
18.2 - 88	Carelessly damaging property by fire
18.2 - 286.1	Drive by shooting
18.2 - 289	Use of a machine gun in a crime of violence
18.2 - 290	Aggressive use of a machine gun
18.2 - 300	Use of a sawed-off shotgun in a crime of violence
18.2 - 314	Failing to secure medical attention for injured child
18.2 - 355	Pandering, taking, detaining, etc., person for prostitution, etc., or consenting thereto
18.2 - 361	Crimes against nature involving children
18.2 - 366	Incest

State Code	Offense
18.2 - 369	Abuse and neglect of incapacitated adults
18.2 - 370	Taking indecent liberties with children
18.2 - 370.1	Taking indecent liberties with child by person in custodial or supervisory relationship
18.2 - 371.1	Abuse and neglect of children
18.2 – 373	Obscene items enumerated
18.2 - 374	Production, publication, sale, possession, etc., of obscene items
18.2 - 374.1	Production, publication, sale, possession with intent to distribute, financing, etc., of sexually explicit items involving children
18.2 – 374.1:1	Possession of child pornography
18.2 – 374.3	Electronic facilitation of pornography
18.2 – 375	Obscene exhibitions and performances
18.2 - 376	Advertising, etc., obscene items, exhibitions or performances
18.2 – 376.1	Enhanced penalties for using a computer in certain violations
18.2 - 377	Placards, posters, bills, etc.
18.2 – 378	Coercing acceptance of obscene articles or publications
18.2 - 379	Employing or permitting minor to assist in offense under article.
18.2 – 474.1	Delivery of drugs to prisoners
18.2 – 477	Escape from jail
53.1 - 203	Felonies by prisoners
	Equivalent offense in another state

STUDENT SIGNATURE _____ **DATE** _____

INSTRUCTOR SIGNATURE (Reviewed with student) _____