Fitness to Practice: Failure to Disclose, Lying, or Falsification of Applications

Falsification of documents or deception/lying outside of the workplace, including falsification of an application for licensure or certification to the Board or lying during the course of an investigation, raises concern about the applicant’s propensity to lie and the likelihood that such conduct could continue into the practice of nursing or performance of authorized duties of the nursing assistant. This is a concept known as a *nexus to nursing*: Behavior displayed outside of the role as a licensee/certificate holder that could be linked to behavior displayed during the care of patients/clients.

**Crimes related to Lying and Falsification:**
Applicants and license holders who have been convicted of crimes related to lying or falsification are a concern in that if the conduct involved defrauding a vulnerable person; if the occurrence was within a short time prior to application for initial licensure or certification; if there was demonstration of a pattern of lying or falsification; or if the act was obviously premeditated and the individual demonstrates a lack of insight or remorse related to the conduct, the crime could be a nexus to nursing event. The presence of these factors is evidence to the Board that the same behavior is likely to be repeated towards the patients/clients and may place their wellbeing and safety at risk. Conviction for crimes involving lying and falsification will be evaluated on an individual basis.

**Failing to disclose on an application for licensure/certification:**
Every Board application, including application for renewal, has a series of disclosure questions. The applicant/licensee/certificate holder must answer all of these questions truthfully. The CBC done by the Board is a state and federal background check. Therefore:

- Since the Board CBCs are both state and federal, even if there was expungement of the arrest and charges at the state level, the offense may still be listed at the federal level. If reported on the CBC, there will be an additional review that could delay or deny the issuance of a license/certificate.
- Attorneys who advise the applicant that there is no need to disclose since there was no conviction are in error. The Board is looking for a “nexus to nursing” arrest, particularly those listed in this document, therefore, regardless of conviction the arrest may be grounds for the Board to further review the application.
- The application asks the question “have you ever...” that means arrests of decades ago need to be disclosed.
- Background checks done for employment may be limited to state or region and may not review federal records. The applicant should not rely on previous background check information when applying for licensure/certification from the Board.

The Board has specific internal policies to determine which disclosure omissions are to be investigated. These policies are internal to the agency and will not be used to guide applicants in what they should disclose. The only exceptions are those current license/certificate holders who are renewing and are self-referrals into the HPSP program. Instructions are on the application for the self-referral HPSP program participants.

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