

**Virginia School for Nurse Aides**  
*Rules and Regulations-Nurse Aide,  
Medication Aide and Personal Care Aide Programs*

***Mission***

Virginia School for Nurse Aides (VSNA) mission is to graduate no less than competent Nurse Aides, Medication Aides and Personal Care Aides into our communities.

**Objectives**

***Nurse Aide***

Virginia School for Nurse Aides(VSNA) objective for the Nurse Aide student is to achieve the standards set forth by the school as evidence of receiving a minimum of the following:

- 85% in lecture
- 90% on skill exams in addition to a grade of Satisfactory on performance
- grade of Satisfactory in Clinical

***Medication Aide***

Virginia School for Nurse Aides(VSNA) objective for the Medication Aide student is to achieve the standards set forth by the school as evidence of receiving a minimum of the following:

- 90% in lecture
- Grade of Satisfactory in skills and Clinical

***Personal Care Aide***

Virginia School for Nurse Aides (VSNA) objective for the Personal Care Aide student is to achieve the standards set forth by the school as evidence of receiving a minimum of the following:

- 80% in lecture
- Grade of Satisfactory in skills

## **Course Descriptions**

### ***Nurse Aide***

This five-week course covers communication and interpersonal skills, infection prevention, safety and emergency procedures, promoting residents' independence, basic nursing skills, personal care skills, mental health and social service needs, and other topics typical of a Nurse Aide.

### ***Medication Aide***

This three-week course covers legal and ethical issues, Preparing for safe Administration of Medication, Introduction to Pharmacology, Administration of Prepared Instillations and Treatment, Documentation, Storage and Disposal of Medications, Special Issues in Medication Administration, and Insulin Administration.

### ***Personal Care Aide***

This course covers communication and interpersonal skills, infection prevention and control, safety and emergency procedures, promoting residents' independence, basic nursing skills, personal care skills, mental health and social service needs, and other topics typical of a Personal Care Aide.

### **Required Course Material**

- 1inch binder for curriculum, syllabus, schedule, rules and regulations
- Rules and Regulations printed and kept in binder or readily available via electronic device other than cell phone
- Curriculum- printed and kept in binder or readily available via electronic device other than cell phone (Nurse Aide students only)
- Schedule and Syllabus printed and kept in binder or readily available via electronic device other than cell phone
- Pen/Pencil
- Paper
- Black non-skid sneakers
- Memo pad (*for skills*)
- Watch with second hand (*for skills*)

The following is for Nurse Aide and PCA students only

- Skill book
- Toothbrush (*for skills*)
- 2 washcloths, 1 towel (*for skills*)

- 2 boxes of non-latex gloves of your size (MUST purchase from Medical Discount Supply located at 1220 N. Boulevard Richmond, VA 23230)
- Textbook-School property. Must be returned, if not, one of the following will happen:
  1. You will not move on to the next phase of the program
  2. You will be charged for the book.
  3. You will not receive your certificate of completion

### **Entrance Requirements**

1. Applicants must present a state issued picture ID and social security card upon submitting application.
  - a. No one will be admitted into the program without proper ID.
2. Applicants must be able to read, write, and understand English.
3. Transportation to and from clinical site.
4. Must be able to meet ALL financial obligations.
5. Must be able to lift 50lbs unassisted.
6. Must have an e-mail address and daily internet access.
7. Must agree to adhere to the rules and regulations of school.

### MEDICATION AIDE STUDENTS ONLY

PPD/Chest X-Ray. If you do not have a current PPD, one will be provided to you by the school at a cost of \$25.00. This must be done by first week of class.

Must have proof of completion of a PCA, DCA, or CNA course by an approved school.

### ***Attendance Policies***

#### **Nurse Aide**

Classroom- Only one absence is permitted without having to pay a fee. If a student misses more than one day of lecture or skills he/she will need to make up that time in a subsequent class if space is available, a sitting fee of \$35.00/ missed class shall be paid before the start of class. If more than three days are missed during

the program, the student will have to repeat that portion of the course and pay a **re-entry fee of \$135** in addition to any remaining tuition balances, if applicable.

**Skills-**It is **HIGHLY** recommended that students DO NOT miss ANY skill time. If a student misses a skill day, it is the responsibility of that individual to ensure that he/she has a thorough understanding of what was missed and must have the ability to demonstrate missed skills appropriately upon return.

**Clinical-** No missed clinical time is permitted without penalty. If a student misses a clinical day, he/she will need to make up that time in a subsequent class if space is available and a sitting fee of \$75.00/missed clinical shall be paid prior to the next clinical date. No student will receive a certificate of completion unless ALL clinical time is met.

Please note: *two tardies/early departures from class including any mixture of the two will equal an absence.*

For example:

1. If a student is late to class twice that will equal an absence.
2. If a student leaves class early twice it will equal an absence.
3. If a student is late once and leaves class early once that will equal an absence.

*-Please note that there are no grace periods*

If any of the above situations occur, the student should continue with current class; but will not receive a certificate of completion until all class/clinical time has been made up. More than three days of absences will result in the student possibly being suspended from the program (NO REFUND) and reassigned to a subsequent class if space is available, after paying the \$135.00 reentry/continuance fee in addition to any remaining tuition balances, if applicable. Depending on grades and where the student left off he/she may be able to pick up where he/she has left off, this applies only if the absences were consecutive. Please note that a doctor's note does not necessarily excuse an absence and will be reviewed on a case by case basis. It is the student's responsibility to contact the instructor and arrange to make up material missed. The student will receive his/her Certificate when all missed time has been made up and tuition obligation fulfilled. If all missed time is NOT made up within thirty (30) days (the 30 days begins from students last day of attendance), the student must retake the entire program, and pay the full tuition cost again. ***Per state regulations, any time missed during the first sixteen (16) hours of the program will disqualify the student from attending clinical rotations during their scheduled program.***

### **Medication Aide**

Only one missed day of class is permitted without penalty. No clinical time can be missed. If a student needs to repeat or make up any of the classroom or clinical sessions it shall be on a space available basis in a subsequent class and a sitting fee of \$35.00 per lecture day paid prior to start of class and a sitting fee of \$75.00 for clinical. If this situation occurs the student should continue with current class; but will not receive a certificate of completion until all class/clinical time has been made up. More than 2 days of absences will result in the student being suspended from the class (NO TUITION REFUND) and reassigned to a subsequent class after paying the \$135.00 re-entrance fee in addition to any remaining tuition balances if applicable. Please note that a doctor's note does not necessarily excuse an absence and will be reviewed on a case by case basis. The student will receive his/her Certificate when all missed time has been made up and tuition obligation fulfilled. If all missed time IS NOT made up within thirty (30) days (the 30 days begins from student's last day of attendance), the student must retake the entire program, and pay the full tuition cost again.

### **Personal Care Aide**

No absences are permitted without penalty. If a student misses any day during the course, he/she must pay a make-up fee of \$35. If more than one day missed, he/she will be terminated from the course.

### **Dress Code**

1. Clinical- purple scrubs.
2. Class- purple scrubs OR purple scrub bottom and school t-shirt.
3. Footwear-Black non-skid sneakers
4. Students **may not** wear any facial jewelry (e.g. nose rings, eyebrow rings, tongue studs).
5. Students may wear studs in their ears; no dangling or hoop earrings are permitted.
6. Students **may not** wear bracelets or any rings other than a wedding ring.
7. Hair must be pulled back, so as not to interfere with line of sight.
8. Students may not wear any type of head/hair wrap during clinical, unless it is associated with a religious practice.
9. Students must keep fingernails short and clean; only clear or light polish is permitted
10. Male students must be clean-shaven or keep beards/mustaches neatly trimmed.
11. Tattoos that are visible shall be covered.

12. Clothing/Uniforms shall fit appropriately; this means no excessive tight or loose clothing/uniforms. This also includes making sure that the entire buttocks is covered while in a sitting position.
13. Students MUST wear uniform in its entirety or 1% will be deducted from next exam taken. Uniform consist of appropriate colored scrub top and bottom and name badge.

For example: student does not have name badge on and he/she scores 88% on the exam 87% will be recorded.

### **Name Badges**

Once issued, name badges shall be worn on left chest always, if a name badge needs to be re-issued it shall cost the student \$10.00. Students that do not have name badge on will be sent to front desk to purchase one.

### **Successful Completion**

To receive a certificate of successful completion, a student must:

1. Complete the required hours of instruction
2. Meet objectives
3. All financial obligations met.
4. Adhere to ALL rules and regulations.

### **Method of Evaluation**

Student evaluations will consist of a written examination, quizzes and skills testing. Not all material in textbook will be covered necessarily; however, the student is responsible for ALL content in the textbook.

#### **WRITTEN EXAMINATION**

1. The written examinations shall be administered through-out the course, which consist of multiple choice, fill in the blank, and true/false questions.
2. If a student does not score at least minimum score as set in the objectives he/she must repeat the lecture portion of the course and pass the exams to obtain a certificate of completion. (This is at the discretion of the Program Coordinator/Administrator and the Primary Instructor).
3. Students that score less than the minimum requirement on exams are required to retake those exams.

Example: student receives an overall grade of 93% in lecture but received 79% on any exam will be required to retake that exam on final exam day.

*-Please note that only the FIRST score will count.*

4. Individuals absent on the day of a test or final exam MUST take it on the next class day, if not student will receive a score of zero on that exam NO EXCEPTIONS.
5. All students will be given fortyfive (45) minutes to complete each exam; if at the end of fort five (45) minutes a student has not completed the exam in its entirety, the exam will be scored based on what has been completed.
6. Once an exam is handed out, students are not permitted to leave the room until he/she completes the exam. Students are encouraged to use the restroom etc prior to receiving the exam. If a student leaves the room for whatever reason once the exam is given, the exam will be graded based on what has been completed even if no questions were answered.

#### **Skill Testing**

**Must score an average of 90% on exams (Nurse Aide) and must be able to demonstrate each skill successfully without assistance in a timely manner.**

1. Participation in skills is MANDATORY, those students who do not participate fully will be asked to leave class, the student will receive an unsatisfactory for the day and time missed will count against the student.
2. Students will be informed of the skills they will be expected to perform in sufficient time for them to practice these skills and receive help from their instructors, if necessary.
3. During skills, the instructor will provide a demonstration, then observe students as they perform return demonstrations of the skills taught on that day as well as previous days.
4. Instructors will determine if students have successfully performed each skill according to the NNAAP handbook during return demonstrations.
5. If a student is having difficulty with the skill portion of the course, the instructor will continue to work with him/her to promote a thorough understanding of skills for the safety and welfare of residents. If the

instructor determines that a student is not performing a skill(s) in a safe, satisfactory, or timely manner or needs heavy direction the student may be restricted from attending clinical and will have to repeat the skills portion of the course for a fee of \$325.

6. Students must score an overall exam grade of 90% in order to be considered successful. All students will be given thirty (30) minutes to complete each exam; if at the end of thirty (30) minutes a student has not completed the exam in its entirety, the exam will be scored based on what has been completed.

### **Clinical- Nurse Aide and Medication Aide Students only**

To successfully pass clinical, students must demonstrate unassisted, 80% mastery of all skills based on identified elements for each skill as outlined in the NNAAP skills book **AND** the following:

1. Be on site by \*6:45 am (day students) 4:45pm (night students) as scheduled. \*times may vary
2. Be in FULL uniform (see attire for details). Students will be sent home if not in FULL uniform; this time will count against you.
3. Be prepared – have second hand watch, note pad, pen.
4. Do not perform any “hands on” resident care without the instructor’s permission. Always ask permission before providing care to a resident that has not been assigned to you.
5. Follow standard/universal precautions always. Wash your hands between residents.
6. Use good body mechanics always. Never hesitate to ask for assistance.
7. Do not leave the building or nursing floor without permission, this is grounds for being sent home and this time will count against you.
8. **Direct questions or concerns to the instructor – not facility staff members. -DO NOT CALL CLINICAL SITE.**
9. Do not wear gloves in the hallway.
10. Dirty linens are transported in the hallway in plastic bags.

If an instructor determines that a student does not perform a skill in a safe, timely or professional manner, the instructor may require the student to repeat the clinical experience in part or in full.

## **State Board Exam-Nurse Aides**

### In Facility Testing Site

Virginia School for Nurse Aides is an In-Facility testing site, which means we have the privilege of allowing our students to take their state board exam here at the school. Having the privilege of allowing our students to test at our school creates a comfortable atmosphere in a time of great anxiety. Although testing at the school is an advantage to our graduates, the school has the right to rescind the opportunity at any time due to violations of the rules and regulations or at its discretion.

### Scheduling the exam

The school will afford each student an opportunity to get registered with a staff member(s) on a specified date, if a student is not able to attend the registration session for any reason, the student will have to register his/herself through the testing agency. If this should happen, the student may be in jeopardy of losing the test date set by the school and may have to test at a regional testing center.

### Rescheduling the exam

If a student need to reschedule any part of the exam for any reason, he/she run the risk of possibly not being able to test at Virginia School for Nurse Aides. If a student registers themselves to test at Virginia School for Nurse Aides without consent from the school, he/she will be eliminated from the test date and this may further delay testing for him/her.

### State Board Dates

Our test dates are for first time test takers primarily, at its discretion, the school may allow students who need to re-test/ reschedule to test if space is available.

### Paying for the exam

The state board exam is included in the tuition of the nurse aide course only, it is not included in the refresher course. However, if a student need to re-take any part of the exam, or do not show up to his/her scheduled exam the student will be responsible for those exam fees.

## **Cell Phone Policy**

All cell phones and smart watches shall be turned off during all classroom instruction as well as clinical (smart watches shall be removed from wrist). Failure to do so can result in student being dismissed from class and having to make up that time.

## **Behavior**

Cooperation with Instructors, Administration and other Students as well as staff at our clinical sites is mandatory. Disruptive and inappropriate behavior will not be tolerated.

Examples of such behavior include but are not limited to:

1. Neglecting, abusing or mistreating residents during the clinical experience.
2. Providing improper care to residents.
3. Breaching confidentiality of residents during the clinical experience.
4. Mistreating/Inappropriate use of school/clinical equipment
5. Smoking in the classroom or facility.
6. NO Chewing GUM IN OR ON PREMISES
6. Eating in the classroom.
7. No microwave popcorn
8. Loud, inappropriate or excessive talking between students while class is in session.
9. Talking while instructors are teaching,
10. Using profane language.
11. Threatening any student, instructor or administrative staff before, during or after class.
12. Sleeping during class.
13. Incoming/Outgoing cell phone calls or audible pages during class.
14. Talking back to instructor(s)/staff or clinical site staff, arguing/debating with instructor(s), clinical site staff or other students.
15. Rolling of the eyes, "huffing and puffing" while being spoken to by staff or defensive body language.
16. Any behavior VSNA staff or our clinical site staff deem disrespectful.

Instructors have the right to dismiss students from the classroom or clinical experience due to disruptive behavior and to discipline them according to the following policy:

### **Disciplinary Action Policy**

The school's disciplinary action policy is as follows:

- First offense – counseling/verbal warning
- Second offense - counseling and written warning.
- Third offense - elimination from the program

All warnings shall be documented and placed in the student's permanent file. If the student's employer/third party paid for the course, that agency and program director shall be notified. The program coordinator reserves the right to skip or repeat steps or not to utilize the disciplinary action policy at all. There may be occasions when termination of a student from the program will be immediate. Such a decision will be at the discretion of the instructor and/or the program coordinator.

Examples of behavior justifying immediate dismissal include:

1. Any criminal act
2. Evidence of intoxication or substance abuse. Students suspected of being under the influence of drugs or alcohol may be ordered to submit immediately to a drug-screen test. Refusal to submit to this test is grounds for immediate dismissal from the class.
3. Neglect, mistreatment or abuse of residents during the clinical experience
4. Cheating \*
5. Continued poor performance at clinical.
6. Disrespectful behavior toward VSNA staff/students, people we share the building with, or ANY staff of the Nursing Home(s) where we have clinical.
7. Inappropriate sexual (physical or verbal) interactions with VSNA staff/ student's, residents or clinical site employees.

\*students caught cheating will be terminated and not allowed to re-enroll for a period of one (1) year, if allowed back at all.

Please note that a re-entry/continuance fee of \$135 will be applied to all students that are dismissed for attendance, behavior, or missed payments.

### **FAILURE TO COMPLETE-Nurse Aide**

If any student fails Lecture, Skills, or Clinical the following will occur:

\*these fees are for VSNA students ONLY, add \$25 if you are not a VSNA student\*.

- Lecture-will continue with course if student receives Satisfactory in skills he/she will continue onto clinical (at instructor and Director discretion). Must come back to complete Lecture and pay a tuition of \$300.
- Skills-student will NOT move on to clinical, he/she must repeat the skills portion of the course and pay a tuition of \$ 325.
- Clinical-student must repeat clinical portion of course and pay a tuition of \$375.

***\*student may be prevented from moving on to skills if lecture grade is less than an 80%, this is at the discretion of the Instructor and Director.***

### **FAILURE TO COMPLETE-Medication Aide**

If any student fails Lecture, Skills, or Clinical the following will occur:

- Lecture-will continue with course if student receives Satisfactory in skills he/she will continue onto clinical (at instructor and Director discretion). Must come back to complete Lecture and pay a tuition of \$275.
- Skills-student will NOT move on to clinical, he/she must repeat the skills portion of the course and pay a tuition of \$ 150.
- Clinical-student must repeat clinical portion of course and pay a tuition of \$275.

***\*student may be prevented from moving on to skills if lecture grade is less than an 90%, this is at the discretion of the Instructor and Director.***

### **FAILURE TO COMPLETE-Personal Care Aide**

If any student fails Lecture or Skills the following will occur:

- Lecture- Must repeat and pay a tuition of \$275.

- Skills-student must repeat the skills portion of the course and pay a tuition of \$ 175.

***\*student may be prevented from moving on to skills if lecture grade is less than an 80%, this is at the discretion of the Instructor and Director.***

Students who fail any part of the course twice consecutively, will have to wait 3 months before he/she can re-enroll.

### **\*Payments**

Virginia School for Nurse Aides accepts:

\*Money Orders

\*Cashier's Checks

\*Third Party Payers (DSS, Employers, WIA, or any governmental agency)

\*All money orders and Cashier's Checks should be made out to:  
Virginia School for Nurse Aides

\*Payments are due on the date(s) agreed upon on promissory note, no exceptions. If payment is not made on specified date(s) a late fee of \$85 will incur. If no promissory is on file, balance will be due two weeks from initial payment. If these payments are not met student may be terminated from program for non-payment. If a student defaults on his/her payment arrangement and is terminated from the program for non-payment he/she will be required to pay remaining balances in cash or money order and a re-entry fee of \$135 will be paid also due in cash or money order. Should I not make my extension payment, I will be terminated from the program immediately in addition to being sent to a third-party collection agency.

### **Cancellation Policy**

If a student need to cancel his/her class with the intent on receiving a refund a written notice must be received by the school 21 business days before the start of the class that he/she is scheduled for. All cancellation request must be sent to [info@virginiaschoolfornurseaides.com](mailto:info@virginiaschoolfornurseaides.com) Please note that students that register within 21 days of a class start date will not be eligible to request to cancel his/her class. If a cancellation request is granted, a refund will be issued according the refund policy.

If a student need to cancel his/her class with the intent of attending the next scheduled class, he/she must submit a written request via email (see above) fourteen days

prior to the start of the class that he/she was scheduled for. A student may cancel a class at his/her discretion once. If a student attempt to cancel a class twice he/she will lose their seat and all monies paid; and will not be eligible for a refund.

### **Refund Policy**

Refunds are tuition less \$350 registration(nurse aide), \$375(nurse aide/medication aide combo), \$117(personal care aide)\$310(personal care aide/medication aide combo) fee and course materials. There is no refund for books and materials purchased for courses offered by the school. Merchant fees are non-refundable.

The school reserves the right to cancel a class at its discretion or due to limited enrollment, lack of staff or clinical site situations. If a class is cancelled by the school for any reason, the student is still responsible for keeping his/her payments current, in addition the student will not receive a refund for any monies paid unless a class (the same class, same session) has been cancelled twice consecutively.

All refund requests must be written to [info@virginiaschoolfornurseaides.com](mailto:info@virginiaschoolfornurseaides.com). The school has 30 days to process and issue refunds.

*If a student drops, fails, or is terminated from the course, that student is still responsible for the full tuition balance. If balance is not paid, the account will be forwarded to a third-party collection agency immediately.*

There are no refunds issued for the following:

- Registration fees
- Payment Plan fees
- Merchant/Credit Card fees

-registration fees cover costs associated with running the program

-payment plan fees cover the cost associated with managing the account

### **Parking**

Parking at VSFNA is plentiful and free however, only night students may park in our parking lot. Day students must park on the street. There is no parking meters or street cleaning worries.

If a day student parks in the lot, his/her car will be towed at owner's expense.

### **Grievance Policy**

If any student believe that a decision made against him/her is unfair or unjust he/she has the opportunity to request a grievance meeting. Below are the steps that should be followed.

Email your request to [info@virginiaschoolfornurseaides.com](mailto:info@virginiaschoolfornurseaides.com)

Include the following:

- Full name and contact info
- Course Name including duration; example (CNA-Day Jan 5-Feb 6, 2018)
- Concern(s)
- Date and times that he/she is available to meet (provide at least three options)
- \*With whom you'd like to meet with

\*Please note that the school will make the decision on the appropriate staff member to be present based on the concern(s).

All request must be made within seven days of incident/concern(s). Request made after seven days of incident/concern(s) may not be honored.

### **Rules and Regulations Updates**

At various times Virginia School for Nurse Aides will update our policies including our rules and regulations. While the school will make every effort to ensure that all students have the current policies, the student will be expected to adhere to the new regulations immediately, even if they have yet to receive the new copy.

### **Inclement Weather**

VSNA will post school closings on CBS 6 and on our website: [www.virginiaschoolfornurseaides.com](http://www.virginiaschoolfornurseaides.com) as well as our social media platforms such as Instagram Facebook. Course hours missed due to inclement weather or any other unforeseen situations equal to or greater than 17.5 hours for day students, or equal to or greater than 5 hours for night students will be made up in increments of 15-60 minutes.

Always check our website for changes and updates:

[www.virginiaschoolfornurseaides.com](http://www.virginiaschoolfornurseaides.com)

### **Student Release of Information Policy.**

Virginia School for Nurse Aides and Health Education, shall maintain all records relating to each trainee for a minimum of two years in a locked area that is readily accessible. These records shall be kept confidential and will be released

without approval by the individual to whom they apply if requested by any government agency, hiring agencies, third party payers or collection agency. Records will include, but not be limited to the following:

1. Enrollment Application
2. Certificate
3. Test/Quiz Scores
4. Attendance
5. Skills Checklist
6. Disciplinary Action.
7. PPD/Chest X-Ray results

VSNA at some points of time during your course(s) will often take photographs for our website, social media pages, and news print.

*All trainees shall have the right to review and/or obtain copies of their records for a fee of \$35. Copies will not be released until a STUDENT RECORDS RELEASE FORM has been completed and signed. Those documents shall only include the students' grade report, skills checklist and PPD. Only the Director and Office Manager are authorized to perform this function. In addition, if a student needs a replacement copy of his/her PPD or skill sheet, it shall cost the student \$10.*

**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,<sup>1</sup> and identifies what is commonly referred to as “barrier crimes.”

## Table of Contents

I.	Impact of Convictions on Board of Nursing Licensure or Certification.....	2
	Application Process for Initial Licensure or Certification with the Board of Nursing.....	2
	Basis for Denial of Licensure and Certification.....	3
	Additional Information Needed Regarding Criminal Convictions, Past Actions, Or Possible Impairments.....	4
	Following Licensure or Certification.....	5
II.	Criminal Convictions and Employment.....	6
	Convictions that Do Not Disqualify an Applicant from Employment.....	6
	Disclosure of Criminal Convictions.....	7
III.	Getting a Criminal Record Expunged.....	7
	Appendix: Barrier Crimes Prohibiting Employment in Nursing Facilities,	

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<sup>1</sup> 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 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](http://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) 367-4569.

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.<sup>2</sup> These applicants must also submit to a CBC. Applications with instructions can also be accessed from the DHP- Board of Nursing web site at [www.dhp.virginia.gov/nursing](http://www.dhp.virginia.gov/nursing) and choosing "Forms and Applications."

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<sup>2</sup> 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 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/rnlpvnccompact\\_mutual\\_recognition\\_state.asp](http://www.ncsbn.org/nlc/rnlpvnccompact_mutual_recognition_state.asp).

## 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:

Any and all criminal convictions ever received;

1. Any past action taken against the applicant in another state or jurisdiction, including denial of licensure or certification in another state or jurisdiction; and
2. 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 Monitoring Program (HPMP), which is a monitoring program for persons with impairments due to chemical dependency, mental health or physical disabilities. Willingness to participate in the HPMP 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 HPMP may be obtained directly from the DHP homepage at [www.dhp.virginia.gov](http://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 FACILITIES**<sup>3</sup>

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.

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<sup>3</sup> 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 policies<sup>4</sup>.

*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

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<sup>4</sup> Such as federal Medicare or Medicaid certification regulations.

- 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

### **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.<sup>5</sup> 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.

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<sup>5</sup> See § 54.1-2400.6 of the Code of Virginia for mandatory reporting requirements.

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.

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*.

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	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			

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State Code	Offense
18.2 –36.1	Certain conduct punishable as involuntary manslaughter
18.2 – 37	How and where homicide prosecuted and punished
18.2 – 41	Malicious wounding by a mob
18.2 – 47	Abduction
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
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

54.2	Alteration of food, drink, drugs, cosmetics, etc.
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

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State Code	Offense
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
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, etc.
- 79 Burning or destroying meeting house, etc.
- 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



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

Setting of chemical bombs capable of producing smoke in certain public buildings

- 18.2 - 87.1 Carelessly damaging property by fire

- 18.2 - 88 Drive by shooting

18.2 - 286.1

- 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
18.2 - 369	Abuse and neglect of incapacitated adults
370	Taking indecent liberties with children
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
	Possession of child pornography
18.2 – 374.1:1	
18.2 – 374.3	Electronic facilitation of pornography

State Code
18.2

Offense
875

Obscene exhibitions and performances

18.2 - 376	Advertising, etc., obscene items, exhibitions or performances
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