

Oklahoma Board of Nursing Statement regarding Licensure, Criminal History Records Search, and Evidence of Citizenship

The Rogers State University Bachelor's Degree Nursing Program is provisionally approved by the Oklahoma Board of Nursing. Graduates of this state-approved program are eligible to apply to write the National Council Licensure Examination (NCLEX) for registered nurses. Applicants for Oklahoma licensure must meet all state and federal requirements to hold an Oklahoma license to practice nursing. In addition to completing a state-approved nursing education program that meets educational requirements and successfully passing the licensure examination, requirements include submission of an application for licensure, a criminal history records search, which includes submitting a full set of fingerprints along with a fee made payable to OSBI for a national fingerprint criminal history records search, and evidence of citizenship or qualified alien status. Applicants for practical nurse licensure must also hold a high school diploma or a graduate equivalency degree (G.E.D.) [59 O.S. §567.5 & 567.6]. To be granted a license, an applicant must have the legal right to be in the United States (United States Code Chapter 8, Section 1621). In addition, Oklahoma law only allows a license to be issued to U.S. citizens, U.S. nationals, and legal permanent resident aliens. Other qualified aliens may be issued a temporary license that is valid until the expiration of their visa status, or if there is no expiration date, for one year. Applicants who are qualified aliens must present, in person, valid documentary evidence of:

1. A valid, unexpired immigrant or nonimmigrant visa status for admission into the United States;
2. A pending or approved application for asylum in the United States;
3. Admission into the United States in refugee status;
4. A pending or approved application for temporary protected status in the United States;
5. Approved deferred action status; or
6. A pending application for adjustment of status to legal permanent resident status or conditional resident status.

The Board has the right to deny a license to an individual with a history of criminal background, disciplinary action on another health-related license or certification, or judicial declaration of mental incompetence [59 O.S. §567.8]. These cases are considered on an individual basis at the time application for licensure is made, with the exception of felony charges. An individual with a felony conviction cannot apply for licensure for at least five years after completion of all sentencing terms, including probation and suspended sentences, unless a presidential or gubernatorial pardon is received [59 O.S. §567.5 & 567.6].

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**INFORMATION FOR APPLICANTS FOR RN, LPN or APRN LICENSURE, AUA CERTIFICATION,
OR REINSTATEMENT WITH HISTORY OF ARRESTS, CONVICTIONS,
OR PRIOR DISCIPLINARY ACTION**

Applicants for licensure, AUA certification, or reinstatement in Oklahoma who have ever been summoned, arrested, taken into custody, indicted, convicted or tried for, or charged with, or pleaded guilty to, the violation of any law or ordinance or the commission of any misdemeanor or felony, or requested to appear before any prosecuting attorney or investigative agency in any matter; or have ever had disciplinary action taken against a nursing license, certification or registration, any professional or occupational license, registration, or certification and/or any application for a nursing or professional or occupational license, registration, or certification or if there is currently any investigation of your nursing license, registration, or certification; and/or any professional or occupational license, registration, or certification; and/or any application for a nursing and/or professional or occupational license, registration, or certification in any state, territory or country, **or** have ever been judicially declared incompetent are required to notify the Oklahoma Board of Nursing if the incident has not previously been reported in writing to the Board. A “report in writing” means that the applicant/licensee provided a signed and dated description stating in his/her own words the date, location, and circumstances of the incident, and if applicable, the resulting action taken by the court, agency, or disciplinary board. The report may be in the form of a letter or a statement in the provided space on the application. The report must be accompanied by certified court records or a board order. A verbal report does not constitute a “report in writing”. A written report not accompanied by a full set of certified court records or the board order(s) does not constitute a “report in writing”. Failure to report such action is a violation of the *Oklahoma Nursing Practice Act*.

All applicants for licensure as a Registered Nurse, Licensed Practical Nurse or Advanced Practice Registered Nurse or for certification as an Advanced Unlicensed Assistant, must have submitted a fingerprint criminal history records search conducted by the FBI and Oklahoma State Bureau of Investigation not more than three (3) months prior to submission of the application [59 O.S. §567.5].

A candidate for a license to practice as a Registered Nurse or Licensed Practical Nurse, or for certification as an Advanced Unlicensed Assistant, shall submit to the Oklahoma Board of Nursing “certified written evidence that the applicant has never been convicted in this state, the United States or another state of any felony, unless five (5) years have elapsed since the date of the criminal conviction or the termination of any probation or other requirements imposed on the applicant by the sentencing court, whichever shall last occur, or a presidential or gubernatorial pardon for the criminal offense has been received” [59 O.S. §567.5, 567.6, & 567.6a]. **Therefore, individuals with one or more felony convictions cannot apply in Oklahoma for RN/LPN licensure by examination or endorsement, or for AUA certification, for at least five years after completion of all sentencing terms, including probation and suspended sentences, unless a presidential or gubernatorial pardon is received.**

The applicant must submit the following information to the Board:

1. Application for licensure, certification or reinstatement, and fee;
2. A signed statement from the applicant describing the location and circumstances of the offense, date, court action or Board action taken and current status;
3. Fingerprint criminal history search not more than three (3) months old (applicable only to applicants for licensure by examination, endorsement, APRN licensure or AUA certification); and
4. If applicable, **certified** copies of the Affidavit of Probable Cause, Information Sheet, Charges, Judgment and Sentence, and verification that the sentencing requirements are complete (these documents may be obtained from the courthouse in the county in which the arrest took place). Please ensure that the copies are certified, e.g., they are stamped with the court seal. Internet print-outs are not acceptable. If no records are found, have the agency provide a certified letter stating no records found in a search from the date of offense through current date.
5. If applicable, copies of the licensing agency’s actions submitted directly from that agency to the Oklahoma Board of Nursing

Please be aware that an applicant may **not** be eligible for licensure or endorsement to surrounding states due to individual states’ restrictions, even if the applicant is able to be licensed in Oklahoma. Individuals who plan to apply for licensure in other states must check with that state’s board of nursing to obtain information on requirements.

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NCLEX or AUA Certification Candidates
With History of Arrest/Deferred Sentence/Conviction Policy

- I. Regulatory Services staff may approve the application of an NCLEX or AUA certification candidate with a misdemeanor offense in the following cases:
- A. First instance of a misdemeanor including but not limited to bogus checks, larceny of merchandise, or violation of a state or federal narcotics or controlled dangerous substance law; and
 - B. The misdemeanor offense was not plea bargained from an initial felony charge; and
 - C. The candidate has no other criminal charge(s), judgment, or sentencing pending.

Regulatory Services staff may, at their discretion, request further review by the Investigative Division of any Application.

- II. All other Applications of NCLEX Applicants or AUA certification candidates with arrest(s), history of disciplinary action, and/or judicial declaration of mental incompetence, will be reviewed by the Investigative Division and prosecuting attorney for a decision regarding approval. The Investigative Division Staff may approve the Application of an NCLEX or AUA certification candidate in the following cases:
- A. The criminal charge resulting in deferred sentence or conviction was not for a felony or misdemeanor involving physical harm to another; and
 - B. The conviction did not result in a sentence of incarceration that was served; and
 - C. The deferred sentence or conviction is older than ten (10) years and the Applicant has successfully completed the terms of the sentence and has had no other subsequent criminal offenses or unbecoming conduct.

If the deferred sentence or conviction is more than five (5) years old and involved alcohol related incidents, the Applicant may be asked to submit to an Evaluation from an approved provider that meets the criteria established by the Board. Upon receipt of the Evaluation, if there are no recommendations for treatment or monitoring, the applicant will be approved without disciplinary action. If the Evaluation has recommendations for treatment or monitoring, the Applicant will be offered a Stipulated Order based upon the Evaluator and/or IDP or Board recommendations.

- III. All other Applications of candidates with arrests, misdemeanors, felonies, history of disciplinary action, or judicial declaration or mental incompetence, not falling within the parameters of Sections I and II above, must come before the IDP or Board for decision.

- IV. **Regulatory Authority:** 59 O.S. ' 567.8