

## **Title 30: Professions and Occupations**

### **Part 2825: RULES OF PROCEDURE**

#### **Part 2825, Chapter 2: Pre-Licensure Determination**

*Rule 2.1: Request for Pre-Licensure Determination.* An individual may request the Mississippi Board of Nursing (hereinafter referred to as the “Board”) for a determination of whether the individual’s criminal record will disqualify the individual from obtaining a license. The determination request shall be in writing, filed on a form supplied by the Board and signed in the presence of a notary. The request shall also be accompanied by a certified copy of any judgement of conviction and a fee of twenty-five dollars (\$25.00).

Source: Miss. Code Ann. §§ 73-15-17, 73-77-7 (1972, as amended).

*Rule 2.2: Disqualifying Crimes.*

- A. Felony. An individual may be denied a license or permit based on a felony conviction which includes the following: a deferred conviction, a deferred prosecution, a deferred sentence, finding or verdict of guilt, admission of guilt or a plea of nolo contendere.
- B. Directly Related to Licensure Practice. Crimes involving fraud or theft. Nurses often have unfettered access to individuals’ privileged information, financial information, and valuables, including medications, money, jewelry, credit cards/checkbook, and sentimental items. Nurses also provide around-the-clock care, working night and weekend shifts at hospitals, long-term care facilities, nursing homes, assisted living facilities, and in-home health and home-like settings, where there is often no direct supervision of the nurse. Patients in these settings are particularly vulnerable to unethical, deceitful, and illegal conduct. When a nurse has engaged in criminal behavior involving fraud or theft in the past, the Board is aware that similar misconduct may be repeated in nursing settings, thereby placing patients, healthcare employers, and the public at risk.
- C. Misdemeanor. The admission of multiple convictions, including misdemeanor convictions may be used to determine if an individual shall be denied a license or permit.

Source: Miss. Code Ann. §§ 73-15-17, 73-77-7 (1972, as amended).

*Rule 2.3: Determination Notification.*

- A. Time for Response. The licensing authority or its designee shall issue a written determination notification to the individual within thirty (30) days from the Board’s receipt of the individual’s request.
- B. Standing. The individual shall be provided one of the following responses:

- 1) Insufficient Information. If the individual's request contains insufficient information, the licensing authority or its designee will notify the individual that a determination cannot be made at this time as to the individual's standing as to whether the criminal record will disqualify the individual from obtaining a license.
  - 2) Disqualification Notification. The licensing authority or its designee shall notify the individual of the following:
    - (a) Grounds and reasons for denial or disqualification.
    - (b) The right to a hearing;
    - (c) The earliest date to reapply for a license;
    - (d) Evidence of rehabilitation may be considered upon reapplication.
- C. Administrative Hearing. The notice will advise the individual of the right to a hearing to challenge the Board's or its designee's decision.
- D. Notice of Hearing. The Board or its designee shall provide in writing to the individual the time, date and nature of the hearing pursuant to the Board's statutory provisions, rules and regulations.

Source: Miss. Code Ann. §§ 73-15-17, 73-77-7 (1972, as amended).