

DENIAL OR DELAY OF LICENSURE,
Includes Applicants for Licensure by Examination, Applicants for Licensure by
Endorsement, Applicants for Reinstatement or the Right to Practice as a RN or
Student Nurse

A	B	C
Denial (permanent)	Denial (Minimum 5 years)	Delay
Crimes of Violence as defined in <u>La. R.S. 14:2</u> http://www.legis.state.la.us/lss/lss.asp?doc=78337 Or any of the following: First degree feticide, second degree feticide, false imprisonment offender armed with dangerous weapon, second degree cruelty to juveniles, cruelty to the infirmed, cruelty to animals, or equivalent crimes in jurisdiction other than La.	Felonious Crimes which reflects an inability to practice nursing safely with due regard for the health and safety of clients or patients not previously mentioned under section A	Pending Criminal Charge involving violence or danger to another person: crimes which constitute a threat to patient care, crimes involving production, manufacturing, distribution or dispensing of drugs
Crimes involving the production, manufacturing, distribution or dispensing of controlled dangerous substances.	Two or more misdemeanor crimes which reflect an inability to practice nursing safely, including but not limited to, Simple battery, Aggravated assault, Sexual battery, Criminal mischief, Entry on or remaining in places after being forbidden, Soliciting for prostitutes, any crimes related to alcohol or drugs	Has pending disciplinary action from any other licensing/certifying board in any state
Crimes designated as “sex offense” or “aggravated offense” or “sexual offense against a minor” as set forth in <u>La. R.S. 15:540</u> . http://www.legis.state.la.us/lss/lss.asp?doc=79159	A misdemeanor crime which reflects an inability to practice nursing safely where there exist aggravating circumstances including but not limited to ongoing substance abuse, discovered as part of the investigation.	Allowed to participate in a pretrial diversion program in lieu of prosecution (for a crime that does not constitute denial but reflects in ability of the person to practice nursing safely, and conditions of the court or pretrial diversion program have not been met or is currently serving probation or parole
Misappropriation crimes: Unauthorized use of “access card”, Credit Card fraud, Identity Theft, Theft of assets of an aged or disabled person, Fraudulent acquisition of a credit card, Unauthorized use of food stamps, Medicaid fraud, Access device fraud, Bank fraud, or equivalent crimes in jurisdiction other than La.		Diagnosed or treated with a physical or mental infirmity that interferes with the ability to practice nursing safely
		Diagnosed or treated for substance abuse or substance abuse disorders

For Crimes in all sections

- Pled Guilty, Nolo contendere; “best interest of”, Convicted of committing, Attempted to commit, Conspiring to commit

Section A

- Section not negated by:

- Suspension of sentence
- Expungement
- Or similar action

-Not eligible to submit a new application

-Does not apply to reinstatement of a license that has been suspended or surrendered as a result of disciplinary action taken against a licensee by the Board or which reinstatement would otherwise be subject to the provisions of LAC 46:XLVII 3415.

Section B

Applicants not eligible to submit new application until the following conditions are met:

- Presents evidence that 5 years has lapsed since final disposition
- Completed all court ordered probation/parole, community supervision, restitution
- Provide evidence including but not limited to certified court documents, comprehensive evaluations by Board Approved evaluators, employer references and other evidence of rehabilitation prior to requesting a Board hearing
- Hearing or conference before Board or Board Staff- allow prove the cause for denial no longer exists and provide opportunity for Board to determine if new application can be submitted without being subject to mandatory delay provisions

Section C

Applicants not eligible to submit new application until the following conditions are met:

- If delay is based on existence of pending criminal charge, must present evidence that charge has been dismissed including but not limited to completion of pretrial diversion program, completion of conditions imposed for consideration of suspension of a sentence or equivalent in jurisdiction other than La
- If charge results in a felony conviction, other than for the commission of a crime that would constitute grounds for denial of application, applicant must present evidence that 5 years has lapsed since final disposition and completion of all court ordered probation or parole
- If charge results in a misdemeanor conviction, , other than for the commission of a crime that would constitute grounds for denial of application, applicant must present evidence of the final disposition of the criminal case including, if applicable, completion of court ordered probation or parole
- If delay is based on pending disciplinary action, applicant must present evidence of unencumbered license(s) or certification from all affected jurisdictions that the matter has been satisfactorily resolved
- If delay is based on existence of physical or mental infirmity, applicant must present comprehensive psychological, psychiatric, chemical dependency, and/or other appropriate medical evaluations completed with Board approved evaluators, which may include but not limited to forensic evaluations with polygraph examination, that evidence the ability of the applicant to practice nursing safely
- If the Delay is based on the existence of substance use disorder or dependency and/or treatment for dependency, applicant must demonstrate a **minimum of 2 years** of documented sobriety and successful completion of all treatment recommendations
- Hearing or conference before Board or Board Staff is held before the board to review the evidence, to afford applicant the opportunity to prove that the cause for the delay no longer exists and to provide an opportunity for the board to determine if a new application can be submitted without being subject to mandatory delay provisions
- Does not apply to reinstatement of a license that has been suspended or surrendered as a result of disciplinary action taken against a licensee by the Board or which reinstatement would otherwise be subject to the provisions of LAC 46:XLVII 3415.