

**DEPARTMENT OF HEALTH  
NURSING CARE QUALITY ASSURANCE COMMISSION  
HEALTH PROFESSIONS QUALITY ASSURANCE  
SECTION 6 OFFICE PROCEDURE**

<b>Title:</b>	Decision Making Criteria for License Applications	<b>Number:</b>	A21.05
<b>Reference:</b>	RCW 18.130.050 (13)		
<b>Contact:</b>	Mary Dale, Discipline Manager		
<b>Effective Date:</b>	September 9, 2011		
<b>Supersedes:</b>	March 14, 1997; May 16, 2003; March 12, 2004 July 1, 2005		
<b>Approved:</b>			
	<b>Paula R. Meyer, Executive Director Nursing Care Quality Assurance Commission</b>		

**PURPOSE STATEMENT:**

When an otherwise qualified applicant for a nursing license has a positive response or criminal background check, the application is considered an “exception” application. This procedure allows administrative staff to apply criteria established by the Nursing Commission to approve or deny the application. It is the intent of the commission to fairly and quickly process applications for licenses.

Administrative staff shall:

- Approve or deny applications in accordance with Addendum 1 when there has been a single occurrence resulting in a criminal convictions. Cases involving multiple convictions shall be referred to the Case Management Team (CMT). Exception, if all convictions are over 10 years old, applications may be approved by administrative staff.

Staff will follow the flowchart in Addendum 2. When the applicant has answered “no” to the question regarding criminal convictions, but that conviction alone would not have resulted in any denial or restrictions to the license, then that “no” answer is “not material” under the meaning of RCW 18.130.180 (2). Any conviction which would result in a denial or restriction of the license is a “material” misrepresentation which will be forwarded to CMT.

- Approve applications for applicants with medical conditions, which fall under the ADA, where the applicant states that they can practice with reasonable skill and safety, and there are no limitations or impairments, or the condition is controlled or alleviated with medication.
- Approve applications for applicants with action taken in another state, where the applicant has complied with all conditions and has been reinstated, holding a current unencumbered license.
- Approve applications for applicants named in a malpractice, hospital or civil suit where negligence was not established.

Exception applications that do not meet these criteria will be forwarded to CMT for review and a decision to approve or deny.

## ADDENDUM 1

Below is the criteria used for staff to recommend approval for applications with convictions for Commission’s Final Approval. Criteria is based on a one time incident.

NOTE: Where the recommended action is “Issue with sanctions,” the file is referred to CMT

F-Felony; Class A or B – Deny 10 years; Class C – issue after 5 years with sanctions

G-Gross Misdemeanor – Issue with sanctions

M-Misdemeanor – Issue

Incident	If conviction occurred within the last 3 years	If conviction occurred 3-10 years ago	M/G/F (Class)
Criminal Trespass 2	Issue with sanctions	Issue credential	G
False reporting	Issue with sanctions	Issue credential	G
Making False or Misleading Statements	Issue with sanctions	Issue credential	G
Marijuana 40 grams or less	Issue with sanctions	Issue credential	M
Obstructing a Law Enforcement Officer	Issue with sanctions	Issue credential	G
Possession of drug paraphernalia	Issue with sanctions	Issue credential	M
Prostitution	Issue with sanctions	Issue credential	M/G
Resisting Arrest	Issue with sanctions	Issue credential	G
Shoplifting	Issue with sanctions	Issue credential	M/G
DUI – first offense- (no bodily harm)	Issue credential	Issue credential	G
DUI – second offense	Issue with sanctions	Issue credential	G
Simple Assault	Issue with sanctions	Issue credential	G
Telephone Call Harassment	Issue with sanctions	Issue credential	G
Welfare Fraud	Issue with sanctions	Issue credential	G
Animal Cruelty	Issue with sanctions	Issue credential	G
Assault 4	Issue with sanctions	Issue credential	G
Coercion	Issue with sanctions	Issue credential	G
Minor in possession of alcohol	Issue with sanctions	Issue credential	M
Drug convictions (Gross misdemeanor)	Issue with sanctions requiring monitoring	Issue with sanctions or require proof of completion of program	G

<b>Incident</b>	<b>If conviction is 0-5 years</b>	<b>If conviction occurred 5-10 years ago</b>	
Attempt to Elude	Issue with sanctions	Issue credential	F
Conspiracy	Issue with sanctions	Issue credential	G
Criminal Trespass 1	Issue with sanctions	Issue credential	G
Malicious Mischief 3	Issue with sanctions	Issue credential	G
No Contact Order Violation	Issue with sanctions	Issue credential	G
Possession of Stolen Property 3	Issue with sanctions	Issue credential	G
Reckless Endangerment	Issue with sanctions	Issue credential	G
Theft 3	Issue with sanctions	Issue credential	G
UIBC under \$250	Issue with sanctions	Issue credential	G
Drug convictions (Felony)	Deny credential or issue under monitoring program	Deny credential or require proof of completion of program	F
Assault 3	Deny credential	Issue with sanctions	F (C)
Criminal Mistreatment 2	Deny credential	Issue with sanctions	F (C)
Custodial assault	Deny credential	Issue with sanctions	F (C)
Extortion 2	Deny Credential	Issue with sanctions	F (C)
Forgery	Deny credential	Issue with sanctions	F (C)
Indecent Exposure victim under 14	Deny credential	Issue credential	G
Malicious Mischief 1	Deny credential	Issue with sanctions	F (B)
Malicious Mischief 2	Deny credential	Issue credential	F (C)
Possession of Stolen Property 2	Deny credential	Issue with sanctions	F (C)
Promoting Prostitution 1	Deny credential	Issue with sanctions	F (B)
Theft 2	Deny credential	Issue with sanctions	F (C)
Vehicle Theft	Deny credential	Issue with sanctions	F
UIBC over \$250	Deny credential	Issue with sanctions	F (C)
Arson	Deny credential	Deny credential	F
Assault 1	Deny credential	Deny credential	F (A)
Assault 2	Deny credential	Deny credential	F (B)
Bomb threat	Deny credential	Deny credential	F (B)
Burglary 1 or 2	Deny credential	Deny credential	F(A&B)
Child molestation	Deny credential	Deny credential	F
Communication with a minor for	Deny credential	Deny credential	F

immoral purposes			
Criminal Mistreatment 1	Deny credential	Deny credential	F
Extortion 1	Deny credential	Deny Credential	F
Indecent liberties	Deny Credential	Deny credential	F
Murder	Deny credential	Deny credential	F
Possession of Stolen Property 1	Deny credential	Deny credential	F
Residential Burglary	Deny credential	Deny credential	F (B)
Theft 1 or Robbery 1 and 2	Deny credential	Deny credential	F
Rape 1,2,3	Deny credential	Deny credential	F

RCW 18.130.055 states: (1) The disciplining authority may deny an application for licensure or grant a license with conditions if the applicant:  
(c) Has been convicted or is subject to current prosecution or pending charges of a crime involving moral turpitude or a crime identified in RCW 43.43.830.

