

**MAINE STATE BOARD OF NURSING
CBC POLICY MANUAL
SECTION I**

Policy Number: 1-2018

Department/Service Area: Maine State Board of Nursing (MSBON)
Category: Staff Policies
Subject: Criminal Background Check (CBC) Mandatory Training

POLICY: *All staff who access and view criminal background check (CBC) information must complete applicable security and records training and execute a written statement acknowledging the possible penalties for misuse of CBC information.*

1. All Board staff who access, view or handle Criminal Background Check information (CBC) must complete mandatory online Criminal Justice Interface/Security Awareness Training and the agency's internal privacy and security process training.
2. Mandatory training for agency staff who access, view or handle CHRI shall include:
 - A. Completion of the Criminal Justice Interface/Security Awareness Training which can be accessed at <https://www.cjisonline.com/index.cgi>;
 - B. Completion of the internal agency training, which, includes but is not limited to access, use, handling, dissemination, destruction procedure of CBC and state, federal and agency consequences for misuse of criminal history; and
 - C. Agency staff shall sign an Acknowledgement Statement acknowledging notification of the penalties for misuse of CBC information.

PROCEDURE:

1. The authorized CBC staff member will provide any employee who will access, view or otherwise handle CBC information with the web link or hard copy of the Criminal Justice Interface/Security Awareness Training for review. Agency staff will successfully complete the Criminal Justice Interface/Security Awareness Training prior to accessing, viewing, or handling CHRI.
2. The authorized CBC staff will review the agency's internal privacy and security process policy. Agency staff will complete initial training as described per the

agency's internal privacy and security policy prior to accessing, viewing or handling CBC information.

3. The authorized CBC staff will execute an Acknowledgement Statement prior to the accessing, viewing or handling of CBC information.

**MAINE STATE BOARD OF NURSING
CBC POLICY MANUAL
SECTION I**

Policy Number: 2-2018

Department/Service Area: Criminal Justice Interface/Security Awareness Training

Category: Staff Policies

Subject: Fingerprint Chain of Custody and Processing for Criminal Background Checks

POLICY: *The Maine State Board of Nursing (MSBON) is authorized to require an initial Applicant and Endorsement Applicant for licensure as a Registered Nurse and/or Licensed Practical Nurse to be fingerprinted and submit to a state and national criminal history records search in keeping with its mission to protect the public.*

1. All applicants for initial licensure and/or licensure by endorsement will be instructed to submit fingerprints or other biometric-based information for the purpose of obtaining criminal history record information (CHRI) from the Federal Bureau of Investigation (FBI) and the Maine State Bureau of Identification (SBI). 32 M.R.S. § 2111 and 32 M.R.S. § 2173(3)(F).
2. Procedure for Collection of Fingerprints:
 - A. A criminal background check (CBC) must be completed through the Maine Department of Public Safety (DPS) and the FBI based on a set of fingerprints provided to IdentoGO. The Board cannot accept fingerprint cards or criminal background check results mailed by applicants, or results that were completed for another facility, even if the previous check was completed through the DPS and the FBI. Obtaining the fingerprints and the cost of submitting the same are the responsibility of the Applicant.
 - B. Fingerprinting fees are the responsibility of the Applicant and should be paid directly to IdentoGo.
3. No multi-state license will be issued until CBCs have been processed and results received by the Board.
4. Applicants with rejected fingerprint cards will be notified by MorphoTrust USA.
 - A. The Maine SBI and FBI will look at fingerprints and determine if the quality of prints is acceptable.

- B. Applicants who have rejected fingerprint cards will be allowed to reprint at an IdentoGo livescan location if in-state and at a location of the applicant's choice if out-of-state. Once an in-state applicant has submitted fingerprints for a second time and they are rejected, he/she will be instructed to go directly to the Maine SBI to be reprinted.
- 5. All background reports are received by Maine SBI from the FBI, and subsequently sent to a secure website for retrieval and viewing by authorized Board staff members.
 - 6. Board Processing of CBCs:
 - A. Board staff authorized to retrieve and view CHRI will open and review the CBC report on the secure website.
 - B. CBC reports will not be printed, downloaded, saved, or copied for any reason.
 - C. CBC reports that contain no CHRI for the fingerprinted applicant will be noted in the Board's Agency Licensing Management System (ALMS) as "passed".
 - D. CBC reports that contain CHRI for the fingerprinted applicant will be noted in the Board's ALMS as "failed". The applicant will be notified by authorized Board staff and informed that he/she has received a "failed" report for an incident. The applicant must explain the finding in a written, signed and dated document with applicable court certified documentation in order for the Board to determine eligibility for a multi-state license. If the applicant requests to view the CBC report, BON staff will refer the applicant to the Maine SBI.

**MAINE STATE BOARD OF NURSING
CBC POLICY MANUAL
SECTION I**

Policy Number: 3-2018

Unit/Service Area: Maine State Board of Nursing (MSBON)

Category: Licensure

Subject: Criminal Background Checks (CBCs) – Confidentiality/Security of Records and Information

POLICY: *All MSBON staff who are authorized to access, view and handle Criminal History Records will maintain strict confidentiality, security, and control of all such information. This shall be consistent and in full compliance with all applicable laws, rules, and regulations.*

PROCEDURE:

1. Only Board staff authorized by the Board’s Executive Director may access, view, or handle CHRI. Authorized Board staff must assure confidentiality of CHRI by:
 - A. Executing a confidentiality agreement (see Attachment 1) indicating they understand the nature of, and will adhere to, strict standards of confidentiality;
 - B. Understanding to whom and when they may release “failed” CHRI;
 - C. Limiting access to the laptop used to access the secure website containing CHRI by physically securing it from unauthorized access and viewing by unauthorized personnel, and including a password in order to log on to the computer;
 - D. Accessing and viewing CHRI only on the secured laptop designated specifically for that purpose;
 - E. Not downloading, printing, saving or copying and CHRI; and
 - F. Using the computer checklist system in the Board’s Agency Licensing Management System (ALMS) to document information status (i.e. “failed”/”passed” in each applicant’s file.
2. Queries Regarding CBCs
 - A. Inquiries regarding CHRI will be referred to Board staff authorized to access, view, and handle CHRI.

3. Confidentiality and Disclosure of Failed (Conviction Record) CBC Records.
 - A. Failed CBC results may be disclosed only to facilitate investigation of the criminal history of the applicant and completion of the licensing process by:
 - a. Including the relevant section of the CBC report in a letter addressed to the applicant requesting additional information;
 - b. Permitting an investigator to enter court websites for further information; or
 - c. Allowing the Board to review the CHRI in conjunction with additional information supplied by the applicant.
 - d. If an applicant requests to view or copy the CHRI, Board staff authorized to access, view and handle CHRI will advise the applicant to contact the Maine State Bureau of Investigation (SBI).

**MAINE STATE BOARD OF NURSING
CRIMINAL BACKGROUND CHECKS CONFIDENTIALITY AGREEMENT**

I understand that:

1. Criminal History Record Information, including criminal background check (CBC) information, is by its very nature sensitive information that has the potential to cause harm if misused.
2. Criminal history records reports provided by the Maine State Bureau of Identification (SBI) and the Federal Bureau of Investigation (FBI) to the Maine State Board of Nursing (MSBON) pursuant to state and federal law (See Title 32, Chapter 31, subchapter 1, §2111, under subchapter 2-A and Title 28, Code of Federal Regulations) is used solely for the purpose of processing initial and endorsement applications, including those for multi-state licensure, and is highly confidential.
3. The criminal history records reports information may not be further disseminated by any medium, oral or written, to any person or entity unless otherwise authorized by law.
4. Any person who knowingly or recklessly permits unauthorized access to, releases, or procures the release of criminal history record information, other than as provided by law or for other purposes other than described in this document, or who uses such information for a purpose other than as authorized by law or for purposes other than described in this document may be subject to administrative and criminal penalties.
5. Sanctions for violation of this confidentiality agreement and acknowledgement of possible penalties may be cause for discipline, up to and including, termination of employment and prosecution for state and federal crimes

I will, therefore, treat the criminal history records information provided by the SBI and the FBI to the MSBON with utmost confidentiality.

Sign name

Date

Print name

**MAINE STATE BOARD OF NURSING
CBC POLICY MANUAL
SECTION I**

Policy Number: 4-2018

Department/Service Area: Maine State Board of Nursing (MSBON)

Category: Licensure

Subject: Criminal Background Report Information: Security, Retention and Disposal

Reference: Federal Bureau of Investigation CJIS Security Policy

POLICY:

1. The Board staff authorized to access, view and handle Criminal Background Report Information will ensure Criminal History Record Information (CHRI) is physically protected through implementation of the following specific measures.
 - A. Limiting public access to the Board staff area using a secured door;
 - B. Accompanying visitors while they are in the Board staff area;
 - C. Establishing a secure and private work area for a laptop dedicated solely for the purpose of allowing authorized CBC staff to access and view CHRI;
 - D. Positioning the computer monitor to prevent unauthorized visual access or viewing of CHRI by unauthorized individuals;
 - E. Not downloading, copying, printing or saving CHRI;
 - F. Maintaining a current list of Board staff authorized to access and view CHRI;
 - G. Ensuring that Board staff authorized to access and view CHRI have completed the requisite security training;
 - H. Ensuring that MSBON staff authorized to access, view and handle Criminal Background Report Information who resign or are terminated from employment are removed from the authorized list and do not have access to CHRI.
2. Security incidents are reported to the MSBON Field Investigator who functions as the agency Local Agency Security Officer (LASO). The LASO will notify the

Department of State Police, Bureau of Investigations at (207) 624-7240, to report any significant security incidents.

**MAINE STATE BOARD OF NURSING
CBC POLICY MANUAL
SECTION I**

Policy Number: 5-2018

Unit/Service Area: Maine State Board of Nursing (MSBON)

Category: Licensure

Subject: Criminal Background Check (CBC): Fingerprint Request Process

POLICY: *Effective January 19, 2018, initial and endorsement RN/LPN licensure applicants are required to have a fingerprint-based criminal background check (CBC) under Title 32, Chapter 31, subchapter 1, §2111, including an application for multistate licensure under subchapter 2-A.*

PROCEDURE: A CBC is performed using the applicant's fingerprints. Fingerprint based CBCs are processed through both the Federal Bureau of Investigation (FBI) and Maine State Bureau of Identification (SBI) criminal databases, which results in a complete criminal profile of the applicant.

1. Applicant's Responsibility: Applicants for initial RN/LPN licensure or Licensure by Endorsement must:
 - A. Use the fingerprint process established by the Board by registering at <https://me.ibtfingerprint.com/>. Fingerprinting may be completed in any state within the USA.
 - B. Pay the fee for fingerprinting directly to Identogo.
 - C. Retain the order or receipt number for use as evidence that process was initiated.
 - D. An applicant must repeat the CBC process if:
 - a. The CBC was completed more than 90 days prior to the date the application was submitted to the Board;
 - b. The CBC remained incomplete for more than 6 months.
2. Board's Responsibility.
 - A. The Maine State Police will forward the state and national CBC results to the Board.
 - B. Board staff authorized to access and review the CBC results shall notify the applicant if a failed report is received and inform him/her that he/she has received

a “failed” report for an incident. The applicant must explain the finding in a written, signed and dated document with applicable court certified documentation in order for the Board to determine eligibility for initial licensure and/or licensure by endorsement.

**MAINE STATE BOARD OF NURSING
CBC POLICY MANUAL
SECTION I**

Policy Number: 6-2018

Unit/Service Area: Maine State Board of Nursing (MSBON)

Category: Licensure

Subject: Criminal Background Check: Positive/Negative Findings

POLICY: *Each Applicant for initial licensure and licensure by endorsement is responsible for submitting a criminal history records check to the Board. If there is anything documented on the CBC, the Applicant must submit certified court documents, evidence of successful completion of any court orders, and a full explanation to complete the application.*

OPERATIONAL PROCEDURE:

1. An applicant for initial licensure or licensure by endorsement submits a finger-print based CBC approved by the Board.
2. Board staff authorized to access, view and handle CBC information receives the full CBC information regarding an applicant who provided fingerprints pursuant to a process authorized by the Board.
3. A CBC report that indicates an arrest, a conviction, guilty plea, or similar type disposition (Nolo Contendere, Alford Plea, etc.) shall be considered a “*failed*” CBC.
4. A CBC report that does not indicate any information shall be considered a “*passed*” CBC.
5. Board staff authorized to access and view CBC information compares/matches the applicant’s biographical information listed on their licensure application filed with the Board with the biographical information contained in the Criminal History Record Information (CHRI).
6. Board staff authorized to access and view the CBC information then searches for the applicant in the Board agency licensing management system (ALMS) and takes the following action:
 - a. If the applicant is in the ALMS system, the Board staff authorized to access and view CBC information:
 - (i) Matches and/or verifies the applicant’s biographical information from his/her application.

- (ii) Screens the record for criminal conviction and/or arrest information.
 - If the CHRI indicates a passed (No Record) CBC, the CBC staff will check the CBC process box complete in ALMS, and enter the following remark, “*Passed.*” *Passed* indicates that the applicant has NO Record of Convictions.
 - If the CHRI indicates a conviction history the authorized Board staff will check the CBC process box complete in ALMS, and enter the following remark, “*Failed.*” *Failed* indicates that the applicant HAS a Record of Convictions
 - b. If the applicant is not in the ALMS system, the Board staff authorized to access and view CBC information:
 - (i) On a regular basis repeats the search for the applicant in ALMS; and
 - (ii) Matches it with an application if/when it has been received.
7. For Applicants who have a “failed” CHRI, the authorized Board staff will notify the Applicant of any/all required information or documentation needed to complete the application process.
 8. Information submitted with, or subsequent to, the application is compared to the CBC and reviewed. The Applicant is notified if additional information is required.
 9. Until the application is complete, it will not be processed. The application is not complete until:
 - a. The CBC is received and reviewed; and
 - b. Information regarding a criminal record is received from the applicant.
 10. Once all the information is received, the authorized Board staff attaches the following items to the application:
 - a. a copy of the application
 - b. applicant’s personal explanation statement;
 - c. court records; and
 - d. any other relevant documents or items requested.
 - e. **DO NOT COPY OR INCLUDE THE RECORD of ARRESTS AND PROSECUTIONS**
 11. The authorized Board staff will then enter the following remarks in ALMS, “CBC complete; forwarded for final review.” The CBC packet is then forwarded to the designated staff person (Executive Director, Assistant Executive Director) for review.

12. The CHRI is never printed, copied downloaded, or saved.

**MAINE STATE BOARD OF NURSING
POLICY MANUAL
SECTION I**

Policy Number: 7-2018

Department/Service Area: Maine State Board of Nursing (MSBON)

Category: Licensure

Subject: Criminal Background Check: Applicant Notification and Challenge

POLICY:

1. Applicants that are subject to criminal history records check as indicated by 32 M.R.S. § 2111 are provided an electronic *Release on the IdentoGo site* (See Attachment #1) indicating that fingerprints will be used to check the criminal history records of the Maine Department of Public Safety (DPS) and Federal Bureau of Investigation.
2. Applicants who elect to challenge the accuracy of the Criminal History Record Information may do so by contacting the respective agency pursuant to the procedure below.

PROCEDURE:

1. An individual has the right to access or review his or her State of Maine and federal record response, as provided in Maine law at Title 16, Section 709(1) of the Maine Revised Statutes, and in federal law in the Code of Federal Regulations, Title 28, Sections 16.32 and 16.33. These laws are available on the Internet or by calling the Maine State Bureau of Identification or the Maine State Law and Legislative Reference Library.
2. Only the Applicant may request to view their Criminal History Record Information (CHRI). The fingerprint record is available only to the applicant for review. It may contain information maintained by the FBI Criminal Justice Information Services (CJIS) Division and may lack dispositional data and/or arrest records that are maintained only at the state level.

An applicant may challenge, change or complete the accuracy of, or to obtain a copy of his/her Maine State criminal history record information may write to:

Maine State Bureau of Investigations (SBI)
State Bureau of Identification
State House Station #42

45 Commerce Drive, Suite 1
Augusta, ME 04333-0042
Phone: (207) 624-7240

An applicant may challenge, change or complete the accuracy of, or to obtain a copy of his/her federal criminal history report by contacting the FBI at the following Internet website: <https://forms.fbi.gov/identify-history-summary-checks-review> or write to:

FBI Criminal Justice Information Services Division
Attn: SCU, Module D-2 1000 Custer Hollow Road
Clarksburg, West Virginia 26306

Procedures for obtaining a change, correction, or updating of an FBI identification record are set forth in Title 28 CFR 16.34.

3. If, after reviewing the identification record, the applicant believes it is incorrect or incomplete in any respect and wishes changes, corrections or updating of the alleged deficiency, he/she should make direct contact with the agency (court, law enforcement agency, etc.) that contributed the questioned information.
 - a. FBI: For criminal records originating outside of Maine, applicants should contact the Federal Bureau of Investigation at (304) 625-5590 or visit their website at <http://www.fbi.gov/about-us/cjis/identity-history-summary-checks/> for information on the federal review and challenge process.
 - b. Maine State Bureau of Identification (SBI): For criminal records originating in Maine, applicants should contact the Maine State Bureau of Identification (Maine State Police) at (207) 624-7240 or visit their website at <http://www.maine.gov/dps/Sbi/> for information on the review and challenge process.

Acknowledgement/Release

IMPORTANT-READ CAREFULLY BEFORE SIGNING

Fingerprint-Based Criminal History Record Request Authorization and Notification Form

The Maine State Bureau of Identification (SBI) will take the fingerprints through its contract provider MorphoTrust USA to be used for your designated applicant type for registration. SBI will electronically send the fingerprint record to the Federal Bureau of Investigation (FBI) for comparison against national criminal fingerprint records. SBI will also provide a State of Maine public CHRC (criminal history record check).

The procedures for making a change or correction or for updating an FBI identification record are set forth in Title 28, CFR Section 16.34. The procedures for making a change or correction or for updating a state identification record are set forth in Title 16, M.R.S.A. Section 709.

You are required to provide certain information on the fingerprint card including personal descriptive data, residence, and your signature for verification and for authorization to submit the information for comparison against FBI records. The FBI does not retain noncriminal justice fingerprint submissions for those applying for license or employment purposes pursuant to Public Law 92-544.

I do NOT agree to the terms and conditions of this background check. By checking this box, the application process will be terminated.

I AGREE and affirm that I have read and fully understand the above and consent to this background check and to the results being released to the Qualified Entity with which I am or am seeking to be employed or to serve as a volunteer. By checking this box, I understand I am electronically signing this document and indicating my agreement with the terms and conditions of the background investigation

Your Full Name: _____

Today's Date: _____

**MAINE STATE BOARD OF NURSING
CBC POLICY MANUAL
SECTION I**

Policy Number: 8-2018

Unit/Service Area: Maine State Board of Nursing (MSBON)

Category: Licensure Criminal Background Checks (CBCs)

Subject: Criminal Background Checks (CBCs) – Responding to Inquiries/Contacts

POLICY: *Criminal history records reports will be documented and questions answered with maximum security, consistency, and efficiency.*

PROCEDURE:

A. Board staff will use the following process to answer questions regarding CBC information and reports:

1. Questions will come in by e-mail or dedicated telephone lines.
2. Log onto the agency licensing system (ALMS) and locate the individual by social security number and/or name. Check for the following:
 - a. Completion of the *CBC Process* checklist item and/or relevant information entered in the remarks section; and
 - b. Any other relevant checklist item to include remarks regarding additional information.
3. Have designated staff return the call and attempt to resolve the problem or clarify the concern; or obtain additional details to do so.
4. If the question does not relate to CBCs:
 - a. Determine the correct person to answer the question;
 - b. Give the caller the extension of the responsible person; and/or
 - c. Forward the call to that person's extension.