



## LIST OF POTENTIALLY DISQUALIFYING OFFENSES

Applicants for a license or certificate that have pled guilty to, been convicted of, or been found judicially guilty of any the following crimes **may be disqualified** from being licensed as a registered nurse, licensed practical nurse, advanced practice registered nurse, dialysis technician intern, dialysis technician, certified community health worker, or medication aide. The following crimes are considered by the Board of Nursing (Board) to be directly related to the duties/responsibilities of the licensed occupations:

**1. Any Offense of Violence as defined in 2901.01(A)(9), ORC. A list of the crimes currently included in this definition follows. Please review this definition as the Ohio General Assembly may change it from time to time:**

- (a) 2903.01 Aggravated Murder, 2903.02 Murder, 2903.03 Voluntary Manslaughter, 2903.04 Involuntary Manslaughter, 2903.11 Felonious Assault, 2903.12 Aggravated Assault, 2903.13 Assault, 2903.15 Permitting Child Abuse, 2903.21 Aggravated Menacing, 2903.211 Menacing by Stalking, 2903.22 Menacing, 2905.01 Kidnapping, 2905.02 Abduction, 2905.11 Extortion, 2905.32 Trafficking in Persons, 2907.02 Rape, 2907.03 Sexual Battery, 2907.05 Gross Sexual Imposition, 2909.02 Aggravated Arson, 2909.03 Arson, 2909.24 Terrorism, 2911.01 Aggravated Robbery, 2911.02 Robbery, 2911.11 Aggravated Burglary, 2917.01 Inciting to Violence, 2917.02 Aggravated Riot, 2917.03 Riot, 2917.31 Inducing Panic, 2919.25 Domestic Violence, 2921.03 Intimidation, 2921.04 Intimidation of attorney, victim, or witness in criminal case or delinquent child action proceeding, 2921.34 Escape, 2923.161 Improperly discharging firearm at or into a habitation, in a school safety zone or with intent to cause harm or panic to persons in a school building or at a school function, 2903.34(A)(1) Patient Abuse, 2911.12(A)(1), (2), or (3) Burglary, 2919.22(B)(1), (2), (3), or (4) Endangering Children, and Felonious sexual penetration in violation of former section 2907.12 of the Revised Code.
- (b) A violation of an existing or former municipal ordinance or law of this or any other state or the United States, substantially equivalent to any section, division, or offense listed above in 1.(a).
- (c) An offense, other than a traffic offense, under an existing or former municipal ordinance or law of this or any other state or the United States, committed purposely or knowingly, and involving physical harm to persons or a risk of serious physical harm to persons.
- (d) A conspiracy or attempt to commit, or complicity in committing, any offense listed above in 1. (a) – (c).

**2. Any Sexually Oriented Offense as defined in 2950.01(A), ORC. A list of the crimes currently included in this definition follows. Please review this definition as the Ohio General Assembly may change it from time to time:**

- (a) 2907.02, Rape, 2907.03, Sexual battery, 2907.05, Gross sexual imposition, 2907.06, Sexual imposition, 2907.07, Importuning, 2907.08, Voyeurism, 2907.21, Compelling prostitution, 2907.22, Promoting prostitution, 2907.32, Pandering obscenity, 2907.321, Pandering obscenity involving a minor or impaired person, 2907.322, Pandering sexually

- oriented matter involving a minor or impaired person, or 2907.323, Illegal use of minor or impaired person in nudity-oriented material or performance of the Revised Code.
- (b) A violation of section 2907.04, Unlawful sexual conduct with minor, of the Revised Code when the offender is less than four years older than the other person with whom the offender engaged in sexual conduct, the other person did not consent to the sexual conduct, and the offender previously has not been convicted of or pleaded guilty to a violation of section 2907.02, 2907.03, or 2907.04, Unlawful Conduct with minor, or a violation of former Section 2907.12 of the Revised Code.
  - (c) A violation of section 2907.04, Unlawful Conduct with minor, of the Revised Code when the offender is at least four years older than the other person with whom the offender engaged in sexual conduct or when the offender is less than four years older than the other person with whom the offender engaged in sexual conduct and the offender previously has been convicted of or pleaded guilty to a violation of section 2907.02, 2907.03, or 2907.04, or a violation of former Section 2907.12 of the Revised Code.
  - (d) A violation of section 2903.01, Aggravated murder, 2903.02, Murder, 2903.11, Felonious assault, of the Revised Code when the violation was committed with a sexual motivation.
  - (e) A violation of division (A) of section 2903.04, Involuntary manslaughter, of the Revised Code when the offender committed or attempted to commit the felony that is the basis of the violation with a sexual motivation.
  - (f) A violation of division (A)(3) of section 2903.211, Menacing by stalking, of the Revised Code.
  - (g) A violation of division (A)(1), (2), (3), or (5) of section 2905.01, Kidnapping, of the Revised Code when the offense is committed with a sexual motivation.
  - (h) A violation of division (A)(4) of section of section 2905.01, Kidnapping, of the Revised Code.
  - (i) A violation of division (B) of section 2905.01, Kidnapping, of the Revised Code when the victim of the offense is under eighteen years of age and the offender is not a parent of the victim of the offense.
  - (j) A violation of division (B) of section 2903.03, Voluntary manslaughter, of division (B) of section 2905.02. Abduction, of division (B) of section 2905.03, Unlawful restraint, of division (B) of section 2905.05, Criminal child enticement, or of division (B)(5) of section 2919.22, Endangering children, of the Revised Code.
  - (k) A violation of section 2905.32, Trafficking in persons, of the Revised Code when either of the following applies: (a) The violation is a violation of division (A)(1) of that section and the offender knowingly recruited, lured, enticed, isolated, harbored, transported, provided, obtained, or maintained, or knowingly attempted to recruit, lure, entice, isolate, harbor, transport, provide, obtain, or maintain, another person knowing that the person would be compelled to engage in sexual activity for hire, engage in a performance that was obscene, sexually oriented, or nudity oriented, or be a model or participant in the production of material that was obscene, sexually oriented, or nudity oriented; (b) The violation is a violation of division (A)(2) of that section and the offender knowingly recruited, lured, enticed, isolated, harbored, transported, provided, obtained, or maintained, or knowingly attempted to recruit, lure, entice, isolate, harbor, transport, provide, obtain, or maintain a person who is less than eighteen years of age or is a person with a developmental disability whom the offender knows or has reasonable cause to believe is a person with a developmental disability for any purpose listed in divisions (A)(2)(a) to (c) of that section.
  - (l) A violation of division (B)(4) of section 2907.09 Public indecency, of the Revised Code if the sentencing court classifies the offender as a tier I sex offender/child-victim offender relative to that offense pursuant to division (D) of that section

- (m) A violation of any former law of this state, any existing or former municipal ordinance or law of another state or the United States, any existing or former law applicable in a military court or in an Indian tribal court, or any existing or former law of any nation other than the United States that is or was substantially equivalent to any offense listed in above in 2. (a) – (l).
- (n) Any attempt to commit, conspiracy to commit, or complicity in committing any offense listed above in 2. (a) – (m).

### **3. Registered Sex Offender Status**

An applicant who is required to register as a sex offender as defined in Section 2950.01, ORC, under the law of Ohio, or under the substantially equivalent law of another jurisdiction or the federal government, may be denied a license.

### **4. Any Drug Abuse Offense as defined in Section 2925.01(G), ORC. A list of the crimes currently included in this definition follows. Please review this definition as the Ohio General Assembly may change it from time to time:**

- (a) 2913.02(A) Theft of Drugs, 2925.02 Corrupting Another with Drugs, 2925.03 Trafficking, Aggravated Trafficking in Drugs, 2925.04 Illegal Manufacture of Drugs – Illegal Cultivation of Marihuana-Methamphetamine Offenses, 2925.041 Illegal Assembly or Possession of Chemicals for Manufacture of Drugs, 2925.05 Funding, Aggravated Funding of Drug or Marihuana Trafficking, 2925.06 Illegal Administration or Distribution of Anabolic Steroids, 2925.11 Possession of Controlled Substances, 2925.12 Possession of Drug Abuse Instruments, 2925.13 Permitting Drug Abuse, 2925.22 Deception to Obtain a Dangerous Drug, 2925.23 Illegal Processing of Drug Documents, 2925.24 Tampering with Drugs, 2925.31 Abusing Harmful Intoxicants, 2925.32 Trafficking in Harmful Intoxicants – Improperly Dispensing or Distributing Nitrous Oxide, 2925.36 Illegal Dispensing of Drug Samples, 2925.37 Counterfeit Controlled Substance Offenses, of the Revised Code.
- (b) A violation of an existing or former law of this or any other state or the United States that is substantially equivalent to any section listed above in 4. (a).
- (c) An offense under an existing or former law of this or any other state, or of the United States, of which planting, cultivating, harvesting, processing, making, manufacturing, producing, shipping, transporting, delivering, acquiring, possessing, storing, distributing, dispensing, selling, inducing another to use, administering to another, using, or otherwise dealing with a controlled substance is an element.
- (d) A conspiracy to commit, attempt to commit, or complicity in committing or attempting to commit any offense listed above in 4. (a) – (c).

### **5. Any Theft Offense as defined in Section 2913.01(K), ORC. A list of the crimes currently included in this definition follows. Please review this definition as the Ohio General Assembly may change it from time to time:**

- (a) 2911.01 Aggravated Robbery, 2911.02 Robbery, 2911.11 Aggravated Burglary, 2911.12 Burglary, 2911.13 Breaking and Entering, 2911.31 Safecracking, 2911.32 Tampering with Coin Machines, 2913.02 Theft, 2913.03 Unauthorized Use of a Vehicle, 2913.04 Unauthorized Use of Property – computer, cable, or telecommunication property, 2913.041 Possession or Sale of Unauthorized Cable Television Device, 2913.05 Telecommunications Fraud, 2913.06 Unlawful Use of Telecommunications Device, 2913.11 Passing Bad Checks, 2913.21 Misuse of Credit Cards, 2913.31 Forgery -Forging Identification Cards or Selling or

Distributing Forged Identification Cards, 2913.32 Criminal Simulation, 2913.33 Making or Using Slugs – misdemeanor only, 2913.34 Trademark Counterfeiting, 2913.40 Medicaid Fraud, 2913.42 Tampering with Records, 2913.43 Securing Writings by Deception, 2913.44 Personating an Officer, 2913.45 Defrauding Creditors, 2913.47 Insurance Fraud, former Section 2913.47, 2913.48 Workers' Compensation Fraud, former Section 2913.48, 2913.51 Receiving Stolen Property, 2915.05 Cheating- Corrupting Sports, 2921.41 Theft in Office.

(b) A violation of an existing or former municipal ordinance or law of this or any other state, or of the United States, substantially equivalent to any offense listed above in 5. (a).

(c) An offense under an existing or former municipal ordinance or law of this or any other state, or of the United States, involving robbery, burglary, breaking and entering, theft, embezzlement, wrongful conversion, forgery, counterfeiting, deceit, or fraud.

(d) A conspiracy or attempt to commit, or complicity in committing, any offense listed above in 5. (a) through (c).

(e) Section 2913.30, ORC, Counterfeiting.

(f) Section 2913.49, ORC, Identity Fraud.

(g) Section 2923.32, ORC, Engaging in Corrupt Activity.

(h) A violation of an existing or former municipal ordinance or law of this or any other state, or of the United States, substantially equivalent to the crimes, and/or a conspiracy or attempt to commit, or complicity in committing, any offense listed above in 5. (e) through (g).

## **6. Other Criminal Offenses**

(a) Section 2909.22, ORC, Soliciting or providing support for an act of terrorism;

(b) Section 2909.23, ORC, Making terroristic threat;

(c) Section 2909.26, ORC, Criminal possession of chemical, biological, radiological or nuclear weapon or explosive device;

(d) Section 2909.27, ORC, Criminal use of chemical, biological, radiological or nuclear weapon or explosive device;

(e) Section 2909.28, ORC, Illegal assembly or possession of chemicals or substances for manufacture of prohibited weapons;

(f) Section 2909.29, ORC, Money laundering in support of terrorism.

(g) Section 2917.33, ORC, Unlawful possession or use of a hoax weapon of mass destruction;

(h) Section 2917.47, ORC, Improperly handling infectious agents;

(i) Section 2919.12, ORC, Unlawful abortion;

(j) Section 2919.121, ORC, Unlawful abortion upon a minor;

(k) Section 2919.123, ORC, Unlawful distribution of an abortion-inducing drug;

(l) Section 2919.13, ORC, Abortion manslaughter;

(m) Section 2913.14, ORC, Abortion trafficking;

(n) Section 2913.15, ORC, Dismemberment feticide;

(o) Section 2919.151, ORC, Partial birth feticide;

(p) Section 2919.17, ORC, Terminating or attempting to terminate a human pregnancy after viability;

- (q) Sections 2919.193 through 2919.195, Performing or inducing an abortion before determining whether there is a detectable fetal heartbeat; or without informed consent when there is a detectable heartbeat; or after detection of a detectable heartbeat;
- (r) Section 2919.201, ORC, Abortion after gestational age of 20 weeks;
- (s) Section 2921.12, ORC, Tampering with evidence;
- (t) Section 2921.13, ORC, Falsification;
- (u) Section 2921.22, ORC, Failure to report a crime or knowledge of death or burn injury;
- (v) Section 2921.36, ORC, Illegal conveyance of weapons, drugs or other prohibited items on to the grounds of a detention facility or institution;
- (w) Section 2921.41, ORC, Theft in office;
- (x) Section 2923.16, Improperly handling firearms in a motor vehicle;
- (y) Section 2923.161, Improperly discharging a firearm at or into a habitation, in a school safety zone, or with the intent to cause harm or panic to persons in a school building or at a school function;
- (z) Section 2923.17, ORC, Unlawful possession of dangerous ordnance; illegally manufacturing or possessing explosives;
- (aa) Section 2923.20, ORC, Unlawful transaction in weapons;
- (bb) Section 2923.21, ORC, Improperly furnishing firearms to a minor;
- (cc) Section 2923.24, ORC, Possessing criminal tools;
- (dd) Section 2923.32, ORC, Engaging in a pattern of corrupt activity;
- (ee) Section 2923.42, ORC, Participating in a criminal gang;
- (ff) Section 2927.01, ORC, Abuse of a corpse; Gross abuse of a corpse;
- (gg) Section 2927.11, ORC, Desecration;
- (hh) Section 2927.12, ORC, Ethnic intimidation;
- (ii) Section 2927.13, ORC, Selling or donating contaminated blood;
- (jj) Section 2927.15, ORC, Unlawful collection of a bodily substance;
- (kk) Section 2927.17, ORC, Advertising of massage services;
- (ll) Section 2927.24, ORC, Contaminating substance for human consumption or use or contamination with hazardous chemical, biological, or radioactive substance – spreading false report of contamination;
- (mm) Any criminal offense that is based on (a) engaging in a profession that requires a license, without holding a current, valid license, or (b) that is another criminal offense, set forth in Ohio Revised Code Sections: 4715.99, 4723.99, 4725.99, 4729.99, 4730.99, 4731.99, 4732.99, 4734.99, 4759.99, 4760.99, 4761.99, 4762.99, 4765.99, 4774.99, 4778.99, or 5747.99.
- (nn) A violation of an existing or former municipal ordinance or law of this or any other state, or of the United States, substantially equivalent to the crimes, and/or a conspiracy or attempt to commit, or complicity in committing, any offense listed above in 6. (a) through (mm).

### **Review of Applicant’s Offense History by the Board of Nursing**

**The above listed crimes are not automatically disqualifying. The Board reviews the facts of each case on an individual basis. The offense may or may not result in a proposed action to deny licensure. The factors considered may include, but are not limited to the following:**

- The nature and seriousness of the offense;
- Passage of time since the crime was committed and whether all terms ordered by the court were successfully completed;
- Whether any other offenses were committed since the crime;

- Relationship of the crime to the ability, capacity, and fitness required to perform the duties and responsibilities of the occupation;
- Any evidence of mitigating rehabilitation or treatment successfully completed, including whether a certificate of qualification for employment under Section 2953.25, ORC, or of achievement or employability under Section 2961.22, ORC, has been obtained;
- Whether denial of the license is reasonably necessary to ensure public safety.

The Board does not have the authority to conduct an investigation of an individual who has not applied for a license or certificate. If an applicant has a criminal history, the Board conducts a thorough investigation and considers the above factors and others, including the facts and circumstances underlying the offense; and the total number and pattern of offenses.

### **Determination by Board Whether a Crime is on the List of Potentially Disqualifying Offenses**

You may request a letter from the Board of Nursing stating whether a crime is on this list of potentially disqualifying offenses by emailing: [disqualifying-offense-requests@nursing.ohio.gov](mailto:disqualifying-offense-requests@nursing.ohio.gov). A credit card payment of \$25.00 is required.

### **Other Consequences of Criminal History - Not Regulated by Board of Nursing**

Although the Board may grant a license or certificate to an applicant who has a criminal offense history, an individual may be restricted from working in certain settings based on his or her criminal history due to federal and state laws, which require criminal records checks prior to employment in certain settings, and which may impose absolute or discretionary bars to employment in certain patient care settings, for example, in facilities or settings involving care provided to older adults or children. *See, e.g., Ohio Administrative Code 173-9-07; 3701-60-07; 5123:2-2-02; 5160-45-07.*

### **Enrollment in Education Programs**

**The Board cannot answer questions regarding one's eligibility to attend nursing, dialysis, medication aide, or community health worker schools, or participate in clinical instruction.** Nursing and other programs vary in regard to enrollment criteria, so it is recommended that you contact the nursing or other program to determine whether you are eligible to enroll. Hospitals and other medical facilities may not authorize individuals to participate in the clinical instruction necessary to complete a program based on criminal history.

**Note that it is fraudulent for a third party, such as a nursing program faculty or admissions director, to submit a license application attesting to be the license applicant.**