



## PROHIBITIVE OFFENSE PROCEDURE FOR ADN AND PN NURSING PROGRAMS AT LEHIGH CARBON COMMUNITY COLLEGE

### I. Purpose

Outline the steps to be taken in all cases of criminal findings. In order to protect the safety of the client and the integrity of the nursing programs, individuals who have been charged with certain criminal activities cannot be placed in the position of caring for older adults or children, and/or work in a health care environment. This procedure applies to both the ADN and PN nursing programs.

### II. Definitions

- A. Criminal record: Any history of conviction of a misdemeanor or felony crime.
- B. Pending charges: Any criminal charges as yet unresolved by the courts.
- C. Court documents: Original source documents identifying the outcome of any criminal charge and/or conviction.
- D. Background check: The process required by LCCC for admission into any clinical component of any program, to include PA State Police Criminal Record Check, PA Child Abuse History Clearance and FBI Background check.
- E. Conviction: Being convicted or pleading guilty or entering a plea of nolo contendere, or receiving probation without verdict for any criminal offense.
- F. Prohibitive offense list: List of offenses which indicate a student is not qualified to enter or continue to be enrolled in either nursing program.

### III. Procedure

- A. Students must complete this process for all criminal convictions and any pending or new criminal charges upon offer of admission to a nursing program, or enrollment in a NUR or ADN course.
- B. All convictions and pending or new charges must be reported to the nurse administrator immediately. These include all/any felony and misdemeanor arrests.
- C. Students must complete a PA State Police Criminal Record Check, PA Child Abuse History Clearance and FBI Background check once offered admission to the clinical portion of the nursing program, and yearly as requested.
- D. A student with any conviction on the attached list is not eligible for entry or continuation in a clinical experience. Please note: This is not an all-inclusive list. As noted below, LCCC may consider for admission, students with a record of other convictions on a case by case basis.
- E. Falsification of an application or any information related to a conviction will disqualify a student from admission and/or continuation in any nursing program at LCCC.
- F. Failure to disclose a criminal record or charge may result in dismissal from the program.

- G. A decision by LCCC to admit a student to a nursing (ADN or PN) program despite criminal convictions does not guarantee that if the student completes the program and obtains the appropriate degree or certificate, the student will be eligible for licensure or credentialing by a governmental body or will be eligible to work for a particular employer. Licensure and credentialing authorities and employers apply their own standards for evaluating whether criminal convictions are disqualifying. LCCC accepts no liability in cases where a third party deems criminal convictions sufficiently serious to cause denial of the applicable license or credential, or to refuse employment opportunities.
- H. A decision by LCCC to admit a student to a nursing program, despite criminal convictions, does not guarantee that a student will be able to participate in experiences at every clinical site. Clinical sites apply their own standards for evaluating whether or not students are eligible to undergo a clinical experience at their facility, and LCCC accepts no liability for a student's rejection by a clinical facility.
- I. If a student has or anticipates a criminal charge or conviction, he/she must complete the following steps in the process of evaluating criminal records:
1. Complete the required background clearances. (The PA State Police Criminal Record Check, PA Child Abuse History Clearance and FBI Background check).
  2. Obtain an original copy of the court records showing how the case was disposed by the court system. No decision will be made without court documentation. (Note: Since a decision must be made prior to participating in any clinical experience, the student should complete this process as efficiently as possible).
  3. Meet with the Nurse Administrator of the program bringing the documentation to that meeting.
  4. The Nurse Administrator will review these guidelines and the student's documentation with the student. The conviction will be compared to the LCCC Prohibitive List for participation in a nursing program.
    - a. If the conviction matches one on the prohibited list, the student may not be admitted.
    - b. If the offense is similar, but not worded exactly as it appears on the list, the Nurse Administrator will consult with the VP of Academic Services, who in turn will consult with the college attorney, for an interpretation of the conviction.
    - c. If the conviction or convictions are not on the prohibited offense list or reflective of its intent, LCCC will consider the applicant for admission but may reject the applicant because of the conviction(s) at its discretion. Factors to be considered include the nature of the crime, how recently the crime or crimes occurred, and the number of crimes committed by the applicant, the truthfulness of the applicant and the interests of the College.
  5. In all cases, once the decision has been made, the Nurse Administrator of the requested program will meet with the student to discuss the decision and options for the student. The Nurse Administrator will then:
    - a. document the decision and meeting using the attached notification form
    - b. give one copy to the student
    - c. place one copy in the student's confidential file
  6. Right to due process
    - The nurse administrator will review all documents related to Prohibitive Offense decisions.
    - The petitioning student has the right to appeal the decision to the Dean of Students. The process is outlined in the LCCC Code of Student Conduct.

**Prohibitive Offenses**

<b>OFFENSE CODE</b>	<b>PROHIBITIVE OFFENSE</b>	<b>TYPE OF CONVICTION</b>
CC2500	Criminal Homicide	Any
CC2502A	Murder I	Any
CC2502B	Murder II	Any
CC2502C	Murder III	Any
CC2503	Voluntary Manslaughter	Any
CC2504	Involuntary Manslaughter	Any
CC2505	Causing or Aiding Suicide	Any
CC2506	Drug Delivery Resulting In Death	Any
CC2702	Aggravated Assault	Any
CC2901	Kidnapping	Any
CC2902	Unlawful Restraint	Any
CC3121	Rape	Any
CC3122.1	Statutory Sexual Assault	Any
CC3123	Involuntary Deviate Sexual Intercourse	Any
CC3124.1	Sexual Assault	Any
CC3125	Aggravated Indecent Assault	Any
CC3126	Indecent Assault	Any
CC3127	Indecent Exposure	Any
CC3301	Arson and Related Offenses	Any
CC3502	Burglary	Any
CC3701	Robbery	Any
CC3901	Theft	1 Felony or 2 Misdemeanors
CC3921	Theft By Unlawful Taking	1 Felony or 2 Misdemeanors
CC3922	Theft By Deception	1 Felony or 2 Misdemeanors
CC3923	Theft By Extortion	1 Felony or 2 Misdemeanors
CC3924	Theft By Property Lost	1 Felony or 2 Misdemeanors
CC3925	Receiving Stolen Property	1 Felony or 2 Misdemeanors
CC3926	Theft of Services	1 Felony or 2 Misdemeanors
CC3927	Theft By Failure to Deposit	1 Felony or 2 Misdemeanors
CC3928	Unauthorized Use of a Motor Vehicle	1 Felony or 2 Misdemeanors
CC3929	Retail Theft	1 Felony or 2 Misdemeanors
CC3929.1	Library Theft	1 Felony or 2 Misdemeanors
CC3929.2	Unlawful Possession of Retail or Library Theft Instruments	2 Misdemeanors
CC3930	Theft of Trade Secrets	1 Felony or 2 Misdemeanors
CC3931	Theft of Unpublished Dramas or Musicals	1 Felony or 2 Misdemeanors
CC3932	Theft of Leased Properties	1 Felony or 2 Misdemeanors
CC3933	Unlawful Use of a computer	1 Felony or 2 Misdemeanors
CC3934	Theft From a Motor Vehicle	1 Felony or 2 Misdemeanors
CC4101	Forgery	Any
CC4114	Securing Execution of Documents by Deception	Any
CC4302	Incest	Any
CC4303	Concealing Death of a Child	Any
CC4304	Endangering Welfare of a Child	Any

**Prohibitive Offenses**

<b>OFFENSE CODE</b>	<b>PROHIBITIVE OFFENSE</b>	<b>TYPE OF CONVICTION</b>
CC4305	Dealing in Infant Children	Any
CC4952	Intimidation of Witnesses or Victims	Any
CC4953	Retaliation Against Witness or Victim	Any
CC5902B	Promoting Prostitution	Felony
CC5903C	Obscene and Other Sexual Materials to Minors	Any
CC5903D	Obscene and Other Sexual Materials	Any
CC6301	Corruption of Minors	Any
CC6312	Sexual Abuse of Children	Any
CS13A12	Acquisition of Controlled Substance by Fraud	Felony
CS13A14	Delivery by Practitioner	Felony
CS13A30	Possession with Intent to Deliver	Felony
CS13A35 (i), (ii), (iii)	Illegal Sale of Non-Controlled Substance	Felony
CS13A36, CS13A37	Designer Drugs	Felony
CS13Axx*	*Any Other Felony Drug Conviction Appearing on a PA RAP Sheet	Felony

**Pennsylvania Child Abuse History Clearance**

Any student with a finding on the Pennsylvania Child Abuse History Clearance and/or FBI Clearance which indicates the student may not work with children will be ineligible for participation in the nursing programs.

**Other Offenses Not On the Prohibitive List Which Will Be Considered in Admission Decisions**

**(Note: Any felony or misdemeanor conviction or equivalent from another jurisdiction will be considered. This is not an inclusive list.)**

DUI (conviction within 10 years of admission to the clinical component of the program)	Fraud
Shoplifting	Extortion
Bribery	Stalking
Harassment	Simple Assault
Abuse or neglect in any form	Violation of protection from abuse order
Weapons	Hate Crimes
Terrorism/terroristic threats	Prostitution
Possession and/or distribution of a controlled drug (to include ARD)	Possession of Paraphernalia
Any other felony drug conviction	Falsification of any legal document/record

\*The decisions of LCCC are based on the Older Adults Protective Services Act (OAPSA), the Child Protective Services Laws (CPSL), the Pennsylvania Department of Education, and the standards of the clinical sites for the programs.



**NOTIFICATION OF DECISION OF ELIGIBILITY FOR ENTERING/CONTINUING  
IN A CLINICAL COMPONENT OF A NURSING PROGRAM AT  
LCCC BASED ON CRIMINAL BACKGROUND FINDINGS**

The purpose of this document is to provide written documentation for the student with a record of criminal activity.

Name of Student: \_\_\_\_\_

Healthcare Science Program: ADN \_\_\_\_\_ PN \_\_\_\_\_

Date: \_\_\_\_\_

In attendance at the meeting were: \_\_\_\_\_

The subject of the meeting was as follows:

- To provide a review of the findings on the criminal background check required by the LCCC health career program.
- To communicate the decision made related to the student's eligibility to participate/continue in the clinical component of a health career program at LCCC.

If it is decided the student is qualified to apply/continue in the health career program, the subject of the meeting was as follows:

- To communicate the possible effect of the convictions on acquisition of licensure/certification following graduation.
- To establish the student's responsibility to contact the licensing/credentialing board and employers to determine the effect of these findings on practice in the health career profession.
- To discuss the licensing/credentialing board requirements in the application process, related to criminal records.

The student was notified of the following decision of regarding application/continuation in the health career program:

\_\_\_\_\_ The student is qualified to apply/continue in the clinical program

\_\_\_\_\_ The student is not qualified to apply/continue in the clinical program due to the following reason/s:

Comments: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Signature of Director: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Student: \_\_\_\_\_ Date: \_\_\_\_\_

A copy of this form will be given to the student.  
The original will be placed in the student's confidential file.