



NCSBN  
Leading Regulatory Excellence

# 2019 NCSBN Criminal Conviction Cohort Study

Elizabeth Zhong PhD    Brendan Martin PhD  
Research, NCSBN



# Introduction

*Do nurses disciplined for criminal convictions pose a risk to public safety? How likely are they to recidivate?*

## **2019 NCSBN Criminal Conviction Cohort Study**

A Study By: Elizabeth Zhong, PhD & Brendan Martin, PhD  
Research, NCSBN

## *Do nurses disciplined for criminal convictions pose a risk to public safety? How likely are they to recidivate?*

### A Review of Criminal Convictions Among Nurses 2012–2013

Elizabeth H. Zhong, PhD; Carey McCarthy, PhD, MPH, RN; and Maryann Alexander, PhD, RN, FAAN

**Introduction:** Nurses with criminal convictions accounted for approximately 10% of the disciplinary actions taken by state boards of nursing (BONs) between 2003 and 2013. The purpose of this study was to better understand the types of crimes for which nurses are convicted and what actions BONs are taking to protect the public. **Methods:** The records of nurses and nurse applicants who received disciplinary actions in the years 2012 and 2013 for a criminal conviction were extracted from the Nursys® database. Information on demographic and licensure characteristics, the type of crime committed, and the actions issued by the BON were coded and analyzed. **Results:** 4,260 nurses and 559 nurse applicants received a board action in 2012 and 2013 due to a criminal conviction. Male nurses and licensed practical nurse/vocational nurses were overrepresented as compared to their proportion in the national nursing workforce. Driving under the influence, violation of the Controlled Substances Act, and theft were the most common crimes; probation and suspension of license were the most common BON actions. Board actions for egregious crimes and crimes involving patients were more severe. Among all nurses and applicants in this group, 18% failed to disclose a previous criminal conviction. **Conclusion:** Overall, the vast majority of nurses are safe practitioners. The majority of crimes reported to BONs are not patient-related. This study provides evidence that BONs diligently address criminal convictions and evaluate whether the conviction is an indication that the individual is capable of practicing nursing safely.

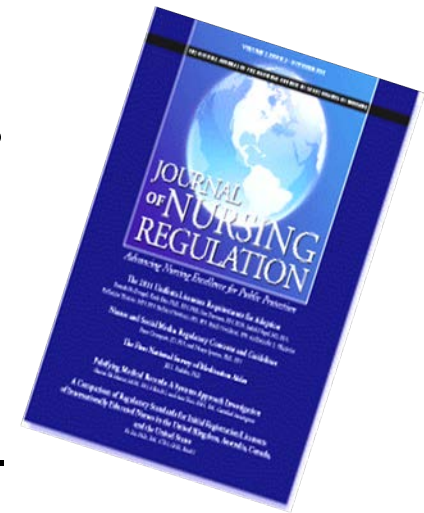
**Keywords:** Criminal convictions, discipline, regulation, research



# Types of Crimes and Disciplinary Actions



- The common crimes triggering the disciplinary actions in 2012-2013 were related to driving under the influence and violation of Controlled Substances Act.
- The most common disciplinary actions taken by BONs were probation of license, fine, and revocation of license.



# Types of Practice-Related Crimes



The practice-related crimes committed by nurses who were disciplined by BONs in 2012 and 2013 for a criminal conviction include:

- Violation of Controlled Substances Act
- Fraud (billing)
- Theft
- Driving under the influence
- Neglect or abuse of child/adult



# Research Questions

- How frequently did nurses who were disciplined by BONs for a criminal conviction, and retained an active license, commit new violations/crimes during a five-year post-disciplinary time frame?
- Do nurses who are disciplined by a BON for a criminal conviction and retain an active license pose a risk to public safety?
- What particular types of criminal convictions or other factors are associated with an elevated or reduced risk of recidivism?

# Research Design

A 10-year (2008-2018) longitudinal case review was proposed. Any violations committed by nurses five years before and after the 2012-2013 sanction for criminal conviction were reviewed.



# Research Methods

This is a retrospective review of records of nurses in Nursys. Relative risk analysis supplements the summary findings.

## Case Inclusion:

- Any disciplinary actions taken by BONs for a criminal conviction between January 1, 2012 and December 31, 2013 were evaluated.
- A control group of 2,000 nurses who received disciplinary actions by BONs for violations unrelated to criminal convictions during the same time period was randomly selected to compare the recidivism rate.



# Research Methods (Con't)

## Case Exclusion:

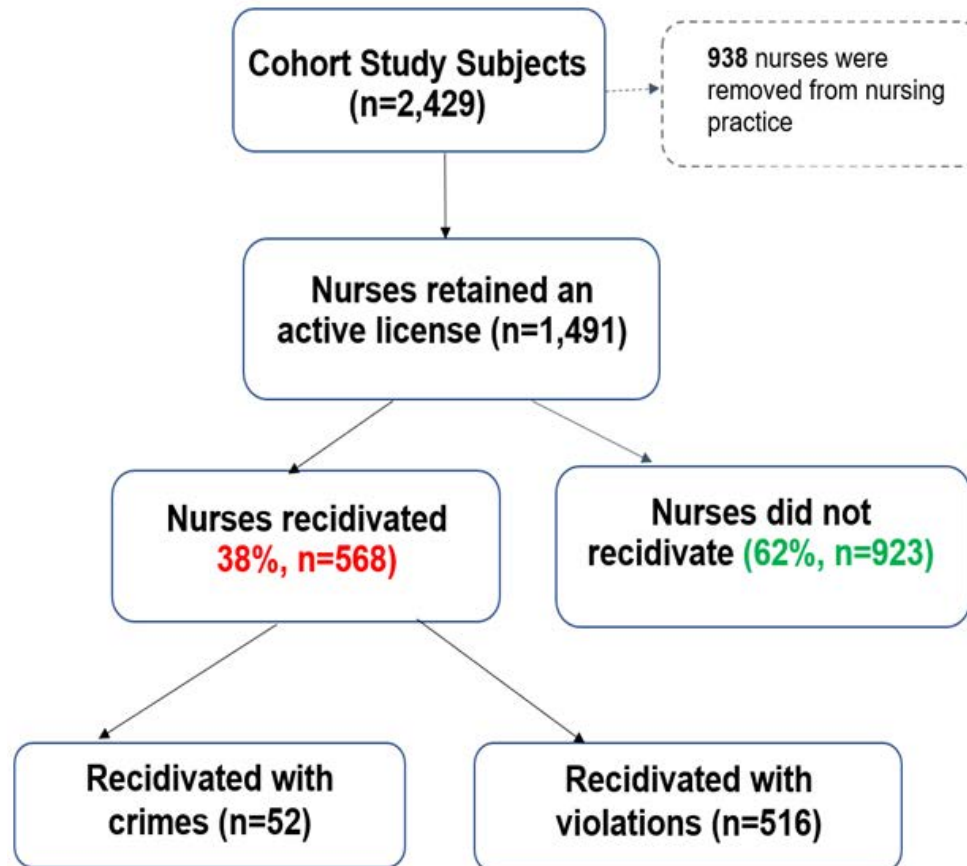
- Nurses who were convicted of a crime before being licensed or if such information was unknown
- Nurses without an active nursing license after the 2012-2013 disciplinary action were excluded from the recidivism analysis.
- Revisions to previous BON actions without new identifiable violations, or reciprocal actions taken by a BON were also excluded from the recidivism analysis.

# Research Question 1

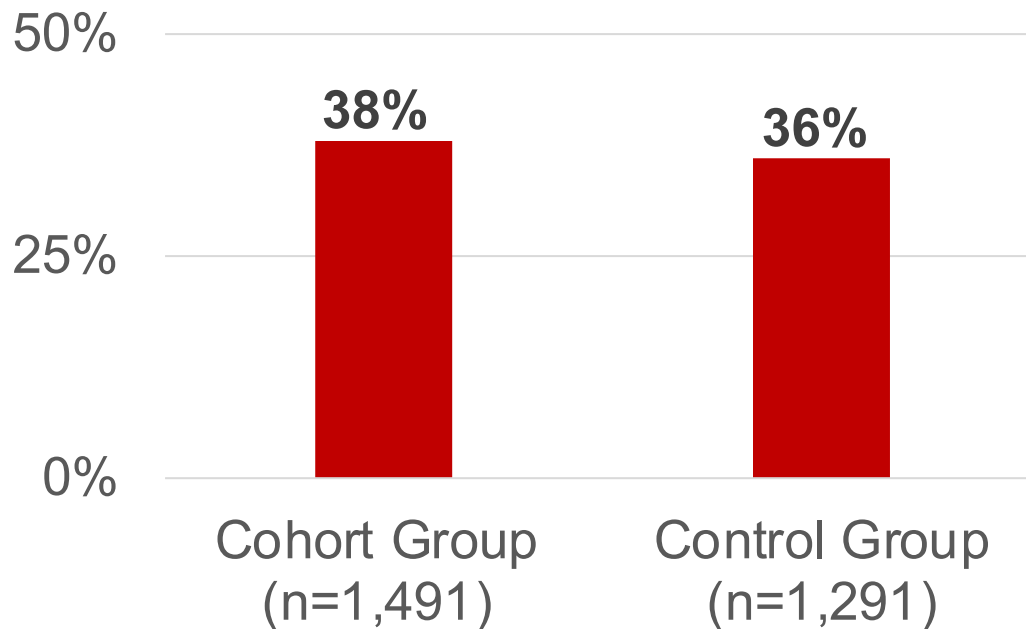
***How frequently did nurses who were disciplined by BONs for a criminal conviction and retained an active license, commit new violations/crimes during a five-year post-disciplinary time frame?***



# Discipline Outcomes



# 2012-2018 Recidivism Rates Among Cohort and Control Group Nurses



## Research Question 2

***Do nurses who are disciplined by a BON for a criminal conviction and retain an active license pose a risk to public safety?***

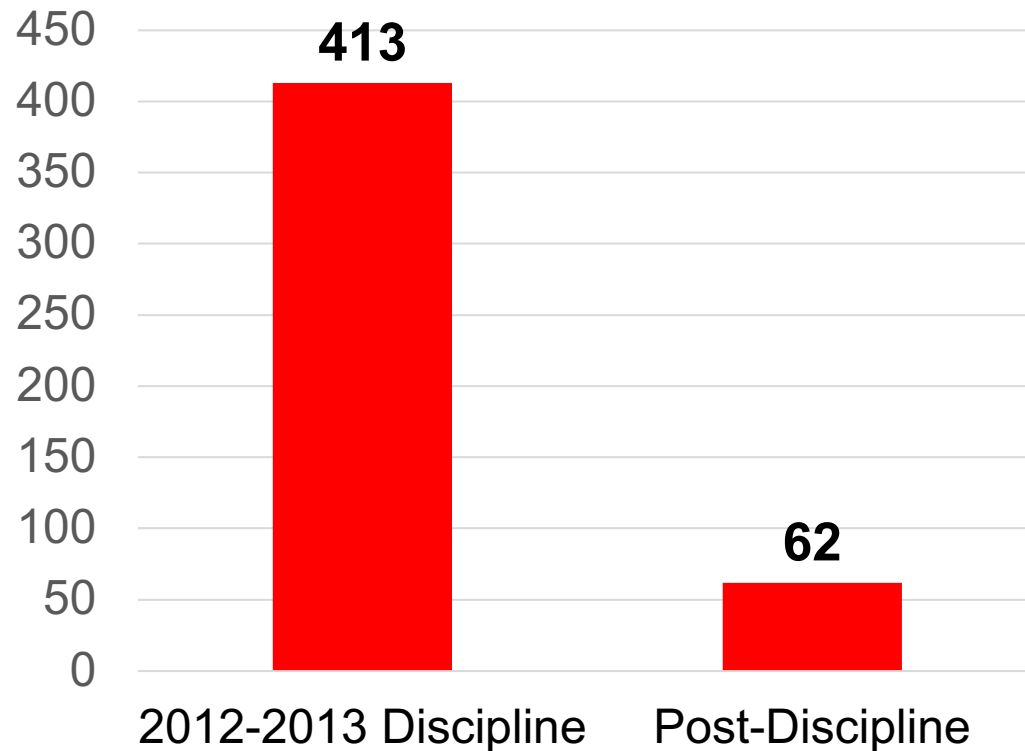


# Subsequent Violations/Crimes

After being disciplined for a criminal conviction, **38%** recidivated, and **11%** of these recidivists committed practice-related crimes/violations.

	Violations (n=516)	Crimes (n=52)	Total (n=568)
<b>Drug-related</b>	15% (78)	23% (12)	16% (90)
<b>Alcohol-related</b>	12% (60)	35% (18)	14% (78)
<b>Practice-related</b>	10% (51)	21% (11)	<b>11% (62)</b>

# Total Number of Nurses Who Committed Practice-related Offenses (n=2,429)



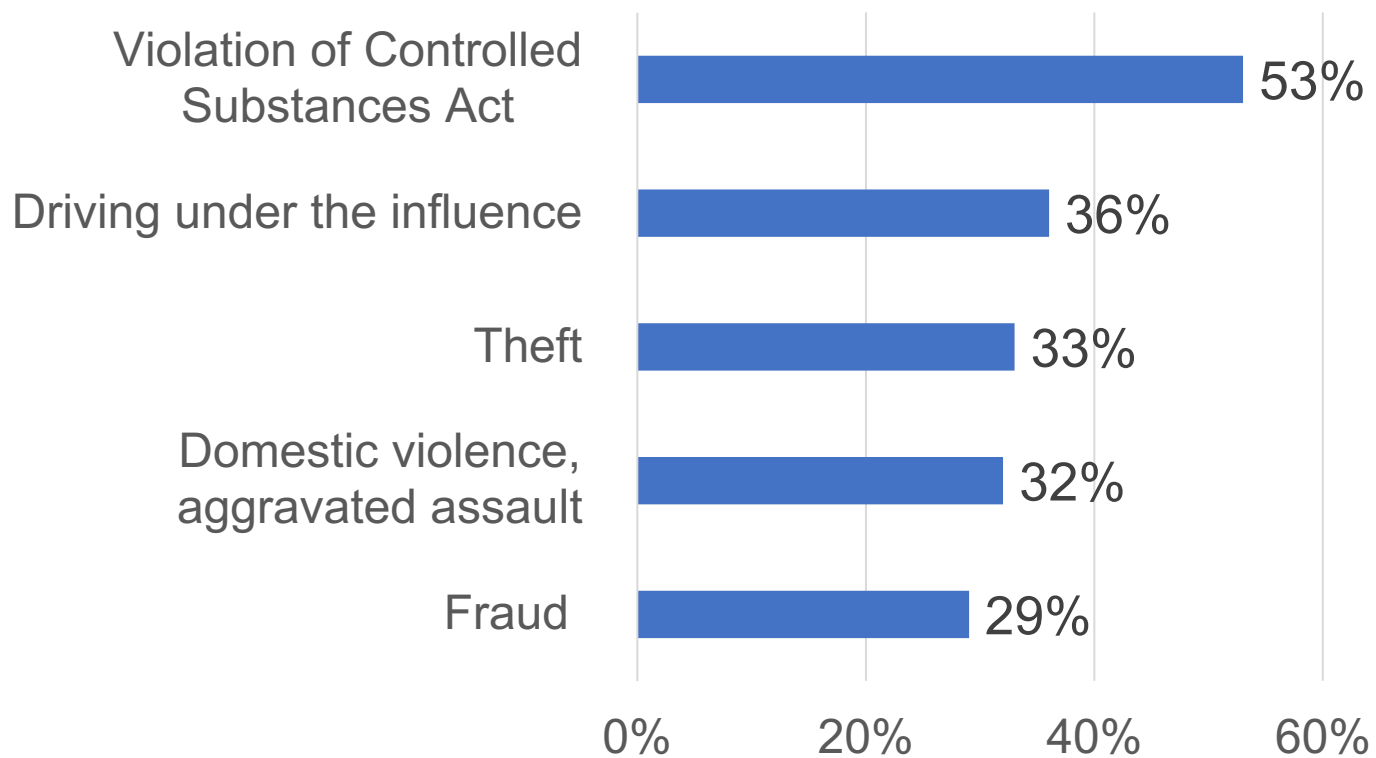
# Research Question 3

***What particular types of criminal convictions or other factors are associated with an elevated or reduced risk of subsequent violations/crimes, i.e. risk of recidivism?***

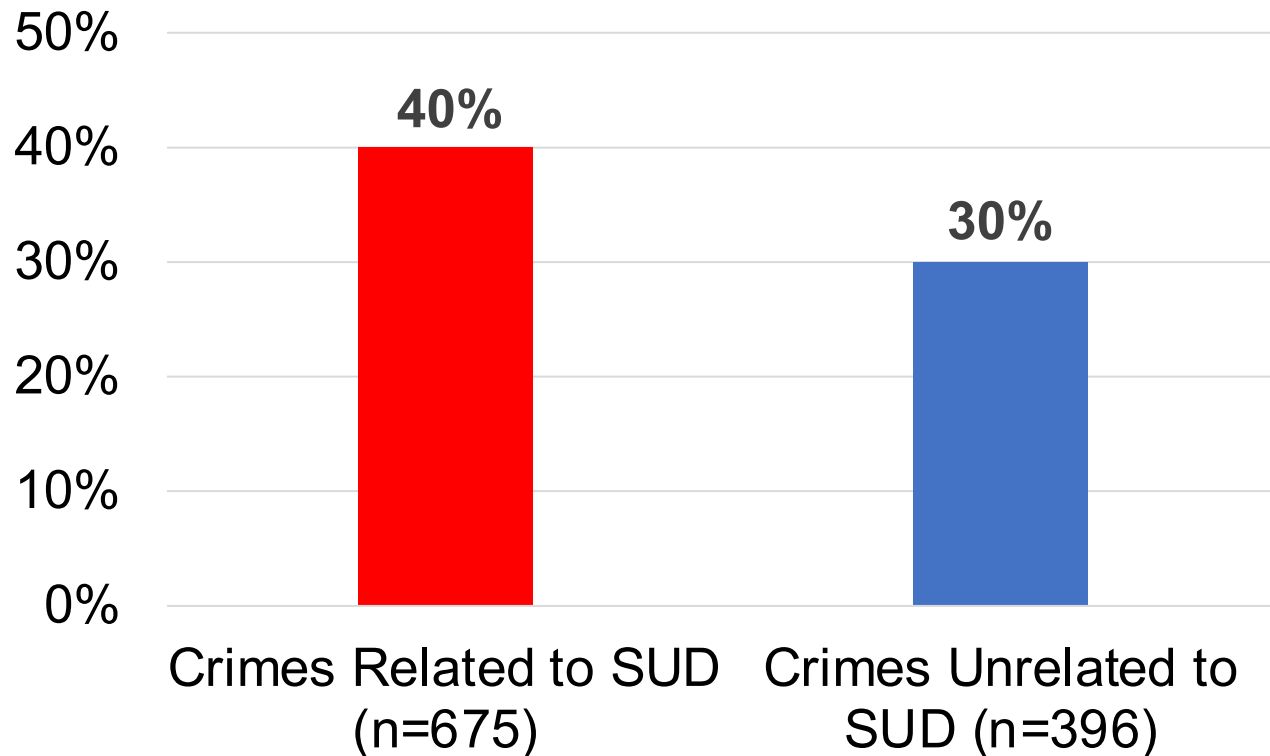




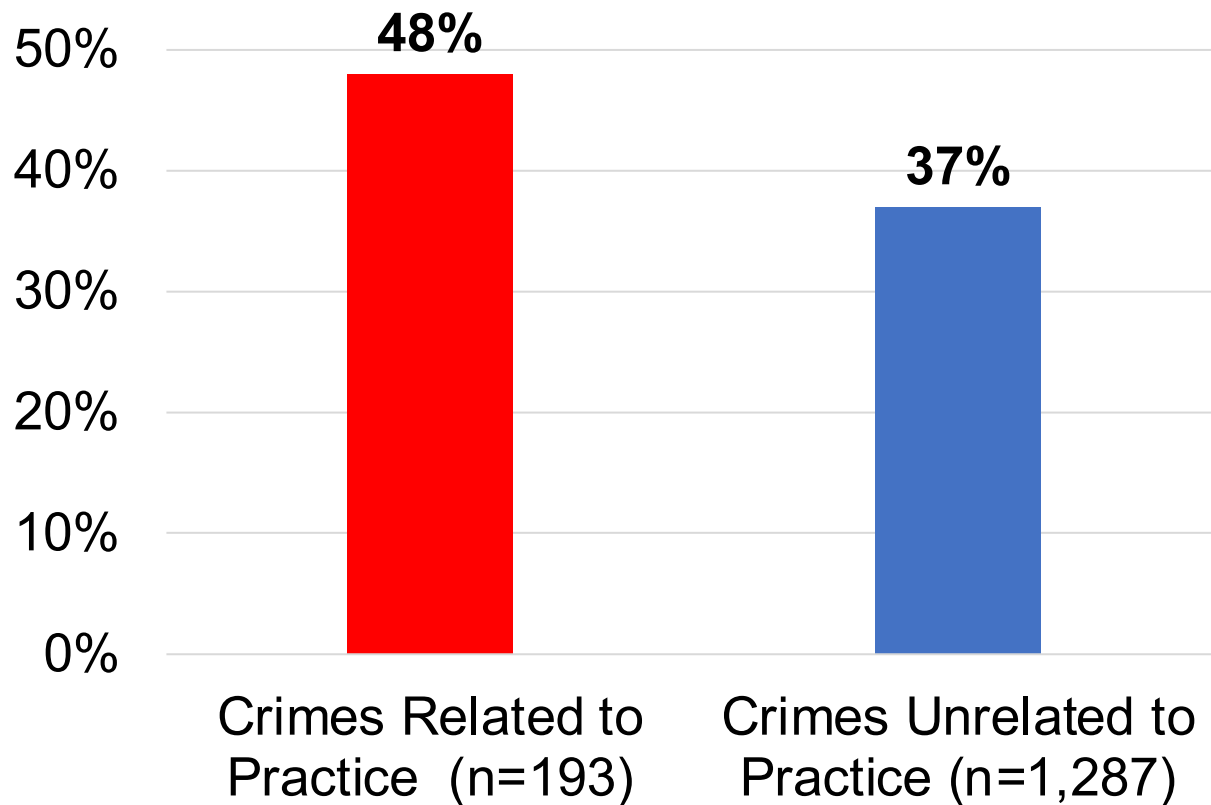
# Recidivism Rates by Types of Crimes (Single Crime)



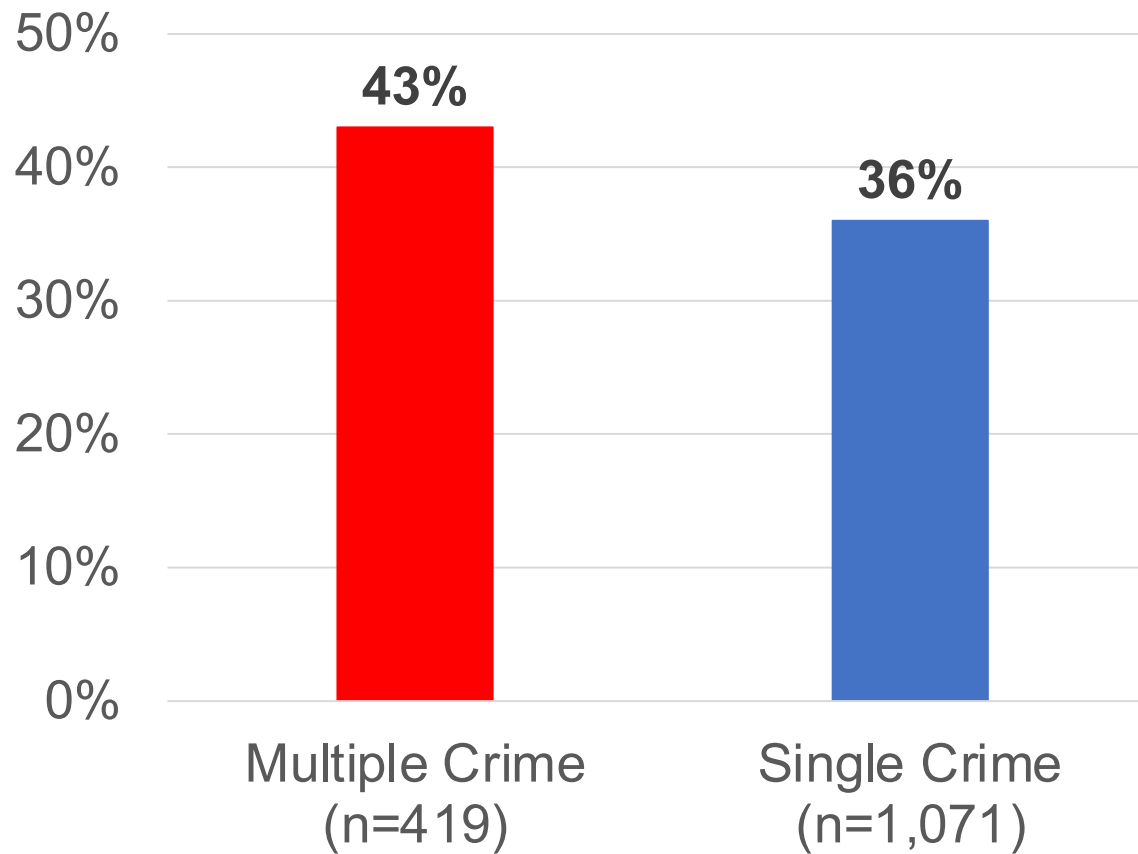
# Recidivism Rates by Crimes Related to Substance Use Disorder (SUD)



# Recidivism Rates by Crimes Related to Practice



# Recidivism Rates by Multiple Crimes

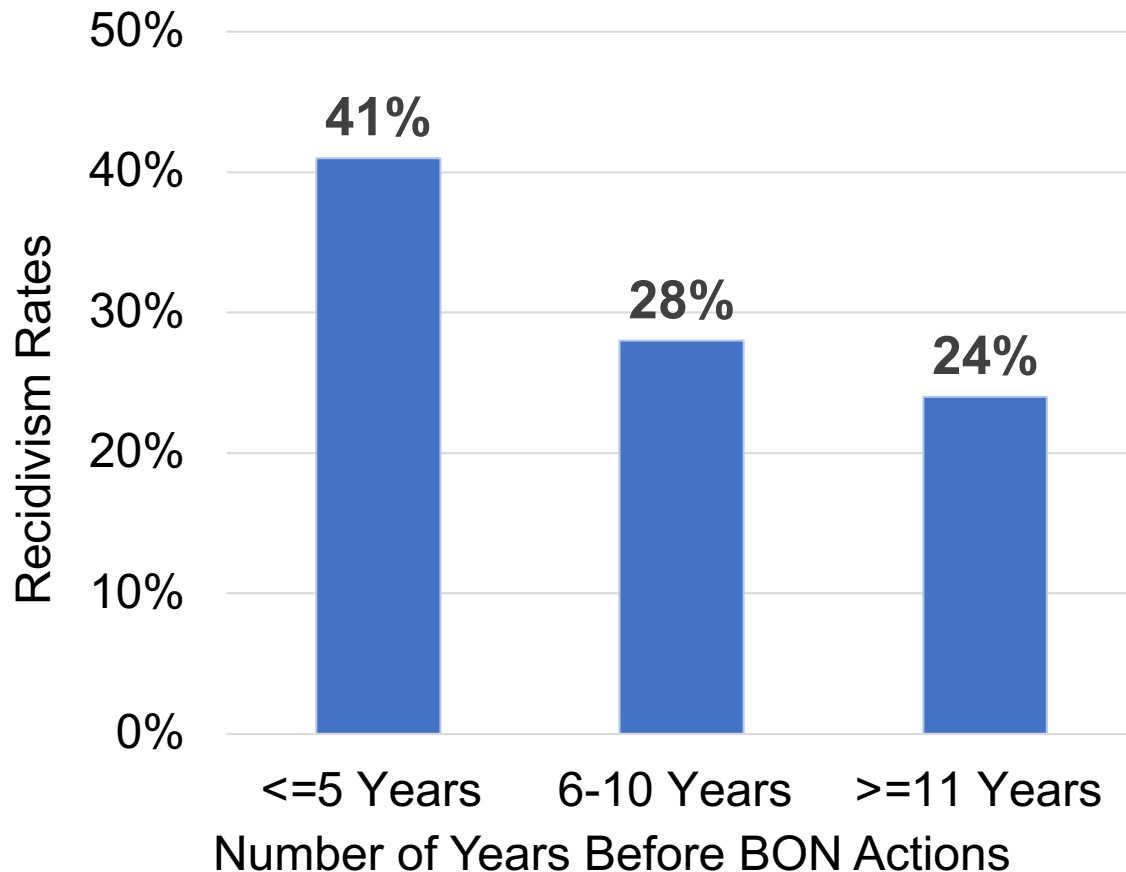


# Risk Factors Associated with Recidivism

Type of Crimes	Relative Risk (CI)	P
Related to SUD	1.35 (1.13-1.61)	<0.001
Unrelated to SUD		
Related to Practice	1.31 (1.12-1.55)	0.002
Unrelated to Practice		
Multiple Crimes	1.20 (1.05-1.37)	0.011
Single Crime		

*Relative risk (RR) indicates the risk ratio of recidivism among nurses in the first versus the second group for each potential risk factor. CI = 95% confidence interval.*

# Recidivism Rates by Years Elapsed Between Criminal Conviction and 2012-2013 BON Actions



# Limitations

- The current analysis was based on data voluntarily submitted to Nursys by BONs. Not all BONs submitted detailed board order attachments.
- No direct comparison of the efficacy of disciplinary actions is possible due to lack of information regarding the types of remediation opportunities taken by the disciplined nurses.

# Conclusion

- **38%** of the nurses disciplined for criminal convictions recidivated versus **36%** of the nurses disciplined for violations unrelated to criminal convictions during the five-year post-disciplinary time period.
- Among those nurses who recidivated, **11%** committed a violation/crime related to practice during the five-year post-disciplinary time period.



# Conclusion (Con't)

- Nurses in the following groups had an elevated risk for recidivism:
  - ❑ Committed a crime related to SUD
  - ❑ Committed a practice-related crime
  - ❑ Committed multiple crimes
  
- The longer the interval of criminal conviction time before the 2012-2013 disciplinary actions, the lower the risk for a nurse to recidivate.

# Acknowledgements

**Maryann Alexander, PhD, RN, FAAN,**  
Chief Officer, Nursing Regulation, NCSBN



# Contact Information

**Elizabeth H. Zhong, PhD**  
E-mail: [ezhong@ncsbn.org](mailto:ezhong@ncsbn.org)