

Q: What is a misdemeanor?

- A: A misdemeanor is a more serious offense than a summary offense, but a lesser crime than a felony. It is typically punishable by a fine and could include jail time. It may also require the individual to be fingerprinted. Misdemeanor offenses appear on a criminal background check. According to the PA Crimes Code, state-licensing agencies **would reserve the right** to deny the issuance of a certificate, license, registration or permit to anyone charged with a misdemeanor. The PA Crimes Code also allows potential employers to use criminal history records in the hiring process. This means if you have a misdemeanor, you may not be able to get a license or certificate and even worse, the job you hoped to have. Alcohol misdemeanors include but are not limited to the following:
- Driving under the influence
 - Purchasing and or furnishing alcohol to minors
 - Subsequent offenses of misrepresentation of your age to buy alcohol (according to PA Crimes Code Title 18)

Q: What if I am charged with DUI (Driving Under the Influence)?

- A: In Pennsylvania, a DUI is classified as a misdemeanor. Pennsylvania has set .08% Blood Alcohol Content (BAC) as the legal limit for Driving Under the Influence (DUI) convictions. Anyone under the age of 21, driving with a blood alcohol content of .02 or higher, can be charged with a DUI and processed as an adult. Having a DUI can be cause for denial of certification and licensure. In addition, if already employed it can be cause for suspension of health care license or even dismissal from employment.

Q: What if I get charged during my senior year?

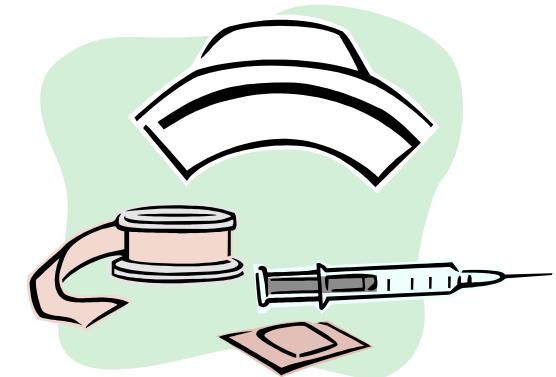
- A: Unresolved charges will result in a delay in taking the licensure exam until there is a disposition of the charge (what matters is not the charge, but the final disposition). If the disposition is undefined or incomplete at the time of application to a clinical agency, the clinical agency reserves the **right to refuse placement of nursing student(s)**. It is important to keep court dates and records if disposition is unknown.

***This pamphlet was designed ONLY as a resource guide for nursing and allied health professions majors. The sponsors of this pamphlet do not encourage or condone the use of alcohol by anyone under the age of 21. While it includes general information about alcohol offenses, each situation should be evaluated separately. If charged with any of these offenses, you may want to consult with professional legal counsel and your academic department. See the Student Handbook online and the Pennsylvania State Board of Nursing website for more information.

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Alcohol Citations and Your Career



**Q&A
for Nursing and Allied
Health Professions**

As a nursing or allied health professions major, you may be unsure about the fate of your major and, even more important, your career if you are cited for UAD (Underage Drinking) or DUI (Driving Under the Influence). This pamphlet was designed to answer some of the commonly asked questions and set the record straight.

Q: Why would certain professions require a Criminal Background Clearance?

A: The Commonwealth of Pennsylvania requires that educational and health care systems provide a safe environment for children and the provision of service safeguarding the rights of older adults while protecting them from abuse.

Q: WHAT IS ACT 34?

A: ACT 34 is a criminal record check. Criminal offenses include crimes against another person. i.e. assault, sexual molestation, rape etc. ACT 34 check will yield a complete RAP sheet on a person, which includes felony and misdemeanor offenses.

Q: What are summary alcohol offenses?

A: Summary offenses are the least serious of criminal offenses. They are accompanied by citations and fines that are processed by a magistrate and can include jail time up to 90 days. They rank below both felonies and misdemeanors. Examples of alcohol summary offenses include:

- Public drunkenness
- Purchase, consumption, possession or transportation of alcohol by a minor
- Misrepresentation of age through fake identification or verbal statement (first offense; subsequent offenses are a misdemeanor of the third degree).

Q: What behaviors are classified as an Underage Drinking (UAD) offense?

A: In Pennsylvania, an underage drinking citation is issued to anyone under the age of 21 who is caught consuming, transporting, purchasing, or attempting to purchase any alcoholic beverage. It is a summary offense that requires the issuing officer to contact the parents or guardians of the minor being cited.

Q: Will my UAD appear on my state clearance background check?

A: Underage drinking citations do not appear on criminal background checks because they are not fingerprintable offenses. However, they will appear on a vehicular background check. These records can be accessed for a fee by insurance companies and also by investigators doing a thorough review of an applicant.

Q: Does that mean that all summary offenses are exempt from criminal background checks?

A: No. Certain summary offenses like minor vehicular or property damage will appear on criminal background checks. These offenses require that fingerprints be taken and kept at the police repository. This is done to track the number of offenses an individual has committed. Multiple offenses of the same crime would result in an upgrading of punishment.

Q: What does it mean to have your record expunged?

A: Expunging your record is a legal process that serves to seal your criminal file. To apply you must meet certain criteria and be approved through the district attorney's office. Not all requests will be approved. Expungement will not remove the charge from your vehicular record.

Q: What is ARD?

A: Accelerated Rehabilitative Disposition (ARD) is a pretrial diversionary program. The primary purpose of ARD is to educate and counsel offenders and, secondarily, to move cases promptly through the judicial system. Completion of the program results in the sealing of your criminal record. You need to meet certain criteria in order to be eligible, and ARD may not be offered in all counties. Information about ARD can be obtained through a magistrate, probation officer, or district attorney's office.

Q: What if I do not pass the Criminal Background Clearance as related to Acts 114, 73, 34, and 151?

A: A clinical agency reserves the right to refuse placement of nursing students based on the background check findings or other clinical requirements. The Chair of the NAHP Department will try at least 2 current clinical affiliated agencies before determining the student cannot be placed in a clinical agency for a given clinical course. Failure to obtain clinical placement means that the student will not be able to meet program requirements. Failure to meet program requirements means that the student will be unable to complete the degree and the student will be dismissed from the major. The department will assist the student with selecting a new major. If the student with a criminal record does obtain clinical placement, this does not guarantee future clinical placements or permission to sit for the NCLEX-RN® Licensing Exam or eligibility to obtain a nursing license. Eligibility for the NCLEX-RN® Licensing Exam and/or licensure does not guarantee employment eligibility. If a student with a criminal record obtains clinical placement, the student is proceeding "at his/her own risk". The student may at any time during the program encounter an agency that will not place him/her.