

CRIMINAL BACKGROUND CHECKS

Practicum sites and school districts require criminal background checks on students before they are permitted into practicum facilities. The requirement is based on the concept of due diligence and competency assessment, including post criminal behavior of all individuals whose assignments bring them into contact with patient and employer. On this basis, the JoAnne Gay Dishman School of Nursing (SON) has implemented a criminal background screening policy for all students.

Criminal Background Checks for Admission to the Nursing Program

All students applying to Lamar University's Nursing Program are required to complete a criminal background check. Verification must be received from the designated company prior to being fully admitted.

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Please see the *Criminal Background Screening Policy*.

Required Reporting of Criminal Activity

The SON requires that students report all criminal activity during their education process at Lamar University. The SON works closely with students in the declaratory process and in providing counseling / information so that students may be eligible to apply for the NCLEX Exam at the conclusion of the nursing program.

Criminal Background Checks for Licensures

HB 2208 (Dec. 2003) stipulates that ALL individuals seeking licensure in the state of Texas by examination must comply with a criminal background check through the Texas Department of Public Safety (DPS) and the Federal Bureau of Investigation (FBI).

1. Do not wait until submitting the NCLEX-RN application for the exam to disclose any eligibility issues to the Texas Board of Nursing. Please inform the Director of Undergraduate Nursing Studies early in the program of any issues for eligibility for licensure.
2. Each student must have a valid criminal background report to become a candidate to take the NCLEX-RN examination.

Eligibility issues for Licensure as a Registered Nurse may arise from:

1. **Criminal Convictions (Misdemeanor, Felony)**
2. **Addiction to/Treatment for Chemical Dependency**
3. **Diagnosis, Treatment, or Hospitalization for Mental Illness**

If any of the three circumstances apply to you please see the "petition for declaratory order" information at the Texas Board of Nursing website (www.bon.state.tx.us/olv)

Eligibility for Licensure as a Registered Nurse for: (1) Persons with Criminal Convictions (misdemeanor, felony) (2) Addiction to/Treatment for Chemical Dependency, Diagnosis, Treatment or Hospitalization for Mental Illness.

If any of the circumstances listed above apply to you, read the current information on the Texas Board of Nursing website to identify how your past history can affect the possibility of becoming a registered nurse or practicing nursing. Actions you can take also are identified that may increase the chances that you can pursue becoming a Registered Nurse and practicing nursing. (See petition for declaratory order at the Board of Nursing website: (www.bon.state.tx.us/olv/pdfs/DOapp.pdf)

Texas' licensing board for Registered Nurses, the Board of Nursing (BON), is directed by state statute to handle the licensing, education and discipline of registered nurses within Texas. The state statute is titled the *Texas Nursing Practice Act* (NPA) and the BON is authorized to uphold and administrate the NPA as well as adopt and enforce Rules regarding the practice of professional nursing.

Under its Rules concerning criminal conviction, chemical dependency, and mental illness, the BON may refuse to approve persons to take the licensure examination, may refuse to issue or renew a license or certificate of registration, or may refuse to issue a temporary permit to any individual that has been:

- Convicted of a felony, a misdemeanor involving moral turpitude, or engaged in conduct resulting in revocation of probation imposed pursuant to such conviction (*Rules §213.28. Licensure of Individuals with Criminal Convictions*).
- Addicted to or treated for use of alcohol or any other drug within the past five years (*Rules §213.29(d)(1-3) Substance Use Disorders and Abuse/Misuse of Alcohol or Drugs*).
- Diagnosed with, treated or hospitalized for mental illness within the past five years (*Rules §213.29(e)(1-3) Mental Health Conditions and Diminished Capacity*).

ACTIONS TO CONSIDER TAKING

Since each individual's time and circumstances of a conviction, dependency, or mental illness are unique, an opportunity to sit for the licensing exam is available. *Section 301.257. Declaratory Order of License Eligibility* of the NPA provides, for individuals who have reason to believe they may be ineligible for licensure, a process to request the BON to make a determination of that issue. This option is best pursued in order to avoid investing 2-to-4 years in nursing education only to find out as you near graduation that you are not eligible for licensure. It is also an ineffective use of a school's resources to educate a person not eligible for licensure. BON *Rules §213.30* addresses declaratory order in more detail.

If your goal is to become a registered nurse, you need to determine whether your past or present circumstances present any obstacles. If there are, you should consider taking these actions:

1. Call the Texas Board of Nursing (512-305-6809) and talk with a staff member about the issues specific to your situation as well as the process, timelines and fee(s) involved in filing a *Declaratory Order* petition.
2. Success in providing your rehabilitation, recovery and fitness to practice now or in the future, depends on what you have done with your life since conviction, dependency, or illness and what you are doing now. You are required to submit a completed, original "Petition for Declaratory Order". The document is available from the BON; a photocopy or facsimile is not acceptable. The petition must be accompanied with the appropriate fee, photograph, all written documentation, reports, and letters requested by the BON. Additional letters may be advantageous attesting to (a) your positive progress in rehabilitation/recovery, (b) concerning your potential as a nurse from a nursing school instructor or health care employer, or (c) your success as a good, contributing citizen in the community. Understand that once you have initiated a request to obtain a license, note that failure to respond within 60-days to further BON requests for information or notification of denial of eligibility can result in your "eligibility file" being closed.

CRIMINAL BACKGROUND SCREENING POLICY

Purpose

The Lamar University (LU) JoAnne Gay Dishman School of Nursing adheres to the policies of all practicum facilities with which the School of Nursing is affiliated for student practicum learning experiences. Many practicum facilities and school districts require criminal background screening of all students.

Practicum agencies used by the LU JoAnne Gay Dishman School of Nursing (LU SON) stipulate in the practicum affiliation agreements that students' criminal background be prescreened before they are permitted into the practicum facility. This prescreening requirement is the same as that required of employees of public and private practicum agencies. The rationale for this requirement for practicum students is based on the concept of due diligence and competency assessment of all individuals whose assignments bring them in contact with patients and employees. Competency assessment extends beyond technical skills to include an individual's past behavior as indicated by their criminal history. This approach ensures uniform compliance with Joint Commission standards pertaining to human resource management. Moreover, the public is demanding greater diligence in light of the national reports of deaths resulting from medical errors. Successful completion of a background check does not guarantee eligibility to take the NCLEX-RN examination, licensure or employment after graduation. Full acceptance into the nursing program is contingent upon satisfactory results of the Criminal Background check.

Policy Timing

After the application deadline, the Dishman School of Nursing will submit all applicants' names to the Texas Board of Nursing (TBON) for the required Criminal Background check (CBC). Applicants who need to be fingerprinted will receive an email from IdentoGO with instructions for making an appointment. Applicants who have recently completed a TBON CBC will not receive an email from IdentoGO to make an appointment because their previous fingerprints will be used for the CBC. All applicants with a clear criminal background will receive a Blue Card in the mail. All Applicants with a positive CBC will be notified by TBON and given instructions to complete the required Declaratory Order. **The Blue Card (or if applicable, the Declaratory Order outcome letter) is a mandatory requirement in order to obtain full acceptance into the nursing program** _The Blue Card, or the Declaratory Outcome letter, must be received by LU SON 10 days prior to the first-class day of the nursing program. Please refer to "**Process**" section below for further information regarding the Declaratory Order. The results will be accepted for the duration of the student's enrollment in the nursing program if the participating student has not had a break in the nursing program and if the student has had no qualifying legal incidents or convictions while enrolled. A break in enrollment is defined as nonattendance of one full semester or more. Attendance must be verifiable through the university.

Process

The LU SON accepts criminal background screenings completed by the Texas Board of Nursing. The screening will include the student's complete criminal history, including the cities and counties of all known residences. The student is responsible for any cost associated with the criminal background screening.

A student does not qualify for the blue card/clear report anytime there is a record of criminal activity located or they are self-disclosing an incident not yet reported to DPS/FBI. The TX BON provides a process by which minor infractions can be handled in a timely manner. More serious findings will take more time and may lead to a delay in qualifying for admission.

In general, based on Texas Board of Nursing guidelines, the following histories will disqualify an individual from consideration for admission in the nursing program:

1. Misdemeanor convictions/deferred adjudication or felony convictions/deferred adjudications involving crimes against persons;
2. Misdemeanor convictions/deferred adjudication related to moral turpitude;
3. Misdemeanor/felony convictions/deferred adjudications for the sale, possession, distribution, or transfer of narcotics or controlled substances;
4. Registered sex offenders.

Individuals with any of the above histories will not be eligible to enroll in the nursing program, and if the history is

discovered or a conviction occurs after enrollment, the student, will be required to withdraw from the program. A student who is convicted of a criminal offense while enrolled in the program must report the conviction to the LU SON Chair within three days of the conviction. The term conviction for these purposes includes probated sentences and deferred adjudications.

A student may be considered for admission to the program if the TX BON issues a Declaratory Order stating the individual is eligible for initial licensure or license renewal.

Notes

1. The student should be aware that the disqualifications listed above are used for employment eligibility by most hospitals in Texas.
2. Completion of a specific program will be determined by the student's ability to successfully complete the required practicum rotations.
3. Practicum rotations are completed at sites specified by and contracted with Lamar University. Lamar University will not locate or provide alternative sites for practicum rotations for student ineligible to attend practicum rotations at the specified sites.

Compliance and Record Keeping

1. The Texas Board of Nursing will notify Lamar University (JoAnne Gay Dishman School of Nursing Chair) of all individuals who fail a criminal background check.
2. Verification sent by the TX BON to LU will include only the student's name and social security number. Details of the criminal record will not be included in the report.
3. The LU JoAnne Gay Dishman School of Nursing will send verification on adherence to the policy to the practicum affiliate prior to the practicum rotation start date. Verification is accomplished by sending a letter from the JoAnne Gay Dishman School of Nursing on letterhead stating that these standards have been met by the student, listing the student's full name and practicum rotation start date. If more than one student is attending a practicum rotation, a comprehensive list with all of the student's names may be submitted.

Note:

Verification information will be filed in a secured area to ensure confidentiality. In the event that the student feels that an error has been made in the results of the criminal background check, it is the responsibility of the student to contact the external vendor for a verification check and the student is responsible for any cost associated with this check. Other than error relative to identify, there will be no appeal of this policy.