



IMPORTANT INFORMATION REGARDING LICENSURE ELIGIBILITY

The Board of Nursing looks at responses to questions relating to criminal conduct to determine eligibility for renewal. To check your eligibility for renewing your license, please review the following:

To check your eligibility for renewing your license, please review the following questions: Been convicted of a misdemeanor?

1. Have you ever had any disciplinary action on a nursing license or a privilege to practice in any state, country, or province?
2. Do you have an investigation or complaint pending on a nursing license or a privilege to practice in any state, country, or province?
3. Have you, in the last 5 years*, been addicted to and/or treated for the use of alcohol or any other drug?
4. For any criminal offense*, including those pending appeal, have you:
 - been arrested and have a pending criminal charge?
 - been convicted of a misdemeanor?
 - been convicted of a felony?
 - pled nolo contendere, no contest, or guilty?
 - received deferred adjudication?
 - been placed on community supervision or court-ordered probation, whether or not adjudicated guilty?
 - been sentenced to serve jail, prison time, or court-ordered confinement?
 - been granted pre-trial diversion?
 - been cited or charged with any violation of the law?
 - been subject of a court-martial; Article 15 violation; or received any form of military judgment/punishment/action?

NOTE: You may only exclude Class C misdemeanor traffic violations or offenses previously disclosed to the Texas Board of Nursing on an initial or renewal application.

Expunged and Sealed Offenses

While expunged or sealed offense, arrests, tickets, or citations need not be disclosed, it is your responsibility to ensure the offense, arrest, ticket, or citation has, in fact, been expunged or sealed. It is recommended that you submit a copy of the Court Order expunging or sealing the record in question to our office with your application. Non-disclosure of relevant offenses raises questions related to truthfulness and character. (See 22 TAC §213.27)

Orders of Non-disclosure

Pursuant to Tex. Gov't Code § 552.142(b), if you have criminal matters that are the subject of an order of non-disclosure you are not required to reveal those criminal matters. However, a criminal matter that is the subject of an order of non-disclosure may become a character and fitness issue. Pursuant to Gov't Code chapter 411, the Texas



Nursing Board is entitled to access criminal history record information that is the subject of an order of non-disclosure. If the Board discovers a criminal matter that is the subject of an order of non-disclosure, even if you properly did not reveal that matter, the Board may require you to provide information about any conduct that raises issues of character and fitness.

5. Have you ever had any licensing (other than a nursing license) or regulatory authority in any state, jurisdiction, country, or province revoked, annulled, cancelled, accepted surrender of, suspended, placed on probation, refused to renew, or otherwise discipline any other professional or occupational license, certificate, nurse aide registration or multistate privilege to practice that you held?
6. Are you currently suffering from any condition for which you are not being appropriately treated that impairs your judgment or that would otherwise adversely affect your ability to practice nursing in a competent, ethical, and professional manner?
7. *Are you currently the target or subject of a grand jury or governmental agency investigation?
8. *Are you currently a participant in an alternative to discipline, diversion, or a peer assistance program? (This includes all confidential programs)

NOTE: Any positive response will remain confidential and not subject to public disclosure unless required by law.

9. Have you ever been granted the authority to practice nursing in any country, state, province, or territory?

NOTE: This does not apply to any nursing license(s) issued by another US state or territory, excluding Puerto Rico. If you were licensed in Puerto Rico, you should be answering yes.

*Pursuant to the Texas Occupations Code §301.207, information, including diagnosis and treatment, regarding an individual's physical or mental condition, intemperate use of drugs or alcohol, or chemical dependency and information regarding an individual's criminal history is confidential to the same extent that information collected as part of an investigation is confidential under the Texas Occupations Code §301.466.



Licensure Eligibility Form

Your Rights and Legal Considerations:

Legal considerations- Notice to all applicants and enrolled students:

Enrollment into Health Sciences programs by students with felony or misdemeanor convictions could result in denial of an occupational license. These students would not be eligible for admission into the program until a declaratory order process is completed with the licensure and or certification board. A copy of the proof of eligibility for licensure and certification must be provided with the program application.

What is an “Occupational License?”

An “occupational license” is a license, certificate, registration, permit, or other form of authorization required bylaw or rule that must be obtained by an individual to engage in a particular business or occupation.

Your rights:

All applicants and enrolled students have the right to request a criminal history evaluation, per Texas OccupationsCode, Sec. 53.102. An individual may request a licensing authority to issue a criminal history evaluation letter regarding the person's eligibility for a license issued by that authority if the person:

1. is enrolled or planning to enroll in an educational program that prepares a person for an initial license oris planning to take an examination for an initial license; and
2. has reason to believe that the person is ineligible for the license due to a conviction or deferred adjudication for a felony or misdemeanor offense.

The request from the licensing authority will state the basis for the person’s potential ineligibility.

What is a “Licensing Authority?”

A “licensing authority” is a state agency or political subdivision that issues an occupational license

Submit this form with application.

I (print name) _____ verify that I have received and read the Legal Considerations form.

(Signature)

(Date)