

**TARLETON STATE UNIVERSITY  
DEPARTMENT OF NURSING  
CRIMINAL BACKGROUND SCREENING – POLICY AND PROCEDURE**

It is the policy of Tarleton State University Department of Nursing to adhere to all policies of clinical facilities with which the department affiliates for student clinical learning experiences. Most clinical facilities now require criminal background screening of all students. The Department of Nursing abides by the Community Standards for Drug Testing and Background Screening developed by a task force of members of the Dallas-Fort Worth Hospital Council.

The rationale for requiring all students (generic, LVNs, and RNs) to participate in criminal background screening is the concept of due diligence and competency assessment of all individuals whose assignments bring them in contact with patients, research subjects, or potentially hazardous research areas or employees. The practice of nursing involves clients, their families, significant others, and the public in diverse settings. The registered nurse practices in an autonomous role with individuals who are physically, emotionally, and financially vulnerable. The nurse has access to personal information about all aspects of a person's life, resources, and relationships. Therefore, criminal behavior, whether violent or non-violent, directed against persons, property or public order and decency is considered by the Texas Board of Nursing and the Department of Nursing at Tarleton State University as highly relevant to an individual's fitness to practice nursing.

**Nature of Criminal Background Screening**

Section 411.082(2) of the Texas Government Code defines criminal history record information as “information collected about a person by a criminal justice agency that consist of identifiable descriptions and notations of arrests, detentions, indictments, informations, and other formal criminal charges and their dispositions.”

- ❖ **Nursing Program Admission.** The Department of Nursing uses a private company to provide criminal background screening for students. Criminal background screening provided by private companies generally access criminal history record information from the Texas Department of Public Safety (DPS), nationwide sex offender databases, and nationwide health care fraud and abuse databases. These companies use a series of identifiers, including all or some combination of the following: name, date of birth, address, sex, race, and social security number to complete background investigation. Investigations commonly take 24 to 72 hours to complete.
  
- ❖ **Texas BON upon Application for a Declaratory Order or Licensure.** The Board of Nursing use an applicant's fingerprints to request criminal history records from both the DPS and the National Crime Information Center maintained by the FBI. The Board collects this information for any individual requesting a Declaratory Order and during the final semester of the program when the student applies for licensure and to take the NCLEX-RN®. Upon receipt of a student's application and fingerprints, the BON requests criminal history information records from both DPS and the FBI. This information includes reported convictions in all states as well as any convictions for federal crimes. The standard length of time for the BON to receive FBI criminal background reports is approximately three to six months.

### **Identification of Vendors**

The Department of Nursing will designate the companies selected to do the criminal background screening. The Department of Nursing will not accept criminal background screening results from any company other than the ones designated by the Department of Nursing.

### **Allocation of Costs**

The student will pay the cost of the criminal background screening at the time of the testing.

### **Timing of Screening Requirements**

Initial criminal background checks are conducted as an admission requirement for the BSN program at Tarleton State University. The letter of admission to the program will contain the date when the requirement must be met. Verification of the satisfactory results must be received by Department of Nursing prior to the student's official program admission and before any clinical rotation start date. Accepted applicants who do not give permission to conduct the criminal background check will be barred from program enrollment and will be removed from the accepted student list.

### **Period of Validity**

Background checks will be honored by all health care agencies for the duration of the student's enrollment in the nursing program if the participating student has not had a break in the enrollment at the college/school. A break in enrollment is defined as nonattendance of one full semester (fall or spring) or more; however, a student whose attendance or clinical placement has been suspended due to declaratory order process will not be considered as experiencing a break.

### **Significant Findings in Criminal Background Screening**

Individuals with any of the following 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. The term conviction for these purposes includes probated sentences, deferred adjudications with or without prejudice of guilt, expunged offenses, and pleas of guilty or nolo contendere.

- ❖ felony convictions;
- ❖ misdemeanor convictions, probated sentences, or felony deferred adjudications involving crimes against persons (including physical or sexual abuse);
- ❖ misdemeanor convictions related to moral turpitude (including prostitution, public lewdness/exposure, theft, etc.);
- ❖ felony probated sentences or deferred adjudications for the sale, possession, distribution, or transfer of narcotics or controlled substances;
- ❖ registered sex offenders.

Individuals who have significant findings on their background check will be referred to the Texas Board of Nursing (BON) to obtain a declaratory order. The accepted student will be allowed admission to the nursing program when official documentation is received from the BON, confirming eligibility for licensure upon graduation and passing the NCLEX-RN®. Program admission can be deferred for up to one year while the matter is resolved.

A student who is convicted of a criminal offense while enrolled in the program must report the conviction to the Department Head of Nursing within three days of the conviction.

In certain situations, when an individual has a positive criminal background history, the individual may be able to participate in the Sophomore II nursing courses while they are awaiting results from their petition for a Declaratory Order. For example, criminal convictions deemed “youthful indiscretion” may not impede the student from beginning the nursing program. The Department Head of Nursing must approve the exception.

### **Referral to BON for Declaratory Order or Assessment of Eligibility Issue**

The Declaratory Order process permits the Board to make decisions regarding a petitioner's eligibility for licensure prior to entering or completing a nursing program. One of the purposes of the process is to avoid the needless use of resources by both a student and a school toward earning a degree in nursing when the student could not qualify for licensure. The review process can take a minimum of three (3) months to two (2) years depending on the petitioner's case. The review by BON staff cannot begin until the FBI criminal background report is received; it is often three to six months before the BON receives the FBI report.

A student with an outstanding eligibility issue may be considered for admission or readmission to the program if the Board of Nursing for the State of Texas (BON): (1) issues a Declaratory Order stating the individual is eligible for initial licensure upon graduation and passing NCLEX-RN®; or (2) determines the individual already licensed may have their license renewed or is eligible to return to practice.

Program admission can be deferred for up to one year while the matter is resolved. If the process takes more than one year or the BON denies eligibility, the accepted student will be removed from the accepted student list. A new application will be considered if the BON ruling is reversed in the future.

### **Appeal Process**

- ❖ **Company Conducting the Screening.** Any admitted student who did not pass the required criminal background check should carefully review their records provided by the company conducting the screening. The private company used to conduct criminal background screens for student applicants uses a series of identifiers, including all or some combination of the following: name, date of birth, address, sex, race, and social security number. Criminal records generally do not include a social security number. As a result, the private company conducting the screening makes no claim or guarantee that the records produced during the screening belong to the applicant in question. Therefore, it is possible that criminal background records do not apply to the name submitted. Student applicants may contact the private company who conducts the criminal background screening if they believe their records contain errors. The company will re-check the information, at no cost, and correct the report if it was incorrect. The number to call is available on the company's website.

- ❖ **Department Head.** Any student who did not pass the required criminal background check can meet with the Department Head of Nursing to review their case. The Department Head will be responsible for reviewing the case and recommend: 1) that the program acceptance be rescinded for cause; or 2) that the concern does not rise to the level of rescinding admission.

Falsification of information during an appeal will result in removal from the accepted student list or from the program of study.

### **Recordkeeping**

All reports are considered confidential. Criminal background screening reports will be filed in the Office of the Department Head of Nursing for the duration of the student's enrollment or until the applicant is removed from the accepted student list. The Department Head of Nursing will report to faculty and staff only that the results are negative or positive.

Verification of the compliance with criminal background screening standards is sent to the designated representative of each clinical agency prior to the clinical rotation start date. Verification is accomplished for those students allowed to attend clinical by sending a letter from the Department of Nursing on letterhead for documenting that these students have had a negative criminal background screen. The student's full name and clinical rotation start date are listed. If more than one student is attending a clinical rotation, a comprehensive list with all the students' names may be submitted.