GENERAL INFORMATION

The Associate of Applied Science Degree Vocational Nursing Mobility Program is the degree track that leads to licensure as an RN in the State of Texas. This program is designed for nurses licensed as Vocational Nurses in the state of Texas who are pursuing the Associate of Applied Science in Nursing and desire to take the NCLEX-CAT RN. Registered nurses have a high demand, but rewarding job. They are charged with coordinating and performing care for the public. This profession demands an individual with high moral and ethical framework. The American Nurses Association has this definition of the profession:

Nursing is the protection, promotion, and optimization of health and abilities, prevention of illness and injury, alleviation of suffering through the diagnosis and treatment of human response, and advocacy in the care of individuals, families, communities, and populations.


Prospective students should be aware that this profession involves caring for others and placing their needs above your own while in the work setting. The course of study is rich in pathophysiology, pharmacology, math, critical reading and thinking, extensive writing, legal application, as well as human interaction. The curriculum involves all areas of nursing; obstetrics, psychiatric, pediatric, and medical surgical. Clinical is in a variety of settings such as acute care, long term care, community clinics, offices, home health, and specialty units.

This program consists of 12 months of nursing courses plus the required pre-requisites. Students apply to Northeast Texas Community College and enroll in prerequisite and co-requisite nursing courses. In the spring semester of the year they wish to begin nursing courses, the student should apply to the nursing program specifically. There are more applicants than the program can take and educate. Applications are selective. Information in this packet is specific to the application process and includes application documents. The nursing course work is approximately 24 hours per week and has a great deal of outside reading and “homework”. Students may take co-requisite course work concurrently, but it is recommended that you complete as much of this work ahead of time as possible due to the intense time commitment of the nursing program and the rigorous schedule. This program is approved by the Board of Nurse Examiners for the State of Texas.

Admission Requirements for Nursing Course Work:

The Nursing Program has selective admissions for nursing major courses. The applicant must meet the criteria for admission to the college and submit all required documents in the Application Procedure prior to or on the date specified. All applicants are considered based on a point system. Points are allotted to a student based on the criteria listed on the point calculation sheet in this packet. Top applicants are selected for admission and are notified in writing. Applicants who submit completed applications meeting criteria for admission after the date specified may be considered as alternates. Alternates are given a position in the program if accepted students decline to take their spot or if additional part time clinical faculty members are employed.

Minimal requirements for consideration of acceptance include:

a. Applicants must be high school graduates or have completed an approved high school course of study (GED).

b. Applicants must be licensed as a LVN in the state of Texas, with no stipulations on their license.

c. The HESI A2 exam must be completed for a score greater than 75.

d. General Chemistry I (CHEM 1411) or equivalent college Chemistry course with lab, Anatomy and Physiology I and II (BIOL 2401 and 2412), Introduction to Psychology (PSYC 2301), English Composition (ENGL 1301), Human Growth and Development (PSYC 2314), Pharmacology (RNSG 1301), and Nutrition (BIOL 1322) and must be completed with a grade of “C” or higher prior to application consideration. If you have competed Intro to Chemistry, but not General Chemistry, you will be eligible for admission on the condition you complete General Chemistry before graduation.

e. A “C” or higher grade must be made in all required courses applied to the degree plan.

f. Final admission is contingent upon satisfactory results on the physical examination (completed within six months prior to enrollment in first nursing major course), criminal history check, CPR for health care providers certification, and proof of immunization including hepatitis B. Information on the these items will be sent with the letter of admission.

g. *Applicants not selected may reapply in subsequent years.
APPLICATION PROCEDURE

In order to be considered for admission to Category II (includes nursing major courses), the following steps must be completed and documents filed prior to the specified deadline.

1. Application for Admission to Northeast Texas Community College – submitted to Office of Admissions & Registration.
2. Application for Nursing Program Admission.
3. Official copies of high school transcript or GED certificate.
4. Official copies of transcripts from vocational-technical nursing education program or college(s)/university(ies), if any. Transcripts must be submitted with this application. Any transcripts on file with the registrar’s office or the admissions office will not be considered a part of this application and cannot be considered for point calculation.
5. Current Enrollment Form if applicable
6. Official copy of HESI A2 scores. If the HESI was completed at a school other than Northeast Texas Community College then official scores must be sent to the program directly from the administering schools testing facility.
7. Signed Statement of Understanding of Application Guidelines
8. Each applicant must read the enclosed Excerpts from the Nursing Practice Act and the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice and the petition for Declaration Order and sign the Licensure Eligibility Notification Form.

9. Requested information must be returned by March 19, 2011 to:

Northeast Texas Community College
Nursing Faculty Administrative Assistant
P.O. Box 1307
Mt. Pleasant, TX 75455

All information (#2-8 above) must be completed, stapled, and submitted together in the folder provided. Students must verify that application has been submitted in the Application Logbook in the Nursing administrative assistant’s office.

OTHER INFORMATION:

1. Those applicants selected will be admitted pending satisfactory results on the Physical Examination, completed within six months prior to enrollment in the first nursing major course.
2. Associate Degree Nursing – LVN Mobility Option majors need to take and successfully complete the TSI requirements unless declared TSI exempt or waived by the Northeast Counseling Department.
3. Applicants selected will be required by the clinical agencies to undergo a random drug screening. Failure to pass this screen will result in being unable to attend clinical and meet course objectives. Clinical facilities require criminal background checks on students and/or volunteers involved directly with clients in their facilities. To pass the nursing course involved in this clinical experience you must complete clinical experiences at these sites. If you refuse this background check or, as a result of the information gathered in this check you are refused access to a clinical facility, you will fail this program due to inability to meet clinical objectives.
4. Applicants have an expectation of computer proficiency with word processing, internet use, downloading and uploading files, cutting, copying, and pasting documents. All courses require PowerPoint viewing and creation, as well as comfort with the Blackboard learning management environment. Skills and outcomes are documented online daily as well as some virtual clinical assignments. Some classes are offered in a hybrid format with large amounts of online content.
5. Attendance is required and all absences will be made up.
6. If selected, students will begin course work in the Summer I -2012 semester. Each applicant will be notified by mail regarding their selection status. Letters will be sent to the address on the application for Nursing Program Admission. In summer of 2012, one of the nursing courses will be available in an online/hybrid format.
CURRICULUM
The Associate Degree Nursing Program prepares students for immediate employment upon graduation. Successful completion of the course of study qualifies the graduate to take the examination for registered nursing licensure. The course of study includes classroom and laboratory instruction on campus and in supervised clinical experience in affiliated health agencies.

This degree option is limited to persons who hold the LVN (Licensed Vocational Nurse) status. Enrollment is limited in nursing courses. There are more students applying for the nursing program than it is possible to enroll, therefore an admissions committee selects students from a pool of applications based on HESI scores, general education courses completed toward the degree, GPA in required general education courses, other college hours, in-district status, and work experience in health care. Applications should be submitted by March 21.

This degree plan meets the requirements of the Texas State Board of Nurse Examiners, and upon completion graduates may be eligible to take the licensing examination to become a Registered Nurse (R.N.) pending approval from the State Board following application for licensure. Admission to the college does not guarantee admission to the Associate Degree Nursing Program.

Prerequisite Courses

<table>
<thead>
<tr>
<th>Course</th>
<th>Title</th>
<th>Credits</th>
</tr>
</thead>
<tbody>
<tr>
<td>CHEM</td>
<td>General Chemistry I</td>
<td>4</td>
</tr>
<tr>
<td>BIOL</td>
<td>Nutrition</td>
<td>3</td>
</tr>
<tr>
<td>BIOL</td>
<td>Anatomy &amp; Physiology I</td>
<td>4</td>
</tr>
<tr>
<td>BIOL</td>
<td>Anatomy &amp; Physiology II</td>
<td>4</td>
</tr>
<tr>
<td>ENGL</td>
<td>English Composition I</td>
<td>3</td>
</tr>
<tr>
<td>PSYC</td>
<td>Introduction to Psychology</td>
<td>3</td>
</tr>
<tr>
<td>PSYC</td>
<td>Human Growth &amp; Development</td>
<td>3</td>
</tr>
<tr>
<td>BIOL</td>
<td>Microbiology</td>
<td>4</td>
</tr>
<tr>
<td>RNSG</td>
<td>Pharmacology</td>
<td>3</td>
</tr>
<tr>
<td>MATH</td>
<td>Statistics (or College Algebra or equivalent)</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td><strong>34</strong></td>
</tr>
</tbody>
</table>

Summer Semester

<table>
<thead>
<tr>
<th>Course</th>
<th>Title</th>
<th>Credits</th>
</tr>
</thead>
<tbody>
<tr>
<td>RNSG</td>
<td>Transition from Vocational to Professional Nursing*</td>
<td>3</td>
</tr>
<tr>
<td>RNSG</td>
<td>Clinical – Mobility*</td>
<td>1</td>
</tr>
<tr>
<td>RNSG</td>
<td>Health Assessment*</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
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Semester 3 Fall

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<tr>
<th>Course</th>
<th>Title</th>
<th>Credits</th>
</tr>
</thead>
<tbody>
<tr>
<td>RNSG</td>
<td>Care of Children and Fam.</td>
<td>1</td>
</tr>
<tr>
<td>RNSG</td>
<td>Matern. Newb.&amp; Wom. health</td>
<td>2</td>
</tr>
<tr>
<td>RNSG</td>
<td>Adv.concepts of Ad Health</td>
<td>2</td>
</tr>
<tr>
<td>RNSG</td>
<td>Clinical Children and Family</td>
<td>1</td>
</tr>
<tr>
<td>RNSG</td>
<td>Clinical Maternal Newb</td>
<td>1</td>
</tr>
<tr>
<td>RNSG</td>
<td>Clinical Adv. Concepts</td>
<td>1</td>
</tr>
<tr>
<td>PHIL</td>
<td>Intro to Philosophy</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td><strong>14</strong></td>
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</table>

Semester 4 Spring

<table>
<thead>
<tr>
<th>Course</th>
<th>Title</th>
<th>Credits</th>
</tr>
</thead>
<tbody>
<tr>
<td>RNSG</td>
<td>Mental Health Nursing</td>
<td>2</td>
</tr>
<tr>
<td>RNSG</td>
<td>Clinical Mental HealthNsg.</td>
<td>1</td>
</tr>
<tr>
<td>RNSG</td>
<td>Enhanced Concepts of Ad Hlth.</td>
<td>3</td>
</tr>
<tr>
<td>RNSG</td>
<td>Clinical Enhanced Concepts</td>
<td>1</td>
</tr>
<tr>
<td>RNSG</td>
<td>Management of Care</td>
<td>2</td>
</tr>
<tr>
<td>RNSG</td>
<td>Clinical Management</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Speech elective</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td><strong>13</strong></td>
</tr>
</tbody>
</table>

* Upon completion, 5 hours credit is accepted for previous course work
NORTHEAST TEXAS COMMUNITY COLLEGE
ASSOCIATE DEGREE NURSING

PROGRAM ADMISSION APPLICATION FORM

Application for: Fall 2012  Current Texas LVN License #________________________

Social Security No. _______________________________ Date ________________________

Print Name in Full ___________________________________________________________________

Last Name  First Name  Middle

Other Names Used (maiden)____________________________________________________________

Work Telephone ___________________________ Home Telephone ________________________

Present Address ________________________________

Number & Street (or R.R.)  City  State  Zip

E-Mail Address (if available) ________________________________

Did you or will you graduate from high school?  YES  NO

If not graduated, have you completed a GED?  YES  NO

Below, give information concerning college, university or other schools attended:

<table>
<thead>
<tr>
<th>Name of School</th>
<th>City &amp; State</th>
<th>Date (From-To)</th>
<th>Reason for Leaving</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</table>

If you have ever attended a school of nursing, R.N., or L.V.N., give the following:

<table>
<thead>
<tr>
<th>Name of School</th>
<th>City &amp; State</th>
<th>Date (From-To)</th>
<th>Reason for Leaving</th>
</tr>
</thead>
<tbody>
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</table>

Have you ever been employed as a LVN?  YES  NO

Please describe where, how long, duties, and contact person. ______________________________

________________________________________

Have you previously made application to this nursing program?  YES (Date _________)  NO

I certify that the information given on this application is complete and correct.

Date ____________________________ Signature of Applicant ______________________________

It is the policy of Northeast Texas Community College not to discriminate on the basis of gender, race, color, national origin, disability, or age in its educational programs, activities, or employment policies.
Current Enrollment Form

Student Name________________________ SS#________________________

If courses are not from NTCC then this information must be on letterhead from the college offering coursework. Online course instructors may email this information to camerson@ntcc.edu

<table>
<thead>
<tr>
<th>Course Name</th>
<th>Grade at this point</th>
<th>Instructor Signature</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tbody>
</table>
NAME__________________________________ SOCIAL SECURITY #____________________

Please answer the following questions and return this questionnaire with your program application to the Director of Nursing.

1. Tell me about yourself.

2. Why do you want to be a Professional Nurse?

3. If you had the opportunity to start your education all over again, knowing what you know now, what would you do differently?

4. Have you ever had any experiences in the health care field? Describe
5. What are the important ways that you have changed in the last 5 years?

6. What do you see yourself doing in the next 10 years?

7. Describe two (2) things that you have done in your lifetime of which you are most proud.

8. What is there in your overall background that you believe will enable you to succeed in the Nursing Program?

9. What made you choose to apply to Northeast Texas Community College?

10. How do you handle yourself under stress? Give an example

11. How much feedback do you need to complete projects or assignment? Give an example
12. What situations frustrate you and how do you deal with the frustration?

13. What do you think will be the most difficult adjustments you will have to make in your life in order to attend school? What will you do to make the adjustment?

14. What is the most challenging situation you faced when dealing with another person?

15. Is there anything else you would like to tell the admissions committee?

16. Please rank the following items on the scale below each item
   
a. I have difficulty accepting the future is uncertain
      1---------------------2---------------------3---------------------4---------------------5
      Does not apply to me Neutral about me Strongly applies to me

   b. I find it difficult to have no guarantee in life
      1---------------------2---------------------3---------------------4---------------------5
c. I have difficulty accepting negative events that may happen to me
   1---------------------------------2---------------------------------3---------------------------------4---------------------------------5
   Does not apply to me               Neutral about me                 Strongly applies to me

   d. When I am waiting for important news, I have difficulty remaining in the dark
   1---------------------------------2---------------------------------3---------------------------------4---------------------------------5
   Does not apply to me               Neutral about me                 Strongly applies to me

   e. I enjoy dealing with the unpredictable
   1---------------------------------2---------------------------------3---------------------------------4---------------------------------5
   Does not apply to me               Neutral about me                 Strongly applies to me

   f. Not knowing what will happen is unacceptable
   1---------------------------------2---------------------------------3---------------------------------4---------------------------------5
   Does not apply to me               Neutral about me                 Strongly applies to me

   g. I have difficulty tolerating life’s uncertainties
   1---------------------------------2---------------------------------3---------------------------------4---------------------------------5
   Does not apply to me               Neutral about me                 Strongly applies to me

   h. I need to be sure of what I take on
   1---------------------------------2---------------------------------3---------------------------------4---------------------------------5
   Does not apply to me               Neutral about me                 Strongly applies to me

   i. I would rather know everything right away than remain uncertain
   1---------------------------------2---------------------------------3---------------------------------4---------------------------------5
   Does not apply to me               Neutral about me                 Strongly applies to me

   j. I tolerate ambiguity better than others
   1---------------------------------2---------------------------------3---------------------------------4---------------------------------5
   Does not apply to me               Neutral about me                 Strongly applies to me

   k. I don’t tolerate it when I don’t know what will happen next
   1---------------------------------2---------------------------------3---------------------------------4---------------------------------5
   Does not apply to me               Neutral about me                 Strongly applies to me

   l. I look forward to the possibility of something unexpected occurring.
   1---------------------------------2---------------------------------3---------------------------------4---------------------------------5
   Does not apply to me               Neutral about me                 Strongly applies to me
I hereby verify that I have received, read, and have had the following documents regarding licensure eligibility for registered professional nurses in Texas Explained to me;
1. Sections 301.252, 301.257, 301.452 - 301.469 of the Nursing Practice Act;
2. 22 TAC §§ 213.27- 213.30;
3. Declaratory Order Request.

__________________________________________
Student Name (Printed)

__________________________________________
Social Security Number

__________________________________________
Date of Birth

__________________________________________
Signature Date
# APPLICATION CHECKLIST

| NAME _______________________________ | SS# ____________________________ |
| Last, First MI | 

| OTHER NAMES USED (maiden) ___________________________ | PHONE # ( ) ________________ |
| ADDRESS ____________________________ | 2nd PHONE# ( ) ________________ |
| Mailing Address | 

**City, State Zip Code** | **County of Residence** |

### *Required Documents for Application* | YES | NO |
--- | --- | --- |
High School Transcript or GED Certificate | ☐ | ☐ |
College Transcripts | ☐ | ☐ |
HESI A2 Test Scores | ☐ | ☐ |
Application Form | ☐ | ☐ |
Licensure Eligibility Notification Form | ☐ | ☐ |
Report of Current Enrollment | ☐ | ☐ |
Questionnaire | ☐ | ☐ |

*NOTE: This form must be completed and submitted with all required documents. No documents will be accepted separately. All forms must be stapled securely together.*

IF YOU HAVE A CRIMINAL or PSYCHIATRIC HISTORY according to the BNE rules attached you should also submit a declaratory order at this time or your ability to begin clinical in the fall may be impaired. This process must begin by July 1st to be completed in time for fall admissions. ____________ (initials)

I have completed the application process and all forms indicated above are included in this packet.

____________________________________
Applicant’s Signature

I have seen the completed application with all forms included.

____________________________________
College Representative

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Signed Applicant Log Book</td>
<td>☐</td>
</tr>
<tr>
<td>Point Category</td>
<td>Student Level/ Grade</td>
</tr>
<tr>
<td>----------------</td>
<td>----------------------</td>
</tr>
<tr>
<td><strong>HESI A2 Reading Comprehension</strong></td>
<td></td>
</tr>
<tr>
<td>HESI above 90</td>
<td></td>
</tr>
<tr>
<td>HESI 86-89</td>
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<tr>
<td>HESI 80-85</td>
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<tr>
<td>HESI 75-79</td>
<td></td>
</tr>
<tr>
<td><strong>HESI A2 Math score</strong></td>
<td></td>
</tr>
<tr>
<td>Above 85</td>
<td></td>
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<tr>
<td>81-85</td>
<td></td>
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<tr>
<td>75-80</td>
<td></td>
</tr>
<tr>
<td><strong>HESI A2 Science score (A&amp;P and Chemistry)</strong></td>
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</tr>
<tr>
<td>75% or above</td>
<td></td>
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<tr>
<td>65-74%</td>
<td></td>
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<tr>
<td>50-64%</td>
<td></td>
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<tr>
<td><strong>HESI A2 Composite</strong></td>
<td></td>
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<tr>
<td>85 and above</td>
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<tr>
<td>80-85</td>
<td></td>
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<tr>
<td>75-79</td>
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</tr>
<tr>
<td><strong>GPA</strong> (Required courses and prerequisites for nursing) – Up to 20 points.</td>
<td></td>
</tr>
<tr>
<td>GPA = 3.75 – 4.0</td>
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<tr>
<td>GPA = 3.5 – 3.74</td>
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</tr>
<tr>
<td>GPA = 3.0 – 3.49</td>
<td></td>
</tr>
<tr>
<td>GPA = 2.5 – 2.9</td>
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</tr>
<tr>
<td>Minus 5 for repeating &gt; 2 classes- more than once in last 5 years</td>
<td></td>
</tr>
<tr>
<td><strong>Science GPA over 3.5- 5 pts; Science GPA over 3.0- 3 pts; Science GPA over 2.5- 1 pt</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Courses Required for Degree</strong> – Up to 40 Point</td>
<td></td>
</tr>
<tr>
<td>General Chemistry with Lab or Intro to Chem with lab complete prior to August 09. If Intro to chemistry has been completed, but General chemistry is lacking they are still eligible for admission.</td>
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</tr>
<tr>
<td>English 1301</td>
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<tr>
<td>BIOL 1322 Nutrition</td>
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<tr>
<td>PSYC 2301Intro to Psych</td>
<td></td>
</tr>
<tr>
<td>BIOL 2401 A&amp;P I (first grade and second grade if applicable)</td>
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</tr>
<tr>
<td>BIOL 2402 A&amp;P II (first and second grade if applicable)</td>
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</tr>
<tr>
<td>BIOL 2421 Microbiology</td>
<td></td>
</tr>
<tr>
<td>PSYC 2325 Human Growth and Development</td>
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<tr>
<td>PHIL 2301 Philosophy or PHIL 2306 Ethics and Values or acceptable Philosophy elective</td>
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<tr>
<td>MATH 1305 Statistics or Math 1341 or equivalent</td>
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</tr>
<tr>
<td>Computer literacy fulfilled</td>
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</tr>
<tr>
<td>Speech Elective</td>
<td></td>
</tr>
<tr>
<td><strong>Other College Hours</strong> Not in the ADN Degree Plan – Up to 10 Points; from the following disciplines</td>
<td></td>
</tr>
<tr>
<td><strong>Quality</strong> of work and number of hours taken simultaneously, previous BS degree- add 1- 5 points.</td>
<td></td>
</tr>
<tr>
<td><strong>Questionnaire: Holistically scored from 0-8</strong></td>
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</tr>
<tr>
<td><strong>Residence</strong> in Community College District – 2 Points</td>
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<tr>
<td>Residence in Service Area 1 point</td>
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<tr>
<td>Previous Applicant 1 point</td>
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</tr>
<tr>
<td>Previous alternate 2 points</td>
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<td><strong>Total out of 150 points</strong></td>
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<tr>
<td>Item</td>
<td>1 Semester</td>
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<tr>
<td>-------------------------------------------</td>
<td>------------</td>
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<tr>
<td><strong>AD Program- RN</strong></td>
<td></td>
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<tr>
<td>Tuition &amp; NTCC fees</td>
<td>575/850</td>
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<tr>
<td>Nursing only</td>
<td>245</td>
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<tr>
<td>Drug testing</td>
<td>24</td>
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<tr>
<td>Assessment testing</td>
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<tr>
<td>Malpractice insurance</td>
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<td>Scantrons</td>
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<tr>
<td>Textbooks</td>
<td>920</td>
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<tr>
<td>Uniforms</td>
<td>160</td>
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<tr>
<td>Lab coat</td>
<td>50</td>
</tr>
<tr>
<td>Patches</td>
<td>20</td>
</tr>
<tr>
<td>Shoes</td>
<td>75</td>
</tr>
<tr>
<td>Socks/Hose</td>
<td>20</td>
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<td>Stethoscope</td>
<td>50</td>
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<td>Goggles</td>
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<td>Penlight</td>
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<td>Scissors</td>
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<td>Watch with second hand</td>
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<td>Mock Trial</td>
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<td>BNE licensure</td>
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<td>Laser Fingerprint</td>
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<td>BP Cuffs/ unit</td>
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<td>Hemostat</td>
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<td>Reliable computer with high speed</td>
<td>Variable</td>
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<td>internet access required</td>
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<td>Next 4 items</td>
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<td>REQUIRED to begin course</td>
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<tr>
<td>Physical Exam</td>
<td>100</td>
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<td>Proof of immunizations or boosters</td>
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<td>including meningitis</td>
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<td>Hepatitis B Series last of 3 part series</td>
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<td>must be obtained by October 1</td>
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<tr>
<td>CPR for healthcare providers</td>
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Costs are approximate and subject to change
Applicant information regarding eligibility for licensure: Information only. Does not need to be submitted.

The Board of Nurse Examiners has identified certain circumstances that may render a potential candidate ineligible for licensure as a registered nurse in the State of Texas. The Board provides individuals the opportunity to petition the Board for a Declaratory Order as to their eligibility in accordance with Article 301.257 of the Nursing Practice Act.

If you are required to answer “YES” to any of the following questions, you must request a Declaratory Order Petition from the Texas Board of Nursing and return it to the Board’s office. Processing your Petition may take 6 to 12 months, or longer, after you provide all required documentation and depending on your circumstance. Once all requested documents have been received, you will be notified that the Petition has been transferred to the Enforcement Department for review. Failure to complete this step may delay licensure for several months at the completion of the program. This process should be done prior to entering nursing school.

1) [ ] No [ ] Yes For any criminal offense, including those pending appeal, have you:
   A. been convicted of a misdemeanor?
   B. been convicted of a felony?
   C. pled nolo contendere, no contest, or guilty?
   D. received deferred adjudication?
   E. been placed on community supervision or court-ordered probation, whether or not adjudicated guilty?
   F. been sentenced to serve jail or prison time? court-ordered confinement?
   G. been granted pre-trial diversion?
   H. been arrested or have any pending criminal charges?
   I. been cited or charged with any violation of the law?
   J. been subject of a court-martial; Article 15 violation; or received any form of military judgment/punishment/action?
   (You may only exclude Class C misdemeanor traffic violations.)
   **NOTE:** Expunged and Sealed Offenses: While expunged or sealed offenses, 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. Failure to reveal an offense, arrest, ticket, or citation that is not in fact expunged or sealed, will at a minimum, subject your license to a disciplinary fine. Nondisclosure of relevant offenses raises questions related to truthfulness and character.
   **NOTE:** 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 on this form. However, a criminal matter that is the subject of an order of non-disclosure may become a character and fitness issue. Pursuant to other sections of the 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.
   2) [ ] No [ ] Yes Are you currently the target or subject of a grand jury or governmental agency investigation?
   3) [ ] No [ ] Yes Has any licensing authority refused to issue you a license or ever revoked, annulled, cancelled, accepted surrender of, suspended, placed on probation, refused to renew a professional license, certificate or multi-state privilege held by you now or previously, or ever fined, censured, reprimanded or otherwise disciplined you?
   4) [ ] No [ ] Yes Within the past five (5) years have you been addicted to and/or treated for the use of alcohol or any other drug?* 
   5) [ ] No [ ] Yes Within the past five (5) years have you been diagnosed with, treated, or hospitalized for schizophrenia and/or psychotic disorder, bipolar disorder, paranoid personality disorder, antisocial personality disorder, or borderline personality disorder? If “YES” indicate the condition: [ ] schizophrenia and/or psychotic disorders, [ ] bipolar disorder, [ ] paranoid personality disorder, [ ] antisocial personality disorder, [ ] borderline personality disorder

If you answered “YES” to any of the questions listed above, attach a letter of explanation that is dated and signed indicating the circumstance(s) you are reporting to the Board.

* If you are licensed as an LVN in the State of Texas and are currently participating in the Texas Peer Assistance Program for Nurses you may answer “NO” to questions #4 and #5.
Declaratory Order Petitions may be downloaded from the following site:
http://www.bon.state.tx.us/olv/forms.html

Petition of Declaratory Order Instructions

to take the NCLEX examination for licensure as an RN or LVN.

A petition for Declaratory Order is a formal disclosure to the Board of an outstanding eligibility issue that may prevent an applicant in taking the NCLEX examination upon completion of a nursing program. 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. Complete and return the petition with the following:

1. Attach a $39.00 Cashier’s Check, Personal Check, or Money Order made payable to the Texas Board of Nursing. **ALL FEES ARE NON-REFUNDABLE.** The Texas Board of Nursing - Operations Department will initially review the completed application. The Operations Department has limited delegated parameters to approve petitioners in the declaratory process. If the issue is more complex and outside the delegated parameters of the Operations Department, the applicant will be billed an additional $150 review fee. Once we receive this fee, your file will be transferred to the Enforcement Department for review. Once transferred to the Enforcement Department, it may take up to three months to process. **Please note:** The fee and petition application expires after one (1) year. If petition packet is not completed within one (1) year, then all fees and forms must be re-submitted.

2. **The BON requires a criminal background check.** Ten working days after submitting this application and fee, you will need to contact L1-Identity Solution (www.l1id.com) and arrange to have your fingerprints scanned. L1 Identity Solutions will complete an electronic submission to the Texas Department of Public Safety for processing and the results are submitted directly to the BON. If you reside outside the State of Texas and are unable to arrange to have the electronic submission completed by L1 Identity Solutions, you must contact the BON and request an FBI fingerprint card which must be completed by the applicant and mailed back to the BON. List your name exactly as it appears on your Picture ID or Driver’s license.

3. Documentation as indicated for your eligibility issue(s). *(Please see additional pages for detailed instructions for what to submit with the petition form)*

4. If currently in a nursing program or recently graduated, please submit at least two (2) letters of recommendation from clinical instructors/faculty members in your nursing program who have actual knowledge of your performance, conduct, and fitness to practice. **Only original letters submitted on the program’s letterhead will be accepted.**

5. If not enrolled in a nursing program, please submit two (2) letters of reference on official letterhead from employers, health professionals, professional counselors, support group sponsors, parole or probation officers, or other individuals in positions of authority who are knowledgeable about your rehabilitation efforts.

6. All documentation described in these instructions must be submitted with your petition. Decisions regarding eligibility will be based upon the documents submitted. Falsification or omission of materials related to this petition will affect your eligibility and authorization to take the NCLEX® Examination. **Additional documentation may be requested.**

7. Eligibility will **not** be considered until your petition, the required fee, and all required documentation has been received and reviewed.

8. Statutes and Rules governing this petition may be found in the Texas Occupations Code §§ 301.257, 301.452-301.454 (Nursing Practice Act), and in the Board Rules and Regulations relating to Nurse Education, Licensure and Practice, 22 TAC §§ 213.27-30 and §§ 217.11-.12. These statutes and rules can be located on the BON’s web site www.bon.state.tx.us.

**Time Frames:** Please note the eligibility determination may take a minimum of 3 months but could be longer depending on the issue and volume of applications. Individuals are strongly encouraged to petition the Board for an eligibility determination PRIOR to enrollment in a nursing program. Incomplete petitions **will not** be reviewed. To determine your eligibility, you must submit the following information that is relevant to your circumstance.

**DISCLOSURE OF CRIMINAL HISTORY OR DISCIPLINARY ACTIONS**

If you answered yes to questions 2-6, you must provide the Board with the following information:
QUESTION #2. The Board has determined that criminal behavior is highly relevant to an individual’s fitness to practice nursing. Therefore, all criminal convictions or deferred orders, prosecution, or adjudication (a determination by a court that is withheld or delayed for a specific time period) must be reported to the Board. This includes offenses under the law of another state, federal law, or the Uniform Code of Military Justice that contains elements of criminal conduct. SUBMIT a personal letter of explanation describing each incident, the behavior that led up to the criminal order and your conduct since the order, and any rehabilitative efforts that have been performed since the order. In addition, SUBMIT the following documentation for all felonies and for all misdemeanors:

Certified copies of:
1. charges (indictment, information, or complaint);
2. disposition of charges (Judgment, Order of Probation, Sentence, and/or Deferred orders); and
3. evidence that the conditions of the court have been met.

(To obtain this documentation, contact the county clerk in the jurisdiction where the order was issued for misdemeanors; district court clerk for felonies.)

You may answer “NO” to the question of prior convictions only if you: (a) received a pardon; or (b) were adjudicated as a minor without a finding of “delinquent conduct”. If you were ever required to register as a sex offender, you must answer “YES”. If you have questions regarding the outcome of any criminal matter, consult your attorney.

QUESTION #3. The Nursing Practice Act provides that a person’s conduct in violation of the Nursing Practice Act or rules of the board may be considered as a factor in its deliberations regarding fitness to practice nursing. Therefore, if a licensee or applicant is the subject of a grand jury or governmental agency investigation, the information regarding conduct or behavior giving rise to the investigation may be relevant in determining a violation of the Nurse Practice Act or lead to the admissibility of relevant evidence of such violation. If you are the subject of a grand jury or governmental agency investigation, please SUBMIT the name and address of the investigating entity and an explanation as to the basis of the investigation.

QUESTION #4. The Board has determined that if any licensing authority has taken disciplinary action against a person for any reason, then those actions are highly relevant to an individual’s current ability to practice nursing in the state of Texas. If any licensing authority has refused to issue a license, revoked, annulled, cancelled, accepted surrender of, suspended, placed on probation, refused to renew a license, certificate, or multi state privilege held by you or previously fined, censured, reprimanded or otherwise disciplined you, SUBMIT the names and address of the licensing authority who has taken action and a letter explaining the background of the action. Additionally, SUBMIT certified copies of:

1. formal charges or allegations supporting the licensure action;
2. final disposition of the licensing authority regarding those formal charges or allegations; and
3. evidence that the conditions of the licensing authority’s order or requirements have been met.

QUESTION #5. The practice of professional nursing requires current sobriety and fitness. If you have been addicted to or treated for the use of alcohol or any other drug within the last five years, SUBMIT:

1. verification of treatment for substance abuse sent directly to the Board from the treatment center;
2. verification of compliance with aftercare recommendations;
3. evidence that the conditions of the court have been met.

A personal letter of explanation describing each incident, the behavior that led up to the criminal order and your conduct since the order, and plan for relapse prevention.

QUESTION #6. The practice of professional nursing requires current fitness. The Board has identified certain disorders which, if occurring within the last 5 years, indicate a lack of fitness. The disorders are: schizophrenia and other psychotic disorders, bipolar disorder, paranoid personality disorder, anti-social personality disorder, or borderline personality disorder. If you have been diagnosed, treated or hospitalized for any of the above illnesses within the last 5 years, SUBMIT:

1. A report, on letterhead, from your physician, psychiatrist, psychologist or counselor, sent directly to this office, that includes:
   - your diagnosis; treatments rendered; including current medications; prognosis; cognitive, affective, and emotional stability and continuing after-care recommendations, including reasonable accommodations needed to safely practice professional nursing, if any; and,
2. Verification of compliance with aftercare recommendations.

Frequently asked questions regarding Petitions for Declaratory Order

1. How long will it take to receive an eligibility decision from the Board?
   - The review process can take a minimum of three (3) months or longer depending on the petitioner’s case. Unfortunately, Board staff can not provide a time frame over the telephone to an applicant regardless of the type of case. The Board strongly advises that the applicant petition the Board before enrolling into a nursing program if the applicant has potential eligibility issues.
2. I am in my last semester of nursing school and I am not allowed to participate in clinicals until I receive an eligibility determination from the Board. How can I speed up the petition process?
• Unfortunately the Board can not “speed up” the eligibility process. Each petitioner’s application is reviewed on a case-by-case basis. The standard length of time for the Board to receive the FBI criminal background reports is approximately 3-6 months. Petitions are processed in the order that they are received.
3. My criminal history came back with a charge I forgot about. I did not indicate this on my Application for Initial Licensure. Will I automatically be denied because I did not disclose the offense to the Board?
• You will not be approved to take the NCLEX exam without providing the Board with information concerning the offense. This may result in the Board delaying or denying your eligibility to take the NCLEX exam.
4. Can a person be licensed if they have a misdemeanor or felony crime on their record?
• Each application is evaluated on a case-by-case basis. Eligibility to take the NCLEX cannot be determined without an applicant providing a Petition for Declaratory Order to the Board with all required documentation. The Texas Board of Nursing considers the nature, severity, the age of the individual when the incident occurred, and other factors when reviewing a case for eligibility. The Board will not make a determination for approval or denial of licensure without evaluating the entire application and supporting documentation.
5. I have a pending criminal charge against me. Do I have to report this to the Board?
• YES. All pending criminal charges and/or disciplinary action must be reported to the Board.
6. Can I work as a Graduate Nurse/Graduate Vocational Nurse (GN/GVN) while the Board is determining my eligibility?
• NO. The Board will not authorize applicants to practice as a GN/GVN or to take the NCLEX exam until an eligibility decision is rendered. Some applicants may not be eligible to practice as a GN/GVN upon receiving the eligibility determination.
7. What can I do if I am denied?
• Petitioners who receive a proposal to deny eligibility may request a hearing before an Administrative Law Judge at the State Office of Administrative Hearings by filing a written request with the Board. The request must be made within 60 days of the denial date and must be addressed to the Office of General Counsel.
• Petitioners who are denied can re-petition the Board at a later date. To determine when you will be eligible to re-petition the Board, speak to the Enforcement or Legal department for the length of time you must wait before re-petitioning.
Texas Administrative Code

TITLE 22  EXAMINING BOARDS
PART 11  TEXAS BOARD OF NURSING
CHAPTER 213  PRACTICE AND PROCEDURE
RULE §213.27  Good Professional Character

(a) Good professional character is the integrated pattern of personal, academic and occupational behaviors which, in the judgment of the Board, indicates that an individual is able to consistently conform his or her conduct to the requirements of the Nursing Practice Act, the Board's rules and regulations, and generally accepted standards of nursing practice including, but not limited to, behaviors indicating honesty, accountability, trustworthiness, reliability, and integrity.

(b) Factors to be used in evaluating good professional character in eligibility and disciplinary matters are:

(1) Good professional character is determined through the evaluation of behaviors demonstrated by an individual in his or her personal, academic and occupational history. An individual's age, education, and experience necessarily affect the nature and extent of behavioral history and, therefore, shall be considered in each evaluation.

(2) A person who seeks to obtain or retain a license to practice professional or vocational nursing shall provide evidence of good professional character which, in the judgment of the Board, is sufficient to insure that the individual can consistently act in the best interest of patients/clients and the public in any practice setting. Such evidence shall establish that the person:

(A) is able to distinguish right from wrong;
(B) is able to think and act rationally;
(C) is able to keep promises and honor obligations;
(D) is accountable for his or her own behavior;
(E) is able to practice nursing in an autonomous role with patients/clients, their families, significant others, and members of the public who are or who may become physically, emotionally, or financially vulnerable;
(F) is able to recognize and honor the interpersonal boundaries appropriate to any therapeutic relationship or health care setting; and

(G) is able to promptly and fully self-disclose facts, circumstances, events, errors, and omissions when such disclosure could enhance the health status of patients/clients or the public or could protect patients/clients or the public from unnecessary risk of harm.

(3) Any conviction for a felony or for a misdemeanor involving moral turpitude or order of probation with or without an adjudication of guilt for an offense that would be a felony or misdemeanor involving moral turpitude if guilt were adjudicated.

(4) Any revocation, suspension, or denial of, or any other adverse action relating to, the person's license or privilege to practice nursing in another jurisdiction.

(c) The following provisions shall govern the determination of present good professional character and fitness of a Petitioner, Applicant, or Licensee who has been convicted of a felony in Texas or placed on probation for a felony with or without an adjudication of guilt in Texas, or who has been convicted or placed on probation with or without an adjudication of guilt in another jurisdiction for a crime which would be a felony in Texas. A Petitioner, Applicant, or Licensee may be found lacking in present good professional character and fitness under this rule based on the underlying facts of a felony conviction or deferred adjudication, as well as based on the conviction or probation through deferred adjudication itself.

(1) The record of conviction or order of deferred adjudication is conclusive evidence of guilt.

(2) In addition to the disciplinary remedies available to the Board pursuant to Tex. Occ. Code Ann.
§301.452(b)(3) and (4), Texas Occupations Code chapter 53, and §213.28, a licensee guilty of a felony under this rule is conclusively deemed to have violated Tex. Occ. Code Ann. §301.452(b)(10) and is subject to appropriate discipline, up to and including revocation.

(d) The following provisions shall govern the determination of present good professional character and fitness of a Petitioner, Applicant, or Licensee who has been licensed to practice nursing in any jurisdiction and has been disciplined, or allowed to voluntarily surrender in lieu of discipline, in that jurisdiction.

(1) A certified copy of the order, judgment of discipline, or order of adverse licensure action from the jurisdiction is prima facie evidence of the matters contained in such order, judgment, or adverse action and is conclusive evidence that the individual in question has committed professional misconduct as alleged in such order of judgment.

(2) An individual disciplined for professional misconduct in the course of practicing nursing in any jurisdiction or an or an individual who resigned in lieu of disciplinary action (disciplined individual) is deemed not to have present good professional character and fitness and is, therefore, ineligible to file an Application for Endorsement to the Texas Board of Nursing during the period of such discipline imposed by such jurisdiction, and in the case of revocation or surrender in lieu of disciplinary action, until the disciplined individual has filed an application for reinstatement in the disciplining jurisdiction and obtained a final determination on that application.

(3) The only defenses available to a Petitioner, Applicant, or Licensee under section (d) are outlined below and must be proved by clear and convincing evidence:

(A) The procedure followed in the disciplining jurisdiction was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process.

(B) There was such an infirmity of proof establishing the misconduct in the other jurisdiction as to give rise to the clear conviction that the Board, consistent with its duty, should not accept as final the conclusion on the evidence reached in the disciplining jurisdiction.

(C) The deeming of lack of present good professional character and fitness by the Board during the period required under the provisions of section (d) would result in grave injustice.

(D) The misconduct for which the individual was disciplined does not constitute professional misconduct in Texas.

(4) If the Board determines that one or more of the foregoing defenses has been established, it shall render such orders as it deems necessary and appropriate.

(e) An individual who applies for initial licensure, reinstatement, renewal, or endorsement to practice professional or vocational nursing in Texas after the expiration of the three-year period in subsection (f) of this section, or after the completion of the disciplinary period assessed or ineligibility period imposed by any jurisdiction under subsection (d) of this section shall be required to prove, by a preponderance of the evidence:

(1) that the best interest of the public and the profession, as well as the ends of justice, would be served by his or her admission to practice nursing; and

(2) that (s)he is of present good professional character and fitness.

(f) An individual who applies for initial licensure, reinstatement, renewal, or endorsement to practice professional or vocational nursing in Texas after a negative determination based on a felony conviction, felony probation with or without an adjudication of guilt, or professional misconduct, or voluntary surrender in lieu of disciplinary action and whose application or petition is denied and not appealed is not eligible to file another petition or application for licensure until after the expiration of three years from the date of the Board's order denying the preceding petition for licensure.

(g) The following disciplinary and eligibility sanction policies and guidelines shall be used by the Executive Director, the State Office of Administrative Hearings (SOAH), or the Board in evaluating good professional character in eligibility and disciplinary matters:

(1) Disciplinary Sanctions for Fraud, Theft and Deception approved by the Board and published on February 22, 2008 in the Texas Register (33 TexReg 1646) and available on the Board's website at http://www.bon.state.tx.us/disciplinaryaction/dsp.html.

(2) Disciplinary Sanctions for Lying and Falsification approved by the Board and published on February 22, 2008 in the Texas Register (33 TexReg 1647) and available on the Board's website at
(3) Disciplinary Sanctions for Sexual Misconduct approved by the Board and published on February 22, 2008 in the Texas Register (33 TexReg 1649) and available on the Board's website at http://www.bon.state.tx.us/disciplinaryaction/dsp.html.

(4) Eligibility and Disciplinary Sanctions for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder and published on February 22, 2008 in the Texas Register (33 TexReg 1651) and available on the Board's website at http://www.bon.state.tx.us/disciplinaryaction/dsp.html.


Texas Administrative Code

TITLE 22 EXAMINING BOARDS
PART 11 TEXAS BOARD OF NURSING
CHAPTER 217 LICENSURE, PEER ASSISTANCE AND PRACTICE
RULE §217.11 Standards of Nursing Practice

The Texas Board of Nursing is responsible for regulating the practice of nursing within the State of Texas for Vocational Nurses, Registered Nurses, and Registered Nurses with advanced practice authorization. The standards of practice establish a minimum acceptable level of nursing practice in any setting for each level of nursing licensure or advanced practice authorization. Failure to meet these standards may result in action against the nurse's license even if no actual patient injury resulted.

(1) Standards Applicable to All Nurses. All vocational nurses, registered nurses and registered nurses with advanced practice authorization shall:

(A) Know and conform to the Texas Nursing Practice Act and the board's rules and regulations as well as all federal, state, or local laws, rules or regulations affecting the nurse's current area of nursing practice;

(B) Implement measures to promote a safe environment for clients and others;

(C) Know the rationale for and the effects of medications and treatments and shall correctly administer the same;

(D) Accurately and completely report and document:
   (i) the client's status including signs and symptoms;
   (ii) nursing care rendered;
   (iii) physician, dentist or podiatrist orders;
   (iv) administration of medications and treatments;
   (v) client response(s); and
   (vi) contacts with other health care team members concerning significant events regarding client's status;

(E) Respect the client's right to privacy by protecting confidential information unless required or allowed by law to disclose the information;

(F) Promote and participate in education and counseling to a client(s) and, where applicable, the family/significant other(s) based on health needs;

(G) Obtain instruction and supervision as necessary when implementing nursing procedures or practices;

(H) Make a reasonable effort to obtain orientation/training for competency when encountering new equipment and technology or unfamiliar care situations;

(I) Notify the appropriate supervisor when leaving a nursing assignment;

(J) Know, recognize, and maintain professional boundaries of the nurse-client relationship;

(K) Comply with mandatory reporting requirements of Texas Occupations Code Chapter 301 (Nursing
Practice Act), Subchapter I, which include reporting a nurse:

(i) who violates the Nursing Practice Act or a board rule and contributed to the death or serious injury of a patient;
(ii) whose conduct causes a person to suspect that the nurse's practice is impaired by chemical dependency or drug or alcohol abuse;
(iii) whose actions constitute abuse, exploitation, fraud, or a violation of professional boundaries; or
(iv) whose actions indicate that the nurse lacks knowledge, skill, judgment, or conscientiousness to such an extent that the nurse's continued practice of nursing could reasonably be expected to pose a risk of harm to a patient or another person, regardless of whether the conduct consists of a single incident or a pattern of behavior.

(v) except for minor incidents (Texas Occupations Code §§301.401(2), 301.419, 22 TAC §217.16), peer review (Texas Occupations Code §§301.403, 303.007, 22 TAC §217.19), or peer assistance if no practice violation (Texas Occupations Code §301.410) as stated in the Nursing Practice Act and Board rules (22 TAC Chapter 217).

(L) Provide, without discrimination, nursing services regardless of the age, disability, economic status, gender, national origin, race, religion, health problems, or sexual orientation of the client served;
(M) Institute appropriate nursing interventions that might be required to stabilize a client's condition and/or prevent complications;
(N) Clarify any order or treatment regimen that the nurse has reason to believe is inaccurate, non-efficacious or contraindicated by consulting with the appropriate licensed practitioner and notifying the ordering practitioner when the nurse makes the decision not to administer the medication or treatment;
(O) Implement measures to prevent exposure to infectious pathogens and communicable conditions;
(P) Collaborate with the client, members of the health care team and, when appropriate, the client's significant other(s) in the interest of the client's health care;
(Q) Consult with, utilize, and make referrals to appropriate community agencies and health care resources to provide continuity of care;
(R) Be responsible for one's own continuing competence in nursing practice and individual professional growth;
(S) Make assignments to others that take into consideration client safety and that are commensurate with the educational preparation, experience, knowledge, and physical and emotional ability of the person to whom the assignments are made;
(T) Accept only those nursing assignments that take into consideration client safety and that are commensurate with the nurse's educational preparation, experience, knowledge, and physical and emotional ability;
(U) Supervise nursing care provided by others for whom the nurse is professionally responsible; and
(V) Ensure the verification of current Texas licensure or other Compact State licensure privilege and credentials of personnel for whom the nurse is administratively responsible, when acting in the role of nurse administrator.

(2) Standards Specific to Vocational Nurses. The licensed vocational nurse practice is a directed scope of nursing practice under the supervision of a registered nurse, advanced practice registered nurse, physician's assistant, physician, podiatrist, or dentist. Supervision is the process of directing, guiding, and influencing the outcome of an individual's performance of an activity. The licensed vocational nurse shall assist in the determination of predictable healthcare needs of clients within healthcare settings and:

(A) Shall utilize a systematic approach to provide individualized, goal-directed nursing care by:
   (i) collecting data and performing focused nursing assessments;
   (ii) participating in the planning of nursing care needs for clients;
   (iii) participating in the development and modification of the comprehensive nursing care plan for assigned clients;
   (iv) implementing appropriate aspects of care within the LVN's scope of practice; and
   (v) assisting in the evaluation of the client's responses to nursing interventions and the identification of client needs;
(B) Shall assign specific tasks, activities and functions to unlicensed personnel commensurate with the educational preparation, experience, knowledge, and physical and emotional ability of the person to whom the assignments are made and shall maintain appropriate supervision of unlicensed personnel.

(C) May perform other acts that require education and training as prescribed by board rules and policies, commensurate with the licensed vocational nurse's experience, continuing education, and demonstrated licensed vocational nurse competencies.

(3) Standards Specific to Registered Nurses. The registered nurse shall assist in the determination of healthcare needs of clients and shall:

(A) Utilize a systematic approach to provide individualized, goal-directed, nursing care by:

(i) performing comprehensive nursing assessments regarding the health status of the client;

(ii) making nursing diagnoses that serve as the basis for the strategy of care;

(iii) developing a plan of care based on the assessment and nursing diagnosis;

(iv) implementing nursing care; and

(v) evaluating the client's responses to nursing interventions;

(B) Delegate tasks to unlicensed personnel in compliance with Chapter 224 of this title, relating to clients with acute conditions or in acute care environments, and Chapter 225 of this title, relating to independent living environments for clients with stable and predictable conditions.

(4) Standards Specific to Registered Nurses with Advanced Practice Authorization. Standards for a specific role and specialty of advanced practice nurse supersede standards for registered nurses where conflict between the standards, if any, exist. In addition to paragraphs (1) and (3) of this subsection, a registered nurse who holds authorization to practice as an advanced practice nurse (APN) shall:

(A) Practice in an advanced nursing practice role and specialty in accordance with authorization granted under Board Rule Chapter 221 of this title (relating to practicing in an APN role; 22 TAC Chapter 221) and standards set out in that chapter.

(B) Prescribe medications in accordance with prescriptive authority granted under Board Rule Chapter 222 of this title (relating to APNs prescribing; 22 TAC Chapter 222) and standards set out in that chapter and in compliance with state and federal laws and regulations relating to prescription of dangerous drugs and controlled substances.

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Texas Administrative Code

| TITLE 22 | EXAMINING BOARDS |
| PART 11 | TEXAS BOARD OF NURSING |
| CHAPTER 217 | LICENSURE, PEER ASSISTANCE AND PRACTICE |
| RULE §217.12 | Unprofessional Conduct |

The unprofessional conduct rules are intended to protect clients and the public from incompetent, unethical, or illegal conduct of licensees. The purpose of these rules is to identify unprofessional or dishonorable behaviors of a nurse which the board believes are likely to deceive, defraud, or injure clients or the public. Actual injury to a client need not be established. These behaviors include but are not limited to:

(1) Unsafe Practice--actions or conduct including, but not limited to:

(A) Carelessly failing, repeatedly failing, or exhibiting an inability to perform vocational, registered, or advanced practice nursing in conformity with the standards of minimum acceptable level of nursing practice set out in Rule 217.11.

(B) Carelessly or repeatedly failing to conform to generally accepted nursing standards in applicable practice settings;

(C) Improper management of client records;

(D) Delegating or assigning nursing functions or a prescribed health function when the delegation or
assignment could reasonably be expected to result in unsafe or ineffective client care;

(E) Accepting the assignment of nursing functions or a prescribed health function when the acceptance of the assignment could be reasonably expected to result in unsafe or ineffective client care;

(F) Failing to supervise the performance of tasks by any individual working pursuant to the nurse's delegation or assignment; or

(G) Failure of a clinical nursing instructor to adequately supervise or to assure adequate supervision of student experiences.

(2) Failure of a chief administrative nurse to follow appropriate and recognized standards and guidelines in providing oversight of the nursing organization and nursing services for which the nurse is administratively responsible.

(3) Failure to practice within a modified scope of practice or with the required accommodations, as specified by the board in granting a coded license or any stipulated agreement with the board.

(4) Careless or repetitive conduct that may endanger a client's life, health, or safety. Actual injury to a client need not be established.

(5) Inability to Practice Safely--demonstration of actual or potential inability to practice nursing with reasonable skill and safety to clients by reason of illness, use of alcohol, drugs, chemicals, or any other mood-altering substances, or as a result of any mental or physical condition.

(6) Misconduct--actions or conduct that include, but are not limited to:

(A) Falsifying reports, client documentation, agency records or other documents;

(B) Failing to cooperate with a lawful investigation conducted by the board;

(C) Causing or permitting physical, emotional or verbal abuse or injury or neglect to the client or the public, or failing to report same to the employer, appropriate legal authority and/or licensing board;

(D) Violating professional boundaries of the nurse/client relationship including but not limited to physical, sexual, emotional or financial exploitation of the client or the client's significant other(s);

(E) Engaging in sexual conduct with a client, touching a client in a sexual manner, requesting or offering sexual favors, or language or behavior suggestive of the same;

(F) Threatening or violent behavior in the workplace;

(G) Misappropriating, in connection with the practice of nursing, anything of value or benefit, including but not limited to, any property, real or personal of the client, employer, or any other person or entity, or failing to take precautions to prevent such misappropriation;

(H) Providing information which was false, deceptive, or misleading in connection with the practice of nursing;

(I) Failing to answer specific questions or providing false or misleading answers that would have affected the decision to license, employ, certify or otherwise utilize a nurse; or

(J) Offering, giving, soliciting, or receiving or agreeing to receive, directly or indirectly, any fee or other consideration to or from a third party for the referral of a client in connection with the performance of professional services.

(7) Failure to repay a guaranteed student loan, as provided in the Texas Education Code §57.491, or pay child support payments as required by the Texas Family Code §232.001, et seq.

(8) Drug Diversion--diversion or attempts to divert drugs or controlled substances.

(9) Dismissal from a board-approved peer assistance program for noncompliance and referral by that program to the BNE.

(10) Other Drug Related--actions or conduct that include, but are not limited to:

(A) Use of any controlled substance or any drug, prescribed or unprescribed, or device or alcoholic beverages while on duty or on call and to the extent that such use may impair the nurse's ability to safely conduct to the public the practice authorized by the nurse's license;

(B) Falsification of or making incorrect, inconsistent, or unintelligible entries in any agency, client, or other record pertaining to drugs or controlled substances;

(C) Failing to follow the policy and procedure in place for the wastage of medications at the facility where the nurse was employed or working at the time of the incident(s);

(D) A positive drug screen for which there is no lawful prescription; or
(E) Obtaining or attempting to obtain or deliver medication(s) through means of misrepresentation, fraud, forgery, deception and/or subterfuge.

(11) Unlawful Practice—actions or conduct that include, but are not limited to:

(A) Knowingly aiding, assisting, advising, or allowing an unlicensed person to engage in the unlawful practice of vocational, registered or advanced practice nursing;

(B) Violating an order of the board, or carelessly or repetitively violating a state or federal law relating to the practice of vocational, registered or advanced practice nursing, or violating a state or federal narcotics or controlled substance law;

(C) Knowingly aiding, assisting, advising, or allowing a nurse under Board Order to violate the conditions set forth in the Order; or

(D) Failing to report violations of the Nursing Practice Act and/or the Board's rules and regulations.

(12) Leaving a nursing assignment, including a supervisory assignment, without notifying the appropriate personnel.

(13) Criminal Conduct—including, but not limited to, conviction or probation, with or without an adjudication of guilt, or receipt of a judicial order involving a crime or criminal behavior or conduct that could affect the practice of nursing.

Texas Administrative Code

TITLE 22 EXAMINING BOARDS
PART 11 TEXAS BOARD OF NURSING
CHAPTER 213 PRACTICE AND PROCEDURE
RULE §213.28 Licensure of Persons with Criminal Offenses

(a) This section sets out the considerations and criteria in determining the effect of criminal offenses on the eligibility of a person to obtain a license and the consequences that criminal offenses may have on a person's ability to retain or renew a license as a registered nurse or licensed vocational nurse. The Board 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 or received a deferred disposition for a felony, a misdemeanor involving moral turpitude, or engaged in conduct resulting in the revocation of probation.

(b) The practice of nursing involves clients, their families, significant others and the public in diverse settings. The registered and vocational 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 Board as highly relevant to an individual's fitness to practice nursing. The Board considers the following categories of criminal conduct to relate to and affect the practice of nursing:

(1) offenses against the person similar to those outlined in Title 5 of the Texas Penal Code.

(A) These offenses include, but are not limited to, the following crimes, as well as any crime that contains substantially similar or equivalent elements under another state or federal law:

(i) Abandonment/Endangerment of a Child {TPC §22.041}

(ii) Agree to Abduct Child for Remuneration: Younger than Eighteen {TPC §25.031}

(iii) Aiding Suicide: Serious Bodily Injury/Death {TPC §22.08}

(iv) Assault, Aggravated {TPC §22.02}

(v) Capital Murder {TPC §19.03}

(vi) Child Pornography, Possession or Promotion {TPC §43.26(a), (e) (Texas Rules of Criminal Procedure Ch. 62)}

(vii) Indecency with a Child {TPC §21.11 (TRCP Ch. 62)}

(viii) Indecent exposure (2 or more counts and/or required to register as sex offender) {TPC §21.08 (TRCP Ch. 62)}
(ix) Injury to Child, Elderly, Disabled {TPC §22.04}
(x) Kidnapping {TPC §20.03, §20.04 (TRCP Ch. 62)}
(xi) Manslaughter {TPC §19.04}
(xii) Murder {TPC §19.02}
(xiii) Online Solicitation of a Minor {TPC §33.021(b), (c), (f); (TRCP Ch. 62)}
(xiv) Prostitution, Compelling {TPC §43.05 (TRCP Ch. 62)}
(xv) Protective Order, Violation {TPC §25.07, §25.071}
(xvi) Sale or Purchase of a Child {TPC §25.08}
(xvii) Sexual Assault {TPC §22.011 (TRCP Ch. 62)}
(xviii) Sexual Conduct, Prohibited {TPC §25.02 (TRCP Ch. 62)}
(xix) Sexual Assault, Aggravated {TPC §22.021 (TRCP Ch. 62)}
(xx) Sexual Performance by Child {TPC §43.24 (d), §43.25(b) (TRCP Ch. 62)}
(xxi) Unlawful Restraint {TPC §0.02}
(xxii) Assault {TPC §22.01(a)(1), (b), (c)}
(xxiii) Criminality negligent homicide {TPC §19.05}
(xxiv) Improper Relationship between Educator and Student {TPC §21.12}
(xxv) Improper photography {TPC §21.15}
(xxvi) Obscenity, Wholesale promotion {TPC §43.23(a), (h)}
(xxvii) Prostitution (3 or more counts) or Aggravated Promotion {TPC §43.02, §43.04}
(xxviii) Resisting Arrest, Use of Deadly Weapon {TPC §38.03(d)}
(xxix) Stalking {TPC §42.072(b)}
(xxx) Harassment {TPC §42.07}
(xxxi) Prostitution or Promotion of {TPC §43.02}
(xxxii) Protective Order, Violation {TPC §25.07, §38.112}
(xxxiii) Resisting Arrest {TPC §38.03(a)}
(xxxiv) Deadly conduct {TPC §22.05(a)}
(xxxv) Obscenity, Participates {TPC §43.23(c), (h)}
(xxxvi) Terroristic Threat {TPC §22.07}
(xxxvii) Criminal Attempt or Conspiracy {TPC §15.01, §15.02}

(B) These types of crimes relate to the practice of nursing because:

(i) nurses have access to persons who are vulnerable by virtue of illness or injury and are frequently in a position to be exploited;

(ii) nurses have access to persons who are especially vulnerable including the elderly, children, the mentally ill, sedated and anesthetized patients, those whose mental or cognitive ability is compromised and patients who are disabled or immobilized and may be subject to harm by similar criminal behavior;

(iii) nurses are frequently in situations where they provide intimate care to patients or have contact with partially clothed or fully undressed patients who are vulnerable to exploitation both physically and emotionally;

(iv) nurses are in the position to have access to privileged information and opportunity to exploit patient vulnerability; and

(v) nurses who commit these crimes outside the workplace raise concern about the nurse's propensity to repeat that same misconduct in the workplace and raises concerns regarding the individual's ability to provide safe, competent care to patients.

(2) offenses against property, e.g., robbery, burglary and theft, etc.

(A) These offenses include, but are not limited to, the following crimes, as well as any crime that contains substantially similar or equivalent elements under another state or federal law:

(i) Burglary (if punishable under Penal Code §30.02(d)) {TRCP Ch. 62 (§62.001(5)(D))}
(ii) Robbery {TPC §29.02}
(iii) Robbery, Aggravated {TPC §29.03}
(iv) Arson {TPC §28.02(d)}
(v) Burglary {TPC §30.02}
(vi) Criminal Mischief {TPC §28.03}
(vii) Money Laundering >= $1500 {TPC §34.02(e)(1) - (4)}
(viii) Theft >= $1500 {TPC §31.03(e)(4) - (7)}
(ix) Theft < 9 {TPC §31.03(e)(1) - (3)}
(x) Vehicle, Unauthorized Use {TPC §31.07}
(xi) Criminal Trespass {TPC §30.05(a),(d)}
(xii) Cruelty to Animals {TPC §42.091}
(xiii) Criminal Attempt or Conspiracy {TPC §15.01, §15.02}

(B) These types of crimes relate to the practice of nursing because:

(i) nurses have access to persons who are vulnerable by virtue of illness or injury and are frequently in a position to be exploited;
(ii) nurses have access to persons who are especially vulnerable including the elderly, children, the mentally ill, sedated and anesthetized patients, those whose mental or cognitive ability is compromised and patients who are disabled or immobilized and may provide easy opportunity to be victimized;
(iii) nurses have access to persons who frequently bring valuables (medications, money, jewelry, items of sentimental value, checkbook, or credit cards) with them to a health care facility with no security to prevent theft or exploitation;
(iv) nurses frequently provide care in private homes and home-like settings where all of the patient's property and valuables are accessible to the nurse;
(v) nurses frequently provide care autonomously without direct supervision and may have access to and opportunity to misappropriate property; and
(vi) nurses who commit these crimes outside the workplace raise concern about the nurse's propensity to repeat that same misconduct in the workplace and, therefore, place patients' property at risk.
(vii) certain crimes involving property, such as cruelty to animals and criminal trespass, may also concern the safety of persons and, as such, raise concerns about the propensity of the nurse to repeat similar conduct in the workplace, placing patients at risk.

(3) offenses involving fraud or deception.
(A) These offenses include, but are not limited to, the following crimes, as well as any crime that contains substantially similar or equivalent elements under another state or federal law:

(i) Attempt, Conspiracy, or Solicitation of Ch. 62 offense {TRCP Ch. 62}
(ii) Tampering with a Government Record {TPC §37.10}
(iii) Insurance Fraud: Intent to Defraud {TPC §35.02(a-1), (d)}
(iv) Insurance Fraud: Claim > $500 {TPC §35.02(c)}
(v) Insurance Fraud: Claim < 0 {TPC §35.02 (c)(1) - (3)}
(vi) Medicaid Fraud > $1500 {TPC §35A.02(b)(4) - (7)}
(vii) Medicaid Fraud < $1500 {TPC §35A.02(b)(2) - (3)}
(viii) Criminal Attempt or Conspiracy {TPC §15.01, §15.02}

(B) These types of crime relate to the practice of nursing because:

(i) nurses have access to persons who are vulnerable by virtue of illness or injury and are frequently in a position to be exploited;
(ii) nurses have access to persons who are especially vulnerable including the elderly, children, the mentally ill, sedated and anesthetized patients, those whose mental or cognitive ability is compromised and patients who are disabled or immobilized;
(iii) nurses are in the position to have access to privileged information and opportunity to exploit patient vulnerability;
(iv) nurses are frequently in situations where they must report patient condition, record objective/subjective information, provide patients with information, and report errors in the nurse's own practice or conduct;
(v) the nurse-patient relationship is of a dependent nature; and
(vi) nurses who commit these crimes outside the workplace raise concern about the nurse's propensity to repeat that same misconduct in the workplace and, therefore, place patients at risk.

(4) offenses involving lying and falsification.
(A) These offenses include, but are not limited to, the following crimes, as well as any crime that contains
substantially similar or equivalent elements under another state or federal law:

(i) False Report or Statement (TPC §32.32, §42.06)
(ii) Forgery (TPC §32.21(c), (d), (e))
(iii) Tampering with a Governmental Record (TPC §37.10)

(B) These crimes are related to nursing because:

(i) nurses have access to persons who are vulnerable by virtue of illness or injury;
(ii) nurses have access to persons who are especially vulnerable including the elderly, children, the mentally ill, sedated and anesthetized patients, those whose mental or cognitive ability is compromised and patients who are disabled or immobilized;
(iii) nurses are frequently in situations where they must report patient condition, record objective/subjective information, provide patients with information, and report errors in the nurse's own practice or conduct;
(iv) honesty, accuracy and integrity are personal traits valued by the nursing profession, and considered imperative for the provision of safe and effective nursing care;
(v) falsification of documents regarding patient care, incomplete or inaccurate documentation of patient care, failure to provide the care documented, or other acts of deception raise serious concerns whether the nurse will continue such behavior and jeopardize the effectiveness of patient care in the future;
(vi) falsification of employment applications and failing to answer specific questions that would have affected the decision to employ, certify, or otherwise utilize a nurse raises concerns about a nurse's propensity to lie and whether the nurse possesses the qualities of honesty and integrity;
(vii) falsification of documents or deception/lying outside of the workplace, including falsification of an application for licensure to the Board, raises concerns about the person's propensity to lie, and the likelihood that such conduct will continue in the practice of nursing; and
(viii) a crime of lying or falsification raises concerns about the nurse's propensity to engage in similar conduct while practicing nursing and place patients at risk.

(5) offenses involving the delivery, possession, manufacture, or use of, or dispensing or prescribing a controlled substance, dangerous drug, or mood-altering substance.

(A) These offenses include, but are not limited to, the following crimes, as well as any crime that contains substantially similar or equivalent elements under another state or federal law:

(i) Drug Violations under Health and Safety Code Chs. 481, 482, 483; or
(ii) Driving While Intoxicated (2 or more counts) {TPC §49.09}

(B) These crimes relate to the practice of nursing because:

(i) nurses have access to persons who are vulnerable by virtue of illness or injury;
(ii) nurses have access to persons who are especially vulnerable including the elderly, children, the mentally ill, sedated and anesthetized patients, those whose mental or cognitive ability is compromised and patients who are disabled or immobilized;
(iii) nurses provide care to critical care, geriatric, and pediatric patients who are particularly vulnerable given the level of vigilance demanded under the circumstances of their health condition;
(iv) nurses are able to provide care in private homes and home-like setting without supervision;
(v) nurses who are chemically dependent or who abuse drugs or alcohol may have impaired judgment while caring for patients and are at risk for harming patients; and
(vi) an offense regarding delivery, possession, manufacture, or use of, or dispensing , or prescribing a controlled substance, dangerous drug or mood altering drug raises concern about the nurse's propensity to repeat that same misconduct in the workplace.

(vii) DWI offenses involve the use and/or abuse of mood altering drugs while performing a state licensed activity affecting public safety; repeated violations suggest a willingness to continue in reckless and dangerous conduct, or an unwillingness to take appropriate corrective measures, despite previous disciplinary action by the state.

(c) In considering whether a criminal offense renders the individual ineligible for licensure or renewal of licensure as a registered or vocational nurse, the Board shall consider:

(1) the knowing or intentional practice of nursing without a license issued under the NPA;
(2) any felony or misdemeanor involving moral turpitude;
(3) the nature and seriousness of the crime;
(4) the relationship of the crime to the purposes for requiring a license to engage in nursing practice;
(5) the extent to which a license might offer an opportunity to engage in further criminal activity of the same type as that in which the person previously had been involved; and
(6) the relationship of the crime to the ability, capacity, or fitness required to perform the duties and discharge the responsibilities of nursing practice;
(7) whether imprisonment followed a felony conviction, felony community supervision revocation, revocation of parole or revocation of mandatory supervision; and
(8) conduct that results in the revocation of probation imposed because of conviction for a felony or for a misdemeanor involving moral turpitude.

(d) Crimes listed under subsections (b)(1)(A)(i) - (xxi), (b)(2)(A)(i) - (iii), and (b)(3)(A)(i) of this section are offenses identified under §301.4535 of the NPA. As such, these offenses require the board to suspend a nurse's license, revoke a license, or deny issuing a license to an applicant upon proof of initial conviction.

(e) In addition to the factors that may be considered under subsection (c) of this section, the Board, in determining the present fitness of a person who has been convicted of or received a deferred order for a crime, shall consider:

(1) the extent and nature of the person's past criminal activity;
(2) the age of the person when the crime was committed;
(3) the amount of time that has elapsed since the person's last criminal activity;
(4) the conduct and work activity of the person before and after the criminal activity;
(5) evidence of the person's rehabilitation or rehabilitative effort while incarcerated or after release; and
(6) other evidence of the person's present fitness, including letters of recommendation from: prosecutors and law enforcement and correctional officers who prosecuted, arrested, or had custodial responsibility for the person; the sheriff or chief of police in the community where the person resides; and any other persons in contact with the convicted person.

(f) It shall be the responsibility of the applicant, to the extent possible, to obtain and provide to the Board the recommendations of the prosecution, law enforcement, and correctional authorities as required under this Act. The applicant shall also furnish proof in such form as may be required by the Board that he or she has maintained a record of steady employment and has supported his or her dependents and has otherwise maintained a record of good conduct and has paid all outstanding court costs, supervision fees, fines, and restitution as may have been ordered in all criminal cases in which he or she has been convicted or received a deferred order.

(g) If requested by staff, it shall be the responsibility of the individual seeking licensure to ensure that staff is provided with legible, certified copies of all court and law enforcement documentation from all jurisdictions where the individual has resided or practiced as a licensed health care professional. Failure to provide complete, legible and accurate documentation will result in delays prior to licensure or renewal of licensure and possible grounds for ineligibility.

(h) The fact that a person has been arrested will not be used as grounds for disciplinary action. If, however, evidence ascertained through the Board's own investigation from information contained in the arrest record regarding the underlying conduct suggests actions violating the Nursing Practice Act or rules of the Board, the board may consider such evidence as a factor in its deliberations regarding any decision to grant a license, restrict a license, or impose licensure discipline.

(i) Behavior that would otherwise bar or impede licensure may be deemed a "Youthful Indiscretion" as determined by an analysis of the behavior using the factors set out in §213.27 of this title (relating to Good Professional Character), subsections (a) - (f) of this section and at least the following criteria:

(1) age of 22 years or less at the time of the behavior;
(2) absence of criminal plan or premeditation;
(3) presence of peer pressure or other contributing influences;
(4) absence of adult supervision or guidance;
(5) evidence of immature thought process/judgment at the time of the activity;
(6) evidence of remorse;
(7) evidence of restitution to both victim and community;
(8) evidence of current maturity and personal accountability;
(9) absence of subsequent undesirable conduct;
(10) evidence of having learned from past mistakes;
(11) evidence of current support structures that will prevent future criminal activity; and
(12) evidence of current ability to practice nursing in accordance with the Nursing Practice Act, Board rules and generally accepted standards of nursing.

(j) With respect to a request to obtain a license from a person who has a criminal history, the executive director is authorized to close an eligibility file when the applicant has failed to respond to a request for information or to a proposal for denial of eligibility within 60 days thereof.

(k) The board shall revoke a license or authorization to practice as an advanced practice nurse upon the imprisonment of the licensee following a felony conviction or deferred adjudication, or revocation of felony community supervision, parole, or mandatory supervision.

(l) The board shall revoke or deny a license or authorization to practice as an advanced practice nurse for the crimes listed in Texas Occupations Code §301.4535.

(m) The following disciplinary and eligibility sanction policies and guidelines shall be used by the Executive Director, the State Office of Administrative Hearings (SOAH), or the Board in evaluating the impact of criminal conduct on nurse licensure in eligibility and disciplinary matters:

1. Disciplinary Sanctions for Fraud, Theft and Deception approved by the Board and published on February 22, 2008 in the Texas Register (33 TexReg 1646) and available on the Board's website at http://www.bon.state.tx.us/disciplinaryaction/dsp.html.


4. Eligibility and Disciplinary Sanctions for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder and published on February 22, 2008 in the Texas Register (33 TexReg 1651) and available on the Board's website at http://www.bon.state.tx.us/disciplinaryaction/dsp.html.


Texas Administrative Code

| TITLE 22 | EXAMINING BOARDS |
| PART 11 | TEXAS BOARD OF NURSING |
| CHAPTER 213 | PRACTICE AND PROCEDURE |
| RULE §213.29 | Criteria and Procedure Regarding Intemperate Use and Lack of Fitness in Eligibility and Disciplinary Matters |

(a) A person desiring to obtain or retain a license to practice professional or vocational nursing shall provide evidence of current sobriety and fitness consistent with this rule.

(b) Such person shall provide a sworn certificate to the Board stating that he/she has read and understands the requirements for licensure as a registered or vocational nurse and that he/she has not:

1. within the past five years, become addicted to or treated for the use of alcohol or any other drug; or
2. within the past five years, been diagnosed with, treated or hospitalized for schizophrenia and/or other psychotic disorders, bi-polar disorder, paranoid personality disorder, antisocial personality disorder or borderline personality disorder.

(c) If a registered or vocational nurse is reported to the Board for intemperate use, abuse of drugs or alcohol, or diagnosis or treatment for chemical dependency; or if a person is unable to sign the certification in subsection
(b) of this section, the following restrictions and requirements apply:

1. Any matter before the Board that involves an allegation of chemical dependency, or misuse or abuse of drugs or alcohol, will require at a minimum that such person obtain for Board review a chemical dependency evaluation performed by a licensed chemical dependency evaluator or other professional approved by the executive director;

2. Those persons who have become addicted to or treated for alcohol or chemical dependency will not be eligible to obtain or retain a license to practice as a nurse unless such person can demonstrate sobriety and abstinence for the preceding twelve consecutive months through verifiable and reliable evidence, or can establish eligibility to participate in a peer assistance program created pursuant to Chapter 467 of the Health and Safety Code;

3. Those persons who have become addicted to or treated for alcohol or chemical dependency will not be eligible to obtain or retain an unencumbered license to practice nursing until the individual has attained a five-year term of sobriety and abstinence or until such person has successfully completed participation in a board-approved peer assistance program created pursuant to Chapter 467 of the Health and Safety Code.

4. Those persons who have been diagnosed with, treated, or hospitalized for the disorders mentioned in subsection (b) of this section shall execute an authorization for release of medical, psychiatric, and treatment records.

(d) It shall be the responsibility of those persons subject to this rule to submit to and pay for an evaluation by a professional approved by the executive director to determine current sobriety and fitness. The evaluation shall be limited to the conditions mentioned in subsection (b) of this section.

(e) Prior intemperate use, mental illness, or diminished mental capacity is relevant only so far as it may indicate current intemperate use or lack of fitness.

(f) With respect to chemical dependency in eligibility and disciplinary matters, the executive director is authorized to:

1. review submissions from a movant, materials and information gathered or prepared by staff, and identify any deficiencies in file information necessary to determine the movant's request;

2. close any eligibility file in which the movant has failed to respond to a request for information or to a proposal for denial of eligibility within 60 days thereof;

3. approve eligibility, enter eligibility orders and approve renewals, without Board ratification, when the evidence is clearly insufficient to prove a ground for denial of licensure; and

4. propose conditional orders in eligibility, disciplinary and renewal matters for individuals who have experienced chemical/alcohol dependency within the past five years provided:
   
   A. the individual presents reliable and verifiable evidence of having functioned in a sober/abstinent manner for the previous twelve consecutive months; and

   B. licensure limitations/stipulations and/or peer assistance program participation can be implemented which will ensure that patients and the public are protected until the individual has attained a five-year term of sobriety/abstinence.

(g) With respect to mental illness or diminished mental capacity in eligibility, disciplinary, and renewal matters, the executive director is authorized to propose conditional orders for individuals who have experienced mental illness or diminished mental capacity within the past five years provided:

1. the individual presents reliable and verifiable evidence of having functioned in a manner consistent with the behaviors required of nurses under the Nursing Practice Act and Board rules for at least the previous twelve consecutive months; and

2. licensure limitations/stipulations and/or peer assistance program participation can be implemented which will ensure that patients and the public are protected until the individual has attained a five-year term of controlled behavior and consistent compliance with the requirements of the Nursing Practice Act and Board rules.

(h) In renewal matters involving chemical dependency use, mental illness, or diminished mental capacity, the executive director shall consider the following information from the preceding renewal period:

1. evidence of the licensee's safe practice;

2. compliance with the NPA and Board rules; and
(3) written verification of compliance with any treatment.

(i) Upon receipt of items (h)(1) - (3) of this section, the executive director may renew the license.

(j) The following disciplinary and eligibility sanction policies and guidelines shall be used by the Executive Director, the State Office of Administrative Hearings (SOAH), or the Board in evaluating the appropriate licensure determination or sanction in eligibility and disciplinary matters:

(1) Eligibility and Disciplinary Sanctions for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder and published on February 22, 2008 in the Texas Register (33 TexReg 1651) and available on the Board's web site at http://www.bon.state.tx.us/disciplinaryaction/dsp.html.

(2) Disciplinary Guidelines for Criminal Conduct approved by the Board and published on March 9, 2007 in the Texas Register (32 TexReg 1409) and available on the Board's website http://www.bon.state.tx.us/disciplinaryaction/discp-guide.html.

Texas Administrative Code

TITLE 22
PART 11
CHAPTER 213
RULE §213.30 Declaratory Order of Eligibility for Licensure

(a) A person enrolled or planning to enroll in an educational nursing program that prepares a person for an initial license as a registered or vocational nurse or an applicant who seeks licensure by endorsement pursuant to §217.5 of this title (relating to Temporary License and Endorsement) who has reason to believe that he or she may be ineligible for licensure, may petition the Board for a declaratory order or apply for a license by endorsement as to his or her eligibility.

(b) The person must submit a petition or application on forms provided by the Board which includes:

(1) a statement by the petitioner or applicant indicating the reason(s) and basis of potential ineligibility;

(2) if the potential ineligibility is due to criminal conduct and/or conviction, any court documents including, but not limited to, indictments, orders of deferred adjudication, judgments, probation records and evidence of completion of probation, if applicable;

(3) if the potential ineligibility is due to mental illness, evidence of evaluation, including a prognosis, by a psychologist or psychiatrist, evidence of treatment, including any medication;

(4) if the potential ineligibility is due to chemical dependency including alcohol, evidence of evaluation and treatment, after care and support group attendance; and

(5) the required fee which is not refundable.

(c) An investigation of the petition/application and the petitioner's/applicant's eligibility shall be conducted.

(d) The petitioner/applicant or the Board may amend the petition/application to include additional grounds for potential ineligibility at any time before a final determination is made.

(e) If an applicant under §217.5 of this title has been licensed to practice professional or vocational nursing in any jurisdiction and has been disciplined, or allowed to surrender in lieu of discipline, in that jurisdiction, the following provisions shall govern the eligibility of the applicant under §213.27 of this title (relating to Good Professional Character).

(1) A certified copy of the order or judgment of discipline from the jurisdiction is prima facie evidence of the matters contained in such order or judgment, and a final adjudication in the other jurisdiction that the applicant has committed professional misconduct is conclusive of the professional misconduct alleged in such order or judgment.

(2) An applicant disciplined for professional misconduct in the course of nursing in any jurisdiction and an applicant who resigned in lieu of disciplinary action is deemed to not have present good professional character under §213.27, and is therefore ineligible to file an application under §217.5 of this title during the period of such discipline imposed by such jurisdiction, and in the case of revocation or surrender in lieu of
disciplinary action, until the applicant has filed an application for reinstatement in the disciplining jurisdiction and obtained a final determination on that application.  

(f) If a petitioner's/applicant's potential ineligibility is due to criminal conduct and/or conviction, the following provisions shall govern the eligibility of the applicant under §213.28 of this title (relating to Licensure of Persons with Criminal Convictions):

   (1) The record of conviction or order of deferred adjudication is conclusive evidence of guilt.  

   (2) Upon proof that a felony conviction or felony order of probation with or without adjudication of guilt has been set aside or reversed, the petitioner or applicant shall be entitled to a new hearing before the Board for the purpose of determining whether, absent the record of conclusive evidence of guilt, the petitioner or applicant possesses present good professional character and fitness.  

(g) If the executive director proposes to find the petitioner or applicant ineligible for licensure, the petitioner or applicant may obtain a hearing before the State Office of Administrative Hearings. The Executive Director shall have discretion to set a hearing and give notice of the hearing to the petitioner or applicant. The hearing shall be conducted in accordance with §213.22 of this title (relating to Formal Proceedings) and the rules of SOAH. When in conflict, SOAH's rules of procedure will prevail. The decision of the Board shall be rendered in accordance with §213.23 of this title (relating to Decision of the Board).  

(h) A final Board order is issued after an appeal results in a Proposal for Decision from SOAH. The Board's final order must set out each basis for potential ineligibility and the Board's determination as to eligibility. In the absence of new evidence not disclosed by the petitioner or not reasonably available to the Board at the time the order is issued, the Board's ruling determines the person's eligibility with respect to the grounds for potential ineligibility as set out in the order. An individual whose petition is denied by final order of the Board may not file another petition or application for licensure until after the expiration of three years from the date of the Board's order denying the petition or application for licensure. If the applicant or petitioner does not appeal or request a formal hearing at SOAH after a letter proposal to deny eligibility made by the E&D Committee or the executive director, the applicant or petitioner may re-petition after the expiration of one year from the date of the proposal to deny eligibility, in accordance with this rule and §301.257, Texas Occupations Code.  

(i) The following disciplinary and eligibility sanction policies and guidelines shall be used by the Executive Director, the State Office of Administrative Hearings (SOAH), when recommending a declaratory order of eligibility; and the Board in determining the appropriate declaratory order in eligibility matters:  

   (1) Disciplinary Sanctions for Fraud, Theft and Deception approved by the Board and published on February 22, 2008 in the Texas Register (33 TexReg 1646) and available on the Board's website at http://www.bon.state.tx.us/disciplinaryaction/dsp.html.  

   (2) Disciplinary Sanctions for Lying and Falsification approved by the Board and published on February 22, 2008 in the Texas Register (33 TexReg 1647) and available on the Board's website at http://www.bon.state.tx.us/disciplinaryaction/dsp.html.  

   (3) Disciplinary Sanctions for Sexual Misconduct approved by the Board and published on February 22, 2008 in the Texas Register (33 TexReg 1649) and available on the Board's website at http://www.bon.state.tx.us/disciplinaryaction/dsp.html.  

   (4) Eligibility and Disciplinary Sanctions for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder and published on February 22, 2008 in the Texas Register (33 TexReg 1651) and available on the Board's website at http://www.bon.state.tx.us/disciplinaryaction/dsp.html.  

   (5) Disciplinary Guidelines for Criminal Conduct approved by the Board and published on March 9, 2007 in the Texas Register at (32 TexReg 1409) and available on the Board's website at http://www.bon.state.tx.us/disciplinaryaction/discp-guide.html.  

Excerpts from the Nurse Practice Act
Sec. 301.252. License Application.

(a) Each applicant for a registered nurse license or a vocational nurse license must submit to the board a sworn application that demonstrates the applicant’s qualifications under this chapter, accompanied by evidence that the applicant:

(1) has good professional character;

(2) has successfully completed a program of professional or vocational nursing education approved under Section 301.157(d); and

(3) has passed the jurisprudence examination approved by the board as provided by Subsection (a-1).

(a-1) The jurisprudence examination shall be conducted on the licensing requirements under this chapter and board rules and other laws, rules, or regulations applicable to the nursing profession in this state. The board shall adopt rules for the jurisprudence examination under Subsection (a)(3) regarding:

(1) the development of the examination;

(2) applicable fees;

(3) administration of the examination;

(4) reexamination procedures;

(5) grading procedures; and

(6) notice of results.

(b) The board may waive the requirement of Subsection (a)(2) for a vocational nurse applicant if the applicant provides satisfactory sworn evidence that the applicant has completed an acceptable level of education in:

(1) a professional nursing school approved under Section 301.157(d); or

(2) a school of professional nurse education located in another state or a foreign country.

(c) The board by rule shall determine acceptable levels of education under Subsection (b).
Sec. 301.257. Declaratory Order of License Eligibility.

(a) A person may petition the board for a declaratory order as to the person’s eligibility for a license under this chapter if the person:

(1) is enrolled or planning to enroll in an educational program that prepares a person for an initial license as a registered nurse or vocational nurse; and

(2) has reason to believe that the person is ineligible for the license.

(b) The petition must state the basis for the person’s potential ineligibility.

(c) The Board has the same powers to investigate the petition and the person’s eligibility that it has to investigate a person applying for a license.

(d) The petitioner or the Board may amend the petition to include additional grounds for potential ineligibility at any time before a final determination is made.

(e) If the Board determines that a ground for ineligibility does not exist, instead of issuing an order, the Board shall notify the petitioner in writing of the Board’s determination on each ground of potential ineligibility. If the Board proposes to find that the petitioner is ineligible for a license, the petitioner is entitled to a hearing before the State Office of Administrative Hearings.

(f) The Board’s order must set out each basis for potential ineligibility and the Board’s determination as to eligibility. In the absence of new evidence known to but not disclosed by the petitioner or not reasonably available to the Board at the time the order is issued, the Board’s ruling on the petition determines the person’s eligibility with respect to the grounds for potential ineligibility set out in the written notice or order.

(g) The Board may require an individual accepted for enrollment or enrolled in an educational program preparing a student for initial licensure as a registered nurse or vocational nurse to submit information to the Board to permit the Board to determine whether the person is aware of the conditions that may disqualify the person from licensure as a registered nurse or vocational nurse on graduation and of the person’s right to petition the Board for a declaratory order under this section. Instead of requiring the person to submit the information, the Board may require the educational
program to collect and submit the information on each person accepted for enrollment or enrolled in
the program.

(h) The information required under Subsection (g) must be submitted in a form approved by the
Board.

(i) If, as a result of information provided under Subsection (g), the Board determines that a person
may not be eligible for a license on graduation, the Board shall notify the educational program of its
determination.

Sec. 301.452. Grounds for Disciplinary Action.

(a) In this section, “intemperate use” includes practicing nursing or being on duty or on call while
under the influence of alcohol or drugs.

(b) A person is subject to denial of a license or to disciplinary action under this subchapter for:

(1) a violation of this chapter, a rule or regulation not inconsistent with this chapter, or an order issued
under this chapter;

(2) fraud or deceit in procuring or attempting to procure a license to practice professional nursing or
vocational nursing;

(3) a conviction for, or placement on deferred adjudication community supervision or deferred
disposition for, a felony or for a misdemeanor involving moral turpitude;

(4) conduct that results in the revocation of probation imposed because of conviction for a felony or
for a misdemeanor involving moral turpitude;

(5) use of a nursing license, diploma, or permit, or the transcript of such a document, that has been
fraudulently purchased, issued, counterfeited, or materially altered;

(6) impersonating or acting as a proxy for another person in the licensing examination required under
Section 301.253 or 301.255;

(7) directly or indirectly aiding or abetting an unlicensed person in connection with an unauthorized
practice of nursing;

(8) revocation, suspension, or denial of, or any other action relating to, the person’s license or
privilege to practice nursing in another jurisdiction;
(9) intemperate use of alcohol or drugs that the Board determines endangers or could endanger a patient;

(10) unprofessional or dishonorable conduct that, in the board’s opinion, is likely to deceive, defraud, or injure a patient or the public;

(11) adjudication of mental incompetency;

(12) lack of fitness to practice because of a mental or physical health condition that could result in injury to a patient or the public; or

(13) failure to care adequately for a patient or to conform to the minimum standards of acceptable nursing practice in a manner that, in the Board’s opinion, exposes a patient or other person unnecessarily to risk of harm.

c) The Board may refuse to admit a person to a licensing examination for a ground described under Subsection (b).

d) The board by rule shall establish guidelines to ensure that any arrest information, in particular information on arrests in which criminal action was not proven or charges were not filed or adjudicated, that is received by the board under this section is used consistently, fairly, and only to the extent the underlying conduct relates to the practice of nursing.

[Amended by Acts 2007 (H.B. 2426), 80th Leg., eff. Sept. 1, 2007]

Sec. 301.453. Disciplinary Authority of Board; Methods of Discipline.

(a) If the Board determines that a person has committed an act listed in Section 301.452(b), the Board shall enter an order imposing one or more of the following:

(1) denial of the person’s application for a license, license renewal, or temporary permit;

(2) issuance of a written warning;

(3) administration of a public reprimand;

(4) limitation or restriction of the person’s license, including:

(A) limiting to or excluding from the person’s practice one or more specified activities of nursing; or

(B) stipulating periodic board review;
(5) suspension of the person’s license for a period not to exceed five years;

(6) revocation of the person’s license; or

(7) assessment of a fine.

(b) In addition to or instead of an action under Subsection (a), the Board, by order, may require the person to:

(1) submit to care, counseling, or treatment by a health provider designated by the Board as a condition for the issuance or renewal of a license;

(2) participate in a program of education or counseling prescribed by the Board;

(3) practice for a specified period under the direction of a registered nurse or vocational nurse designated by the Board; or

(4) perform public service the Board considers appropriate.

(c) The Board may probate any penalty imposed on a nurse and may accept the voluntary surrender of a license. The Board may not reinstate a surrendered license unless it determines that the person is competent to resume practice.

(d) If the Board suspends, revokes, or accepts surrender of a license, the Board may impose conditions for reinstatement that the person must satisfy before the Board may issue an unrestricted license.

Sec. 301.4531. Schedule of Sanctions.

(a) The board by rule shall adopt a schedule of the disciplinary sanctions that the board may impose under this chapter. In adopting the schedule of sanctions, the board shall ensure that the severity of the sanction imposed is appropriate to the type of violation or conduct that is the basis for disciplinary action.

(b) In determining the appropriate disciplinary action, including the amount of any administrative penalty to assess, the board shall consider:

(1) whether the person:

(A) is being disciplined for multiple violations of either this chapter or a rule or order adopted under this chapter; or
has previously been the subject of disciplinary action by the board and has previously complied with board rules and this chapter;

(2) the seriousness of the violation;

(3) the threat to public safety; and

(4) any mitigating factors.

(c) In the case of a person described by:

(1) Subsection (b)(1)(A), the board shall consider taking a more severe disciplinary action, including revocation of the person’s license, than the disciplinary action that would be taken for a single violation; and

(2) Subsection (b)(1)(B), the board shall consider taking a more severe disciplinary action, including revocation of the person’s license, than the disciplinary action that would be taken for a person who has not previously been the subject of disciplinary action by the board.

[Added by Acts 2007 (H.B. 2426), 80th Leg., eff. Sept. 1, 2007]

Sec. 301.4535. Required Suspension, Revocation, or Refusal of License for Certain Offenses.

(a) The board shall suspend a nurse’s license or refuse to issue a license to an applicant on proof that the nurse or applicant has been initially convicted of:

(1) murder under Section 19.02, Penal Code, capital murder under Section 19.03, Penal Code, or manslaughter under Section 19.04, Penal Code;

(2) kidnapping or unlawful restraint under Chapter 20, Penal Code, and the offense was punished as a felony or state jail felony;

(3) sexual assault under Section 22.011, Penal Code;

(4) aggravated sexual assault under Section 22.021, Penal Code;

(5) continuous sexual abuse of young child or children under Section 21.02, Penal Code, or indecency with a child under Section 21.11, Penal Code;

(6) aggravated assault under Section 22.02, Penal Code;
(7) intentionally, knowingly, or recklessly injuring a child, elderly individual, or disabled individual under Section 22.04, Penal Code;

(8) intentionally, knowingly, or recklessly abandoning or endangering a child under Section 22.041, Penal Code;

(9) aiding suicide under Section 22.08, Penal Code, and the offense was punished as a state jail felony;

(10) an offense under Section 25.07, Penal Code, punished as a felony;

(11) an offense under Section 25.071, Penal Code, punished as a felony;

(12) an agreement to abduct a child from custody under Section 25.031, Penal Code;

(13) the sale or purchase of a child under Section 25.08, Penal Code;

(14) robbery under Section 29.02, Penal Code;

(15) aggravated robbery under Section 29.03, Penal Code;

(16) an offense for which a defendant is required to register as a sex offender under Chapter 62, Code of Criminal Procedure; or

(17) an offense under the law of another state, federal law, or the Uniform Code of Military Justice that contains elements that are substantially similar to the elements of an offense listed in this subsection.

(b) On final conviction or a plea of guilty or nolo contendere for an offense listed in Subsection (a), the board, as appropriate, may not issue a license to an applicant, shall refuse to renew a license, or shall revoke a license if the applicant or license holder did not previously disclose the conviction or plea and the fifth anniversary of the date the person successfully completed community supervision or parole has not occurred.

(c) A person is not eligible for an initial license or for reinstatement or endorsement of a license to practice nursing in this state before the fifth anniversary of the date the person successfully completed and was dismissed from community supervision or parole for an offense described by Subsection (a).

[NOTE: Section 301.4535, Occupations Code, applies only to a person who is initially convicted of an offense or placed on deferred adjudication after a plea of guilty or nolo contendere for an offense on
Sec. 301.454. Notice and Hearing.

(a) Except in the case of a temporary suspension authorized under Section 301.455 or an action taken in accordance with an agreement between the board and a license holder, the Board may not initiate a disciplinary action relating to a license unless:

(1) the Board has served notice to the license holder of the facts or conduct alleged to warrant the intended action; and

(2) the license holder has been given an opportunity, in writing or through an informal meeting, to show compliance with all requirements of law for the retention of the license.

(b) If an informal meeting is held, a board member, staff member, or board representative who attends the meeting is considered to have participated in the hearing of the case for the purposes of ex parte communications under Section 2001.061, Government Code.

(c) A person is entitled to a hearing conducted by the State Office of Administrative Hearings if the Board proposes to:

(1) refuse to admit the person to examination;

(2) refuse to issue a license or temporary permit;

(3) refuse to renew a license; or

(4) suspend or revoke the person’s license or permit.

(d) The State Office of Administrative Hearings shall use the schedule of sanctions adopted by the Board for any sanction imposed as the result of a hearing conducted by that office.

(e) Notwithstanding Subsection (a), a person is not entitled to a hearing on a refusal to renew a license if the person:

(1) fails to submit a renewal application; or

(2) submits an application that:
(A) is incomplete;

(B) shows on its face that the person does not meet the renewal requirements; or

(C) is not accompanied by the correct fee.

**Sec. 301.455. Temporary License Suspension or Restriction.**

(a) The license of a nurse shall be temporarily suspended or restricted on a determination by a majority of the Board or a three-member committee of board members designated by the board that, from the evidence or information presented, the continued practice of the nurse would constitute a continuing and imminent threat to the public welfare.

(b) A license may be temporarily suspended or restricted under this section without notice or hearing on the complaint if:

(1) institution of proceedings for a hearing before the State Office of Administrative Hearings is initiated simultaneously with the temporary suspension or determination to restrict; and

(2) a hearing is held as soon as possible under this chapter and Chapter 2001, Government Code.

(c) The State Office of Administrative Hearings shall hold a preliminary hearing not later than the 14th day after the date of the temporary suspension or restriction to determine whether probable cause exists that a continuing and imminent threat to the public welfare exists. The probable cause hearing shall be conducted as a de novo hearing.

(d) A final hearing on the matter shall be held not later than the 61st day after the date of the temporary suspension or restriction.

**Sec. 301.456. Evidence.**

A certified copy of the order of the denial, suspension, or revocation or other action under Section 301.452(b)(8) is conclusive evidence of that action.

**Sec. 301.457. Complaint and Investigation.**

(a) The Board or any person may initiate a proceeding under this subchapter by filing with the Board a complaint against a nurse. The complaint must be in writing and signed by the complainant.

(b) Except as otherwise provided by this section, the Board or a person authorized by the board shall conduct each investigation. Each complaint against a nurse that requires a determination of nursing
competency shall be reviewed by a board member, consultant, or employee with a nursing background the Board considers sufficient.

(c) On the filing of a complaint, the board:

(1) may conduct a preliminary investigation into the identity of the nurse named or described in the complaint;

(2) shall make a timely and appropriate preliminary investigation of the complaint; and

(3) may issue a warning or reprimand to the nurse.

(d) After any preliminary investigation to determine the identity of the subject of the complaint, unless it would jeopardize an investigation, the Board shall notify the nurse that a complaint has been filed and the nature of the complaint. If the investigation reveals probable cause to take further disciplinary action, the Board shall either attempt an informal disposition of the complaint or file a formal charge against the nurse stating the provision of this chapter or board rule that is alleged to have been violated and a brief description of each act or omission that constitutes the violation.

(e) The Board shall conduct an investigation of the complaint to determine:

(1) whether the nurse’s continued practice of nursing poses a risk of harm to clients or other persons; and

(2) whether probable cause exists that a nurse committed an act listed in Section 301.452(b) or that violates other law.

(f) In making a determination under Subsection (e), the board shall review the evidence to determine the extent to which a deficiency in care by the registered nurse was the result of deficiencies in the registered nurse’s judgment, knowledge, training, or skill rather than other factors beyond the nurse’s control. A determination that a deficiency in care is attributable to a registered nurse must be based on the extent to which the registered nurse’s conduct was the result of a deficiency in the registered nurse’s judgment, knowledge, training, or skill.

(g) If the board determines after investigating a complaint under Subsection (e) that there is reason to believe that a nurse’s deficiency in care was the result of a factor beyond the nurse’s control, the board shall report that determination to the patient safety committee at the facility where the nurse’s deficiency in care occurred, or if the facility does not have a patient safety committee, to the chief nursing officer.
Sec. 301.458. Initiation of Formal Charges; Discovery.

(a) Unless there is an agreed disposition of the complaint under Section 301.463, and if probable cause is found under Section 301.457(e)(2), the Board or the Board’s Authorized Representative shall initiate proceedings by filing formal charges against the nurse.

(b) A formal charge must:

(1) be written;

(2) be specific enough to enable a person of common understanding to know what is meant by the formal charge; and

(3) contain a degree of certainty that gives the person who is the subject of the formal charge notice of each particular act alleged to violate a specific statute, board rule, or board order.

(c) A copy of the formal charge shall be served on the nurse or the nurse’s counsel of record.

(d) The Board shall adopt reasonable rules to promote discovery by each party to a contested case.

Sec. 301.459. Formal Hearing.

(a) The Board by rule shall adopt procedures under Chapter 2001, Government Code, governing formal disposition of a contested case. The State Office of Administrative Hearings shall conduct a formal hearing.

(b) In any hearing under this section, a nurse is entitled to appear in person or by counsel.

Sec. 301.460. Access to Information.

(a) Except for good cause shown for delay and subject to any other privilege or restriction set forth by statute, rule, or legal precedent, the Board shall, not later than the 30th day after the date the board receives a written request from a license holder who is the subject of a formal charge filed under Section 301.458 or from the license holder’s counsel of record, provide the license holder with access to:

(1) all known exculpatory information in the Board’s possession; and

(2) information in the Board’s possession that the board intends to offer into evidence in presenting its case in chief at the contested hearing on the complaint.
(b) The Board is not required to provide:

(1) Board investigative reports or investigative memoranda;

(2) the identity of non-testifying complainants;

(3) attorney-client communications;

(4) attorney work product; or

(5) other materials covered by a privilege as recognized by the Texas Rules of Civil Procedure or the Texas Rules of Evidence.

(c) The provision of information under Subsection (a) does not constitute a waiver of privilege or confidentiality under this chapter or other applicable law.

Sec. 301.461. Assessment of Costs.

The Board may assess a person who is found to have violated this chapter the administrative costs of conducting a hearing to determine the violation.

Sec. 301.462. Voluntary Surrender of License.

The Board may revoke a nurse’s license without formal charges, notice, or opportunity of hearing if the nurse voluntarily surrenders the nurse’s license to the Board and executes a sworn statement that the nurse does not desire to be licensed.

Sec. 301.463. Agreed Disposition.

(a) Unless precluded by this chapter or other law, the Board may dispose of a complaint by:

(1) stipulation;

(2) agreed settlement;

(3) agreed order; or

(4) dismissal.

(b) An agreed disposition of a complaint is considered to be a disciplinary order for purposes of reporting under this chapter and an administrative hearing and proceeding by a state or federal regulatory agency regarding the practice of nursing.
An agreed order is a public record.

In civil or criminal litigation an agreed disposition is a settlement agreement under Rule 408, Texas Rules of Evidence.

**Sec. 301.464. Informal Proceedings.**

(a) The Board by rule shall adopt procedures governing:

(1) informal disposition of a contested case under Section 2001.056, Government Code; and
(2) an informal proceeding held in compliance with Section 2001.054, Government Code.

(b) Rules adopted under this section must:

(1) provide the complainant and the license holder an opportunity to be heard; and
(2) require the presence of a representative of the Board’s legal staff or of the Attorney General to advise the Board or the Board’s employees.

**Sec. 301.465. Subpoenas; Request for Information.**

(a) The Board may request issuance of a subpoena to be served in any manner authorized by law, including personal service by a board investigator and service by certified mail.

(b) Each person shall respond promptly and fully to a request for information by the board or to a subpoena issued by the Board. A request or subpoena may not be refused, denied, or resisted unless the request or subpoena calls for information within the attorney-client privilege. No other privilege applies to a board proceeding.

(c) The Board may pay a reasonable fee for photocopies subpoenaed at the Board’s request. The amount paid may not exceed the amount the Board charges for copies of its records.

(d) The Board shall protect, to the extent possible, the identity of each patient named in information received by the Board.

**Sec. 301.466. Confidentiality.**

(a) A complaint and investigation concerning a nurse under this subchapter and all information and material compiled by the board in connection with the complaint and investigation are:

(1) confidential and not subject to disclosure under Chapter 552, Government Code; and
(2) not subject to disclosure, discovery, subpoena, or other means of legal compulsion for release to anyone other than the Board or a board employee or agent involved in license holder discipline.

(b) Notwithstanding Subsection (a), information regarding a complaint and an investigation may be disclosed to:

(1) a person involved with the Board in a disciplinary action against the nurse;
(2) a nursing licensing or disciplinary board in another jurisdiction;
(3) a peer assistance program approved by the Board under Chapter 467, Health and Safety Code;
(4) a law enforcement agency; or
(5) a person engaged in bona fide research, if all information identifying a specific individual has been deleted.

(c) The filing of formal charges against a nurse by the Board, the nature of those charges, disciplinary proceedings of the board, and final disciplinary actions, including warnings and reprimands, by the Board are not confidential and are subject to disclosure in accordance with Chapter 552, Government Code.

Sec. 301.467. Reinstatement.

(a) On application, the Board may reinstate a license to practice nursing to a person whose license has been revoked, suspended, or surrendered.

(b) An application to reinstate a revoked license:

(1) may not be made before the first anniversary of the date of the revocation; and
(2) must be made in the manner and form the Board requires.

(c) If the Board denies an application for reinstatement, it may set a reasonable waiting period before the applicant may reapply for reinstatement.

Sec. 301.468. Probation.

(a) The Board may determine that an order denying a license application or suspending a license be probated. A person subject to a probation order shall conform to each condition the Board sets as the terms of probation, including a condition:
(1) limiting the practice of the person to, or excluding, one or more specified activities of professional nursing or vocational nursing; or

(2) requiring the person to submit to supervision, care, counseling, or treatment by a practitioner designated by the Board.

(b) At the time the probation is granted, the Board shall establish the term of the probationary period.

(c) At any time while the person remains subject to the probation order, the Board may hold a hearing and rescind the probation and enforce the Board’s original action in denying or suspending the license. The hearing shall be called by the presiding officer of the Board, who shall issue a notice to be served on the person or the person’s counsel not later than the 20th day before the date scheduled for the hearing that:

(1) sets the time and place for the hearing; and

(2) contains the charges or complaints against the probationer.

(d) Notice under Subsection (c) is sufficient if sent by registered or certified mail to the affected person at the person’s most recent address as shown in the Board’s records.

Sec. 301.469. Notice of Final Action.

If the Board takes a final disciplinary action, including a warning or reprimand, against a nurse under this subchapter, the Board shall immediately send a copy of the Board’s final order to the nurse and to the last known employer of the nurse.

Sec. 301.470. Refund.

(a) Subject to Subsection (b), the board may order a license holder to pay a refund to a consumer as provided in an agreement resulting from an informal settlement conference instead of or in addition to imposing an administrative penalty under this chapter.

(b) The amount of a refund ordered as provided in an agreement resulting from an informal settlement conference may not exceed the amount the consumer paid to a nurse for a service regulated by this chapter or the actual amount stolen or defrauded from a patient by the nurse. The board may not require payment of other damages or estimate harm in a refund order.
## Point Calculation Sheet

### Name:

<table>
<thead>
<tr>
<th>Point Category</th>
<th>Student Level/ Grade</th>
<th>Points Allotted</th>
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<tbody>
<tr>
<td>HESI A2 – Up to 15</td>
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<tr>
<td>HESI A2 Reading Comprehension – Up to 45</td>
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<tr>
<td>HESI above 90: 45 points</td>
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<td>HESI 86-89: 30 points</td>
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<td>HESI 80-85: 20 points</td>
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<td>HESI 75-79: 3 points</td>
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<tr>
<td><strong>HESI A2 Math Score</strong></td>
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<tr>
<td>70-79: 3 points</td>
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<tr>
<td><strong>HESI A2 Science Score (A&amp;P and Chemistry)</strong></td>
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<td>75-84: 3 points</td>
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<tr>
<td>Science GPA over 3.5- 5 pts; Science GPA over 3.0- 3 pts; Science GPA over 2.5- 1 pt</td>
<td></td>
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</tr>
<tr>
<td>GPA (Required courses and prerequisites for nursing) – Up to 30 points</td>
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</tbody>
</table>

#### 30 Points

- GPA = 3.75 – 4.0

#### 25 Points

- GPA = 3.5 – 3.74

#### 20 Points:

- GPA = 3.0 – 3.49

#### 10 Points:

- GPA = 2.5 – 2.9

Minus 5 for repeating classes more than once for 2 classes or more

### Courses Required for Degree – Up to 40 Points

- Gen Chemistry with Lab
- English 1301
- BIOL 1322 Nutrition
- PSYC 2301 Intro to Psych
- BIOL 2401 A&P I
- BIOL 2402 A&P II
- BIOL 2421 Microbiology
- PSYC 2325 Human Growth and Development
- PHIL 2301 Philosophy
- MATH 1305 Statistics
- Computer Elective
- Speech Elective

### Other College Hours Not in the ADN Degree Plan – Up to 10 Points

Quality of work and number of hours taken simultaneously add 5 points

- Sociology
- Mathematics
- Spanish
- Psychology
- Life Science
- Physical Science
- Chemical Sciences
- History
- Government
- English

In district or service area – 1 point

### Experience

1 or 2 points

### Previous Applicant

1 point

### Total