



Disciplinary Guidelines for Criminal Conduct

This document is provided by the Board to inform licensees, applicants, and the public of the Board's view of the effect of the first commission of certain crimes on nursing licensure and eligibility for nursing licensure. In some instances, the document may provide guidance when multiple crimes are at issue. In addition to utilizing this guideline, the Board may require evaluations from Board-approved evaluators to better determine the appropriate sanction and/or to determine whether a person is safe to practice nursing and is able to comply with the Nursing Practice Act (NPA) and the Board's rules and regulations, particularly when the underlying criminal offense involves alcohol, drugs, or controlled substances. This list is not exhaustive. In cases involving an offense that is not specifically listed in this guideline or a violation of another state law, federal law, the Uniform Code of Military Justice, or other law, the appropriate sanction shall be determined by comparing that offense to the listed crimes in this guideline that contain substantially similar elements. To the extent applicable, this guideline should also be considered in conjunction with the recommended sanctions in the Board's Disciplinary Matrix, located at 22 Texas Administrative Code §213.33(b). This guideline does not apply to criminal offenses that are addressed by the Board's minor criminal history policies. Further, this guideline applies to criminal offenses as those offenses have been addressed and/or adjudicated by the criminal justice/penal system, without re-litigating the underlying factual bases of the corresponding judicial orders**.

For further information, please review the Texas Occupations Code Chapter 301 (NPA), the Board's rules, located at 22 Texas Administrative Code Chapters 211 - 227, including §§213.27 - 213.30 and 213.33, and the Board's disciplinary sanction policies located on the Board's web site, at www.bon.texas.gov. Texas Occupations Code Chapter 53 may also be applicable.

The guideline provides a recommended sanction or range of sanctions for each offense. In order to determine the appropriate sanction in a particular case, each case must be considered on its own merits, taking into account the presence of aggravating and/or mitigating factors. If multiple offenses are present in a single case, the most severe sanction recommended for any one of the individual offenses should be imposed.

The following list includes some of the factors the Board may use in its case-by-case analysis:

- the nature and seriousness of the crime, i.e. the presence or absence of criminal plan or premeditation, the presence of contributing influences, evidence of immature thought process/judgment at the time of activity, and classification of offense as felony or misdemeanor, etc.;

- a person's failure to disclose a criminal offense to the Board;
- the actual damages, physical or otherwise, resulting from the criminal activity;
- the extent and nature of the person's past criminal activity;
- if the person's conduct evidences a lack of truthfulness or trustworthiness;
- the age of the person when the crime was committed;
- the amount of time that has elapsed since the person's last criminal activity;
- the work activity of the person before and after the criminal activity;
- evidence of the person's rehabilitation or rehabilitative effort while incarcerated or after release*;
- a record of steady employment and whether the person has supported his or her dependents;
- evidence of the person's present fitness and professional character, including letters of recommendation from prosecutors, 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 person;
- if the person has paid all outstanding court costs, supervision fees, fines, and evidence of restitution to both victim and community;
- if the person's conduct indicates an inability to practice nursing in an autonomous role with patients/clients, their families and significant others, and members of the public who are or who may become physically, emotionally or financially vulnerable;
- evidence of remorse;
- evidence of current maturity and personal accountability;
- evidence of having learned from past mistakes;
- evidence of current support structures that will prevent future criminal activity;
- evidence of current ability to practice in accordance with the NPA, Board rules, and generally accepted standards of nursing;

- 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;
- the relationship of the crime to the ability, capacity, or fitness required to perform the duties and discharge the responsibilities of nursing practice;
- if imprisonment followed a felony conviction, felony community supervision revocation, revocation of parole or revocation of mandatory supervision*;
- if the person's conduct resulted in the revocation of probation/community supervision*;
- evidence of the person's safe practice;
- successful completion of probation/community supervision;
- if criminal activity is due to, associated with, or related to substance abuse or chemical dependency, including alcohol, evidence of evaluation by a Board approved evaluator, treatment (written verification of compliance with any treatment), after care and support group attendance, and evidence of random drug screening; and
- if criminal activity is due to, associated with, or related to mental illness, evidence of evaluation by a Board approved evaluator, including prognosis, evidence of treatment (written verification of compliance with any treatment), and any medication regime .

| OFFENSE | PENALTY <u>F = Felony</u> <u>M=Misdemeanor</u> | PENAL CODE SECTION (<u>or Crim. Pro. ch. 62</u>) | If judicial order** occurred 0-5 yrs. ago: | If judicial order** occurred ≥5 yrs. ago and 5th yr. anniversary since release from probation*** has not occurred: | Rationale for How Crimes Relate to the Practice of Nursing |
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| For any §301.4535 crime where the judicial order** occurred prior to September 1, 2005, the Board reserves the right to require and/or request a physical and/or psychological evaluation before considering the retention or issuance of a nursing license. | | | | | |
| ****Abandonment/ Endangerment of a Child | F | 22.041 | Revocation/Denial of Licensure Required by TOC §301.4535. | If on or after September 1, 2005, revocation/denial of licensure is required by statute. If prior to September 1, 2005, and on felony probation, then Deny/Revoke. If prior to September 1, 2005, and not on felony probation, Deny/Revoke/Suspend or Issue License with Stipulations. Suspension may be enforced or probated. Any probation or stipulation period should be for a minimum of two (2) years. | Offense Against the Person that the Nursing Practice Act has specifically identified as relating to nursing under §301.4535. |
| ****Agree to Abduct Child for Remuneration: Younger than 18 | F | 25.031 | Revocation/Denial of Licensure Required by TOC §301.4535. | If on or after September 1, 2005, revocation/denial of licensure is required by statute. If prior to September 1, 2005, and on felony probation, then Deny/Revoke. If prior to September 1, 2005, and not on felony probation, Deny/Revoke/Suspend or Issue License with Stipulations. Suspension may be enforced or probated. Any probation or stipulation period should be for a minimum of two (2) years. | Offense Against the Family that the Nursing Practice Act has specifically identified as relating to nursing under §301.4535. |
| ****Aiding Suicide: Serious Bodily Injury/Death | F | 22.08 | Revocation/Denial of Licensure Required by TOC §301.4535. | If on or after September 1, 2005, revocation/denial of licensure is required by statute. If prior to September 1, 2005, and on felony probation, then Deny/Revoke. If prior to September 1, 2005, and not on | Offense Against the Person that the Nursing Practice Act has specifically identified as relating to nursing under §301.4535. |

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| | | | | felony probation, Deny/Revoke/Suspend or Issue License with Stipulations. Suspension may be enforced or probated. Any probation or stipulation period should be for a minimum of two (2) years. | |
| ****Assault, Aggravated | F | 22.02 | Revocation/Denial of Licensure Required by TOC §301.4535. | If on or after September 1, 2005, revocation/denial of licensure is required by statute. If prior to September 1, 2005, and on felony probation, then Deny/Revoke. If prior to September 1, 2005, and not on felony probation, Deny/Revoke/Suspend or Issue License with Stipulations. Suspension may be enforced or probated. Any probation or stipulation period should be for a minimum of two (2) years. | Offense Against the Person that the Nursing Practice Act has specifically identified as relating to nursing under §301.4535. |
| ****Attempt, Conspiracy, or Solicitation of ch. 62 offense | F, M | ch. 62 | Revocation/Denial of Licensure Required by TOC §301.4535. | If on or after September 1, 2005, revocation/denial of licensure is required by statute. If prior to September 1, 2005, and on felony probation, then Deny/Revoke. If prior to September 1, 2005, and not on felony probation, Deny/Revoke/Suspend or Issue License with Stipulations. Suspension may be enforced or probated. Any probation or stipulation period should be for a minimum of two (2) years. | Offense that the Nursing Practice Act has specifically identified as relating to nursing under §301.4535. |
| ****Burglary (if punishable under Penal Code §30.02(d) and | F | ch. 62 (§62.001(5)) | Revocation/Denial of Licensure Required | If on or after September 1, 2005, revocation/denial of licensure is | Offense that the Nursing Practice Act has specifically identified as relating to nursing |

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| ch. 62 offense) | | (D) | by TOC §301.4535. | required by statute. If prior to September 1, 2005, and on felony probation, then Deny/Revoke. If prior to September 1, 2005, and not on felony probation, Deny/Revoke/Suspend or Issue License with Stipulations. Suspension may be enforced or probated. Any probation or stipulation period should be for a minimum of two (2) years. | under §301.4535. |
| ****Capital Murder | F | 19.03 | Revocation/Denial of Licensure Required by TOC §301.4535. | If on or after September 1, 2005, revocation/denial of licensure is required by statute. If prior to September 1, 2005, and on felony probation, then Deny/Revoke. If prior to September 1, 2005, and not on felony probation, Deny/Revoke/Suspend or Issue License with Stipulations. Suspension may be enforced or probated. Any probation or stipulation period should be for a minimum of two (2) years. | Offense Against the Person that the Nursing Practice Act has specifically identified as relating to nursing under §301.4535. |
| ****Child Pornography, Possession or Promotion | F | 43.26(a),(e) (ch .62) | Revocation/Denial of Licensure Required by TOC §301.4535. | If on or after September 1, 2005, revocation/denial of licensure is required by statute. If prior to September 1, 2005, and on felony probation, then Deny/Revoke. If prior to September 1, 2005, and not on felony probation, Deny/Revoke/Suspend or Issue License with Stipulations. Suspension may be enforced or probated. Any probation or | Offense Against Public Order and Decency that the Nursing Practice Act has specifically identified as relating to nursing under §301.4535. |

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| | | | | stipulation period should be for a minimum of two (2) years. | |
| ****Continuous Sexual Abuse of Young Child or Children | F | 21.02 | Revocation/Denial of Licensure Required by TOC §301.4535. | If on or after September 1, 2005, revocation/denial of licensure is required by statute. If prior to September 1, 2005, and on felony probation, then Deny/Revoke. If prior to September 1, 2005, and not on felony probation, Deny/Revoke/Suspend or Issue License with Stipulations. Suspension may be enforced or probated. Any probation or stipulation period should be for a minimum of two (2) years. | Offense Against the Person that the Nursing Practice Act has specifically identified as relating to nursing under §301.4535. |
| ****Indecency w/Child | F | 21.11 (ch. 62) | Revocation/Denial of Licensure Required by TOC §301.4535. | If on or after September 1, 2005, revocation/denial of licensure is required by statute. If prior to September 1, 2005, and on felony probation, then Deny/Revoke. If prior to September 1, 2005, and not on felony probation, Deny/Revoke/Suspend or Issue License with Stipulations. Suspension may be enforced or probated. Any probation or stipulation period should be for a minimum of two (2) years. | Offense Against the Person that the Nursing Practice Act has specifically identified as relating to nursing under §301.4535. |
| ****Indecent exposure x 2, if meets ch. 62 requirements | M | 21.08 (ch. 62) | Revocation/Denial of Licensure Required by TOC §301.4535. | If on or after September 1, 2005, revocation/denial of licensure is required by statute. If prior to September 1, 2005, and on felony probation, then | Offense Against the Person that the Nursing Practice Act has specifically identified as relating to nursing under §301.4535. |

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| | | | | Deny/Revoke. If prior to September 1, 2005, and not on felony probation, Deny/Revoke/Suspend or Issue License with Stipulations. Suspension may be enforced or probated. Any probation or stipulation period should be for a minimum of two (2) years. | |
| ****Injury to Child/Elderly/Disabled | F | 22.04 | Revocation/Denial of Licensure Required by TOC §301.4535. | If on or after September 1, 2005, revocation/denial of licensure is required by statute. If prior to September 1, 2005, and on felony probation, then Deny/Revoke. If prior to September 1, 2005, and not on felony probation, Deny/Revoke/Suspend or Issue License with Stipulations. Suspension may be enforced or probated. Any probation or stipulation period should be for a minimum of two (2) years. | Offense Against the Person that the Nursing Practice Act has specifically identified as relating to nursing under §301.4535. |
| ****Kidnapping | F | 20.03, 20.04 (ch. 62) | Revocation/Denial of Licensure Required by TOC §301.4535. | If on or after September 1, 2005, revocation/denial of licensure is required by statute. If prior to September 1, 2005, and on felony probation, then Deny/Revoke. If prior to September 1, 2005, and not on felony probation, Deny/Revoke/Suspend or Issue License with Stipulations. Suspension may be enforced or probated. Any probation or stipulation period should be for | Offense Against the Person that the Nursing Practice Act has specifically identified as relating to nursing under §301.4535. |

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| | | | | a minimum of two (2) years. | |
| ****Manslaughter | F | 19.04 | Revocation/Denial of Licensure Required by TOC §301.4535. | If on or after September 1, 2005, revocation/ denial of licensure is required by statute. If prior to September 1, 2005, and on felony probation, then Deny/Revoke. If prior to September 1, 2005, and not on felony probation, Deny/Revoke/Suspend or Issue License with Stipulations. Suspension may be enforced or probated. Any probation or stipulation period should be for a minimum of two (2) years. | Offense Against the Person that the Nursing Practice Act has specifically identified as relating to nursing under §301.4535. |
| ****Murder | F | 19.02 | Revocation/Denial of Licensure Required by TOC §301.4535. | If on or after September 1, 2005, revocation/denial of licensure is required by statute. If prior to September 1, 2005, and on felony probation, then Deny/Revoke. If prior to September 1, 2005, and not on felony probation, Deny/Revoke/Suspend or Issue License with Stipulations. Suspension may be enforced or probated. Any probation or stipulation period should be for a minimum of two (2) years. | Offense Against the Person that the Nursing Practice Act has specifically identified as relating to nursing under §301.4535. |

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| ****Offenses for Which Registration as a Sex Offender is Required Under Ch. 62 | F, M | §62.001(5) | Revocation/Denial of Licensure Required by TOC §301.4535. | If on or after September 1, 2005, revocation/denial of licensure is required by statute. If prior to September 1, 2005, and on felony probation, then Deny/Revoke. If prior to September 1, 2005, and not on felony probation, Deny/Revoke/Suspend or Issue License with Stipulations. Suspension may be enforced or probated. Any probation or stipulation period should be for a minimum of two (2) years. | Offenses that the Nursing Practice Act has specifically identified as relating to nursing under §301.4535. |
| ****Online Solicitation of a Minor | F | 33.021(b),(c),(f); (ch. 62) | Revocation/Denial of Licensure Required by TOC §301.4535. | If on or after September 1, 2005, revocation/denial of licensure is required by statute. If prior to September 1, 2005, and on felony probation, then Deny/Revoke. If prior to September 1, 2005, and not on felony probation, Deny/Revoke/Suspend or Issue License with Stipulations. Suspension may be enforced or probated. Any probation or stipulation period should be for a minimum of two (2) years. | Offense Against Property that the Nursing Practice Act has specifically identified as relating to nursing under §301.4535. |
| ****Prostitution, Compelling | F | 43.05 (ch. 62) | Revocation/Denial of Licensure Required by TOC §301.4535. | If on or after September 1, 2005, revocation/denial of licensure is required by statute. If prior to September 1, 2005, and on felony probation, then Deny/Revoke. If prior to September 1, 2005, and not on felony probation, Deny/Revoke/Suspend or Issue | Offense Against Public Order and Decency that the Nursing Practice Act has specifically identified as relating to nursing under §301.4535. |

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| | | | | License with Stipulations. Suspension may be enforced or probated. Any probation or stipulation period should be for a minimum of two (2) years. | |
| ****Protective Order, Violation | F | 25.07 , 25.071 | Revocation/Denial of Licensure Required by TOC §301.4535. | If on or after September 1, 2005, revocation/denial of licensure is required by statute. If prior to September 1, 2005, and on felony probation, then Deny/Revoke. If prior to September 1, 2005, and not on felony probation, Deny/Revoke/Suspend or Issue License with Stipulations. Suspension may be enforced or probated. Any probation or stipulation period should be for a minimum of two (2) years. | Offense Against the Family that the Nursing Practice Act has specifically identified as relating to nursing under §301.4535. |
| ****Robbery | F | 29.02 | Revocation/Denial of Licensure Required by TOC §301.4535. | If on or after September 1, 2005, revocation/denial of licensure is required by statute. If prior to September 1, 2005, and on felony probation, then Deny/Revoke. If prior to September 1, 2005, and not on felony probation, Deny/Revoke/Suspend or Issue License with Stipulations. Suspension may be enforced or probated. Any probation or stipulation period should be for a minimum of two (2) years. | Offense Against Property that the Nursing Practice Act has specifically identified as relating to nursing under §301.4535. |
| ****Robbery, Aggravated | F | 29.03 | Revocation/Denial of Licensure Required by TOC §301.4535. | If on or after September 1, 2005, revocation/ denial of licensure is required by statute. If prior to | Offense Against Property that the Nursing Practice Act has specifically identified as relating to nursing under §301.4535. |

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| | | | | September 1, 2005, and on felony probation, then Deny/Revoke. If prior to September 1, 2005, and not on felony probation, Deny/Revoke/Suspend or Issue License with Stipulations. Suspension may be enforced or probated. Any probation or stipulation period should be for a minimum of two (2) years. | |
| ****Sale or Purchase of a Child | F | 25.08 | Revocation/Denial of Licensure Required by TOC §301.4535. | If on or after September 1, 2005, revocation/denial of licensure is required by statute. If prior to September 1, 2005, and on felony probation, then Deny/Revoke. If prior to September 1, 2005, and not on felony probation, Deny/Revoke/Suspend or Issue License with Stipulations. Suspension may be enforced or probated. Any probation or stipulation period should be for a minimum of two (2) years. | Offense Against the Family that the Nursing Practice Act has specifically identified as relating to nursing under §301.4535. |
| ****Sexual Assault | F | 22.011 (ch. 62) | Revocation/Denial of Licensure Required by TOC §301.4535. | If on or after September 1, 2005, revocation/denial of licensure is required by statute. If prior to September 1, 2005, and on felony probation, then Deny/Revoke. If prior to September 1, 2005, and not on felony probation, Deny/Revoke/Suspend or Issue License with Stipulations. Suspension may be enforced or probated. Any probation or | Offense Against the Person that the Nursing Practice Act has specifically identified as relating to nursing under §301.4535. |

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| | | | | stipulation period should be for a minimum of two (2) years. | |
| ****Sexual Assault, Aggravated | F | 22.021 (ch. 62) | Revocation/Denial of Licensure Required by TOC §301.4535. | If on or after September 1, 2005, revocation/denial of licensure is required by statute. If prior to September 1, 2005, and on felony probation, then Deny/Revoke. If prior to September 1, 2005, and not on felony probation, Deny/Revoke/Suspend or Issue License with Stipulations. Suspension may be enforced or probated. Any probation or stipulation period should be for a minimum of two (2) years. | Offense Against the Person that the Nursing Practice Act has specifically identified as relating to nursing under §301.4535. |
| ****Sexual Conduct, Prohibited | F | 25.02 (ch. 62) | Revocation/Denial of Licensure Required by TOC §301.4535. | If on or after September 1, 2005, revocation/denial of licensure is required by statute. If prior to September 1, 2005, and on felony probation, then Deny/Revoke. If prior to September 1, 2005, and not on felony probation, Deny/Revoke/Suspend or Issue License with Stipulations. Suspension may be enforced or probated. Any probation or stipulation period should be for a minimum of two (2) years. | Offense Against the Family that the Nursing Practice Act has specifically identified as relating to nursing under §301.4535. |
| ****Sexual Performance by Child | F | 43.24(d), 43.25(b), (ch. 62) | Revocation/Denial of Licensure Required by TOC §301.4535. | If on or after September 1, 2005, revocation/denial of licensure is required by statute. If prior to September 1, 2005, and on felony probation, then | Offense Against Public Order and Decency that the Nursing Practice Act has specifically identified as relating to nursing under §301.4535. |

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| | | | | Deny/Revoke. If prior to September 1, 2005, and not on felony probation, Deny/Revoke/Suspend or Issue License with Stipulations. Suspension may be enforced or probated. Any probation or stipulation period should be for a minimum of two (2) years. | |
| ****Unlawful Restraint | F | 20.02 | Revocation/Denial of Licensure Required by TOC §301.4535. | If on or after September 1, 2005, revocation/denial of licensure is required by statute. If prior to September 1, 2005, and on felony probation, then Deny/Revoke. If prior to September 1, 2005, and not on felony probation, Deny/Revoke/Suspend or Issue License with Stipulations. Suspension may be enforced or probated. Any probation or stipulation period should be for a minimum of two (2) years. | Offense Against the Person that the Nursing Practice Act has specifically identified as relating to nursing under §301.4535. |
| Aggravated Perjury: Offense Against Public Administration that involves knowingly engaging in deceptive and dishonest conduct by making a false statement in connection with an official proceeding. | F | 37.03 | Deny/Revoke/ Suspend License. Suspension may be enforced or probated. A forensic psychological evaluation with or without a polygraph examination may be requested. | If on felony probation, then Deny/Revoke/Suspend. Suspension may be enforced or probated. If not on felony probation, impose discipline/issue license with stipulations. A forensic psychological evaluation with or without a polygraph examination may be requested. | Such conduct raises questions about a person's professional character. Professional character is required in nursing and nurses must exhibit behaviors indicating honesty, accountability, trustworthiness, reliability, and integrity. Nurses must be honest witnesses to events that occur and are relied upon by other healthcare professionals to be honest and forthcoming. Further, nurses have the implied trust of the public. Deceptive and dishonest behavior raises serious concerns about a person's propensity to lie and whether the person will continue such |

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| | | | | | behavior and jeopardize the effectiveness of patient care in the future. |
| Aiding Suicide: Offense against the Person that involves intent to promote or assist the commission of suicide by another person. | M | 22.08 | 0-3 yrs old, impose discipline/issue with stipulations; 4-5 yrs old, issue license with or without stipulations.. | Issue license with or without stipulations. | Offense Against the Person that the Nursing Practice Act has specifically identified as relating to nursing under §301.4535. |
| Arson: Offense Against Property that involves intent to destroy or damage property and involves knowledge that financial or personal harm may result and/or includes the reckless endangerment of a person's life or safety. | F | 28.02(d) | Deny/Revoke License. | If on felony probation, then Deny/Revoke. If not on felony probation, impose discipline/issue license with stipulations. | Being a nurse and having autonomy in the care of a vulnerable population may give that individual an opportunity to exploit the patient, employer, or other entities dependent on the professional character of a nurse. Patients would be vulnerable to similar acts involving intent to destroy property or inflict financial harm, as well as reckless acts that may harm patients or the public. Further, research studies suggest that individuals who commit these types of crimes may have underlying psychopathology. |
| Assault: Offense Against the Person that involves intentionally, knowingly, or recklessly causing bodily injury to another person. | F, M | 22.01 | If felony, then Deny/Revoke License. For misdemeanor, if 0-3 yrs old, issue license with stipulations; if 4-5 yrs old, issue license with or without stipulations. | For felony, if on felony probation, then Deny/Revoke/Suspend. Suspension may be enforced or probated. If not on felony probation, impose discipline/issue license with stipulations. If misdemeanor, issue license with or without stipulations. | Stress inherent in the practice of nursing and possible combativeness of patients in vulnerable states requires the control of impulses that lead to an assaultive offense. A person who has committed an assaultive offense raises serious questions regarding his/her ability to provide safe patient care. Patients could be vulnerable to similar acts involving intent to injure or reckless behavior that would risk injury. |
| Bail Jumping and Failure to Appear: Offense Against Public Administration that involves | F, M | 38.10 | For felony, 0-3 yrs old Deny/Revoke/ Suspend. | If on felony probation, then Deny/Revoke/Suspend. Suspension may be enforced or | Such behavior raises questions about a person's professional character. Professional character is required in nursing and nurses must exhibit |

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| intentionally or knowingly failing to comply with a judicial order to appear in accordance with the terms of his/her release. | | | 4-5 yrs old, if on felony probation, then Deny/Revoke/Suspend. If not on felony probation, impose discipline/issue license with stipulations. Suspension may be enforced or probated. If a misdemeanor, impose discipline/issue license with stipulations. For either a felony or misdemeanor, a forensic psychological evaluation with or without a polygraph examination may be requested. | probated. If not on felony probation, impose discipline/issue license with stipulations. If a misdemeanor, issue license with or without stipulations. For either a felony or misdemeanor, a forensic psychological evaluation with or without a polygraph examination may be requested. | behaviors indicating honesty, accountability, trustworthiness, reliability, and integrity. Such behavior raises serious concerns about a person's ability to distinguish right from wrong, keep promises and honor obligations, be accountable for his/her behavior and whether the nurse will continue such behavior and jeopardize the effectiveness of patient care in the future. |
| Bribery: Offense Against Public Administration that involves intentionally or knowingly conferring, agreeing to confer, soliciting, or accepting benefits as consideration for a person's vote, decision, or recommendation. | F | 36.02 | Deny/Revoke/Suspend License. Suspension may be enforced or probated. A forensic psychological evaluation with or without a polygraph examination may be requested. | If on felony probation, then Deny/Revoke/Suspend. Suspension may be enforced or probated. If not on felony probation, impose discipline/issue license with stipulations. A forensic psychological evaluation with or without a polygraph examination may be requested. | Such behavior raises questions about a person's professional character. Professional character is required in nursing and nurses must exhibit behaviors indicating honesty, accountability, trustworthiness, reliability, and integrity. Such behavior raises serious concerns about a person's ability to distinguish right from wrong, think and act rationally, be accountable for his/her behavior, and whether the nurse will continue such behavior and jeopardize the effectiveness of patient care in the future. |
| Burglary: Offense Against | F | 30.02 | Deny/Revoke | If on felony probation, then | Nurses have access to persons who are |

| OFFENSE | PENALTY <u>F = Felony</u> <u>M=Misdemeanor</u> | PENAL CODE SECTION (or Crim. Pro. ch. 62) | If judicial order** occurred 0-5 yrs. ago: | If judicial order** occurred ≥5 yrs. ago and 5th yr. anniversary since release from probation*** has not occurred: | Rationale for How Crimes Relate to the Practice of Nursing |
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| Property that involves entering another's property with intent to commit theft or harm to another person. | | | License. | Deny/Revoke/Suspend; if not on felony probation, impose discipline/issue license with stipulations. Suspension may be enforced or probated. A forensic psychological evaluation with or without a polygraph examination may be requested. | vulnerable due to illness or injury. Patients are frequently in a vulnerable position to be exploited. Patients frequently bring valuables (medications, money, jewelry, items of sentimental value, checkbook, or credit cards) with them to a health care facility. 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. Nurses frequently provide care in settings without direct supervision. Theft crimes raise serious concerns about whether a nurse can be trusted to respect a patient's property/possessions in the future. A nursing license would provide unfettered opportunity and access to a patient's person and property. |
| Burglary of Vehicles: Offense Against Property that involves breaking into a vehicle with the intent to commit a felony or theft. | F, M | 30.04 | For felony, 0-3 yrs old Deny/Revoke. 4-5 yrs old, if on felony probation, then Deny/Revoke/Suspend. A suspension may be enforced or probated. If not on felony probation, impose discipline/issue license with stipulations. If a misdemeanor, impose discipline/issue license with stipulations. For either a felony or misdemeanor, a forensic | For felony, if on felony probation, then Deny/Revoke/Suspend. Suspension may be enforced or probated. If not on felony probation, impose discipline/issue license with stipulations. For misdemeanor, issue license with or without stipulations. For either a felony or a misdemeanor, a forensic psychological evaluation with or without a polygraph examination may be requested. | Nurses have access to persons who are vulnerable due to illness or injury. Patients are frequently in a vulnerable position to be exploited. Patients frequently bring valuables (medications, money, jewelry, items of sentimental value, checkbook, or credit cards) with them to a health care facility. 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. Nurses frequently provide care in settings without direct supervision. Theft crimes raise serious concerns about whether a nurse can be trusted to respect a patient's property/possessions in the future. A nursing license would provide unfettered opportunity and access to a patient's person and property. |

| OFFENSE | PENALTY <u>F = Felony</u> <u>M=Misdemeanor</u> | PENAL CODE SECTION (or <u>Crim. Pro. ch. 62</u>) | If judicial order** occurred 0-5 yrs. ago: | If judicial order** occurred ≥ 5 yrs. ago and 5th yr. anniversary since release from probation*** has not occurred: | Rationale for How Crimes Relate to the Practice of Nursing |
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| | | | psychological evaluation with or without a polygraph examination may be requested. | | |
| Credit Card or Debit Card Abuse: Offense Against Property that involves an intent to obtain a benefit fraudulently through the use of a credit or debit card that is expired or revoked, has not been issued to him/her, and/or without the consent of the cardholder. | F | 32.31 | Deny/Revoke; 4-5 yrs old, if on felony probation, then Deny/Revoke/Suspend; if not on felony probation, impose discipline/issue license with stipulations. Suspension may be enforced or probated. A forensic psychological evaluation with or without a polygraph examination may be requested. | If on felony probation, then Deny/Revoke/Suspend. Suspension may be enforced or probated. If not on felony probation, impose discipline/issue license with stipulations. A forensic psychological evaluation with or without a polygraph examination may be requested. | Nurses have access to persons who are vulnerable due to illness or injury. Patients are frequently in a vulnerable position to be exploited. Patients frequently bring valuables (medications, money, jewelry, items of sentimental value, checkbook, or credit cards) with them to a health care facility. 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. Nurses frequently provide care in settings without direct supervision. Crimes involving fraud, theft, and deception raise serious concerns whether a nurse can be trusted to respect a patient's property/possessions in the future. A nursing license would provide unfettered opportunity and access to a patient's person and property. |
| Criminal Attempt or Conspiracy: Inchoate (Preparatory) Offense. | F | 15.01 , 15.02 | Inchoate Offense. Please refer to the sanction listed in the intended offense. May consider sanction one category lower than sanction listed in the intended offense. | Inchoate Offense. Please refer to the sanction listed in the intended offense. May consider sanction one category lower than sanction listed in the intended offense. | Please refer to the rationale listed in the intended offense. |
| Criminal Mischief: Offense Against Property that involves destruction to or damage of property and involves knowledge | F | 28.03 | Deny/Revoke/Suspend License. Suspension may be enforced or probated. | If on felony probation, then Deny/Revoke/Suspend. Suspension may be enforced or probated. If not on felony | Being a nurse and having autonomy in the care of a vulnerable population may give that individual an opportunity to exploit the patient, employer, or other entities dependent on the |

| OFFENSE | PENALTY <u>F = Felony</u> <u>M=Misdemeanor</u> | PENAL CODE SECTION (or Crim. Pro. ch. 62) | If judicial order** occurred 0-5 yrs. ago: | If judicial order** occurred ≥5 yrs. ago and 5th yr. anniversary since release from probation*** has not occurred: | Rationale for How Crimes Relate to the Practice of Nursing |
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| that financial or personal harm may result. | | | A forensic psychological evaluation with or without a polygraph examination may be requested. | probation, impose discipline/issue license with stipulations. A forensic psychological evaluation with or without a polygraph examination may be requested. | professional character of a nurse. Patients would be vulnerable to similar acts of property damage or personal injury. |
| Criminally Negligent Homicide: Offense Against the Person that involves behavior where the offender engages in conduct that falls below the standard required of ordinary people and a death results. | F | 19.05 | 0-3 yrs old, Deny/Revoke; 4-5 yrs old, if on felony probation, then Deny/Revoke; if not on felony probation, impose discipline/ issue license with stipulations. | If on felony probation, then Deny/Revoke. If not on felony probation, impose discipline/issue license with stipulations. | Nurses, by virtue of their license, must hold to a higher standard of conduct where the risk to life and limb is the norm. A person who engages in conduct that falls below ordinary standards when life is at risk raises serious questions about the ability to comply when there is a higher standard of care and where a patient's health is at risk. |
| Criminal Nonsupport: Offense Against the Family that involves the intentional or knowing failure to provide financial support for a person's child. | F | 25.05 | 0-3 yrs old, Deny/Revoke; 4-5 yrs old, if on felony probation, then Deny/Revoke/ Suspend; if not on felony probation, impose discipline/ issue license with stipulations if restitution has been paid. Suspension may be enforced or probated. A suspension will be enforced, at a minimum, until restitution has been paid; an individual | If on felony probation, then Deny/Revoke/Suspend. If not on felony probation, impose discipline/issue license with stipulations if restitution has been paid. Suspension may be enforced or probated. A suspension will be enforced, at a minimum, until restitution has been paid; an individual will not be eligible for licensure until restitution has been paid. | Children are vulnerable by nature of their reliance on their parents for their care and provision. Patients under the care of a nurse are vulnerable by virtue of illness or injury, and the dependent nature of the nurse - patient relationship. Persons who are especially vulnerable include 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. Individuals who fail to provide support for a vulnerable child raise serious concerns whether they are capable of providing autonomous care to vulnerable individuals in their care. |

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| | | | will not be eligible for licensure until restitution has been paid. | | |
| Criminal Trespass: Offense Against Property that involves entering or remaining on or in the property of another without consent. | M | 30.05(d) | 0-3 yrs old, Impose discipline/ issue license with stipulations; 4-5 yrs. old, issue license with or without stipulations. | Issue license with or without stipulations. | 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. Nurses frequently provide care in settings without direct supervision. Patients under the care of a nurse are vulnerable by virtue of illness or injury, and the dependent nature of the nurse - patient relationship. Trespass crimes raise serious concerns whether a nurse/nurse applicant can be trusted to respect a patient’s property/possessions in the future. |
| Cruelty to Animals: Offense Against Public Order and Decency that involves the intentional or knowing infliction of torture on, neglect of, or unreasonable abandonment of a domesticated or captured animal. | F, M | 42.09 | For felony, 0-3 yrs old, then Deny/Revoke; 4-5 yrs old, if on felony probation, then Deny/Revoke/ Suspend; if not on felony probation, impose discipline/issue license with stipulations. Suspension may be enforced or probated. If a misdemeanor, impose discipline/issue license with stipulations. For felony or | For felony, if on felony probation, then Deny/Revoke/Suspend; if not on felony probation, impose discipline/issue license with stipulations. Suspension may be enforced or probated. If misdemeanor, issue license with or without stipulations. For felony or misdemeanor, a mental health/psychological evaluation may be required and/or a forensic psychological evaluation with or without a polygraph examination may be requested. | Animals are vulnerable by nature of their reliance on people for their care and provision. Patients under the care of a nurse are vulnerable by virtue of illness or injury and the dependent nature of the nurse - patient relationship. Persons who are especially vulnerable include 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. When harm occurs to these individuals, many times they are unable to communicate the harm inflicted. Individuals who commit crimes involving cruelty to animals raise serious concerns whether they are capable of providing autonomous care to vulnerable individuals in their care. Further, research studies suggest that individuals who commit these types of crimes may be more likely to engage in similar behavior towards humans. |

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| | | | misdemeanor, a mental health/psychological evaluation may be required and/or a forensic psychological evaluation with or without a polygraph examination may be requested. | | |
| Deadly conduct: Offense Against the Person that involves causing bodily injury to another person. | M | 22.05(a) | Impose discipline/issue license with stipulations. | Issue license with or without stipulations. | Stress inherent in the practice of nursing and possible combativeness of patients in vulnerable states requires the control of impulses that lead to an assaultive offense. A person who has committed assaultive offenses raises serious question regarding ability to provide safe patient care. |
| Driving While Intoxicated, Driving While Intoxicated x 2, Driving While Intoxicated x 3. Offenses Against Public Health, Safety, and Morals that indicate a possible issue with substance abuse or chemical dependency which may affect the nurse's ability to safely perform his/her duties and/or threaten public safety. | F, M | 49.09 | If felony, then Deny/Revoke/Suspend. A suspension may be enforced or probated. In order to be eligible for a probated suspension, an individual must provide verifiable evidence of successful completion of treatment, 12 consecutive months of sobriety, and successful completion of at least one year of felony | For felony or misdemeanor, impose discipline/issue license with stipulations. In order to be eligible for a stipulated license, an individual must provide verifiable evidence of successful completion of treatment, 12 consecutive months of sobriety, and successful completion of at least one year of felony probation. A license may be suspended or denied until, at a minimum, an individual is able to provide such evidence. An individual may be eligible for a peer assistance program if not on felony probation. | Nurses who are chemically dependent or who abuse drugs or alcohol and whose judgment may be impaired while caring for patients are at risk for harming patients and/or the public and demonstrate a potential inability to practice nursing with reasonable skill and safety. |

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| | | | <p>probation. A suspension will be enforced, at a minimum, until an individual is able to provide such evidence. Any probation period should be a minimum of two years. An individual may be eligible for a peer assistance program if not on felony probation.</p> <p>For a misdemeanor, if verifiable evidence of successful completion of treatment and 12 consecutive months of sobriety, impose discipline/issue license with stipulations or a peer assistance program. If no proof of successful completion of treatment and 12 consecutive months of sobriety, Deny/Revoke/Suspend, at a minimum, until individual is able to provide such</p> | <p>A chemical dependency evaluation may be required.</p> | |

| OFFENSE | PENALTY <u>F = Felony</u> <u>M=Misdemeanor</u> | PENAL CODE SECTION <u>(or Crim. Pro. ch. 62)</u> | If judicial order** occurred 0-5 yrs. ago: | If judicial order** occurred ≥5 yrs. ago and 5th yr. anniversary since release from probation*** has not occurred: | Rationale for How Crimes Relate to the Practice of Nursing |
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| | | | evidence. For either felony or misdemeanor, a chemical dependency evaluation may be required. | | |
| Driving While Intoxicated With Child Passenger: Offense Against Public Health, Safety, and Morals that involves operating a motor vehicle while intoxicated when the vehicle is occupied by a passenger under the age of 15. | F | 49.045 | Deny/Revoke/ Suspend. A Suspension may be enforced or probated. In order to be eligible for a probated suspension, an individual must provide verifiable evidence of successful completion of treatment, 12 consecutive months of sobriety, and successful completion of at least one year of felony probation. A suspension will be enforced, at a minimum, until an individual is able to provide such evidence. Any | Impose discipline/issue license with stipulations. In order to be eligible for a stipulated license, an individual must provide verifiable evidence of successful completion of treatment, 12 consecutive months of sobriety, and successful completion of at least one year of felony probation. A license may be suspended or denied, at a minimum, until an individual is able to provide such evidence. An individual may be eligible for a peer assistance program if not on felony probation. A chemical dependency evaluation may be required. | Such behavior could indicate a possible issue with substance abuse or chemical dependency which may affect the nurse’s ability to safely perform his/her duties and/or threaten public safety. Children are vulnerable by nature of their reliance on their parents for their care and provision. Patients under the care of a nurse are vulnerable by virtue of illness or injury, and the dependent nature of the nurse - patient relationship. Persons who are especially vulnerable include 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. Nurses who are chemically dependent or who abuse drugs or alcohol and whose judgment may be impaired while caring for patients are at risk for harming patients and/or the public and demonstrate a potential inability to practice nursing with reasonable skill and safety. Further, individuals who place vulnerable children in harmful circumstances raise serious concerns about whether they are capable of providing autonomous care to vulnerable individuals in their care. |

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| | | | <p>probation period should be a minimum of two years.</p> <p>An individual may be eligible for a peer assistance program if not on felony probation.</p> <p>A chemical dependency evaluation may be required.</p> | | |
| <p>Drug Violations: Crimes involving drugs that include the possession, misappropriation and misuse of controlled substances as regulated by Chs. 481, 482 and 483, Health & Safety Code.</p> | <p>F, M</p> | <p>Health & Safety Code Chs. 481, 482, 483</p> | <p>If felony, then Deny/Revoke/Suspend. A suspension may be enforced or probated. In order to be eligible for a probated suspension, an individual must provide verifiable evidence of successful completion of treatment, 12 consecutive months of sobriety, and successful completion of at least</p> | <p>For felony or misdemeanor, impose discipline/issue license with stipulations. In order to be eligible for a stipulated license, an individual must provide verifiable evidence of successful completion of treatment, 12 consecutive months of sobriety, and successful completion of at least one year of felony probation. A license may be suspended or denied until, at a minimum, an individual is able to provide such evidence.</p> <p>An individual may be eligible for a peer assistance program if not on felony probation.</p> | <p>Nursing allows access to medications, Rx pads, and physician or DEA authorizations to obtain them. Nurses handle and administer drugs. Controlled substances are ubiquitous in nursing practice. A person who has engaged in behaviors in violation of controlled substances laws raises concerns about the ability to practice nursing safely. A nursing license provides access and opportunity to repeat this type of criminal conduct. Additionally, violations of controlled substances laws which have resulted in use and abuse of controlled substances may affect a nurse's cognitive ability to perform the duties of the occupation safely.</p> |

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| | | | <p>one year of felony probation. A suspension will be enforced, at a minimum, until an individual is able to provide such evidence. Any probation period should be a minimum of two years. An individual may be eligible for a peer assistance program if not on felony probation.</p> <p>For a misdemeanor, if verifiable evidence of successful completion of treatment and 12 consecutive months of sobriety, impose discipline/issue license with stipulations or a peer assistance program. If no proof of successful completion of treatment and 12 consecutive months</p> | <p>A chemical dependency evaluation may be required.</p> | |

| OFFENSE | PENALTY <u>F = Felony</u> <u>M=Misdemeanor</u> | PENAL CODE SECTION <u>(or Crim. Pro. ch. 62)</u> | If judicial order** occurred 0-5 yrs. ago: | If judicial order** occurred ≥5 yrs. ago and 5th yr. anniversary since release from probation*** has not occurred: | Rationale for How Crimes Relate to the Practice of Nursing |
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| | | | <p>of sobriety, Deny/Revoke/ Suspend, at a minimum, until individual is able to provide such evidence.</p> <p>For either felony or misdemeanor, a chemical dependency evaluation may be required.</p> | | |
| <p>Evading Arrest or Detention: Offense Against Public Administration that involves intentionally fleeing from a known police officer or federal investigator who is lawfully attempting to detain or arrest him/her.</p> | <p>F, M</p> | <p>38.04</p> | <p>For felony, 0-3 yrs old, then Deny/Revoke; 4-5 yrs old, if on felony probation, then Deny/Revoke/ Suspend; if not on felony probation, impose discipline/issue license with stipulations. Suspension may be enforced or probated.</p> <p>If a misdemeanor, impose discipline/issue license with</p> | <p>For felony, if on felony probation, then Deny/Revoke/Suspend; if not on felony probation, impose discipline/issue license with stipulations. Suspension may be enforced or probated.</p> <p>If misdemeanor, impose discipline/ issue license with or without stipulations.</p> <p>For felony or misdemeanor, a forensic psychological evaluation with or without a polygraph examination may be requested.</p> | <p>Such behavior raises questions about an individual's professional character. Professional character is required in nursing and nurses must exhibit behaviors indicating honesty, accountability, trustworthiness, reliability, and integrity. Such behavior raises serious concerns about a person's ability to distinguish right from wrong, keep promises and honor obligations, be accountable for his/her behavior, and whether the nurse will continue such behavior and jeopardize the effectiveness of patient care in the future.</p> |

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| | | | <p>stipulations.</p> <p>For felony or misdemeanor, a forensic psychological evaluation with or without a polygraph examination may be requested.</p> | | |
| <p>Failure to Identify: Offense Against Public Administration that involves intentionally refusing to provide and/or providing false identifying information to a police officer who has lawfully arrested or detained him/her and requested the information.</p> | M | 38.02 | <p>Impose discipline/issue license with stipulations.</p> | <p>Issue license with or without stipulations.</p> | <p>Such behavior raises questions about a person's professional character. Professional character is required in nursing and nurses must exhibit behaviors indicating honesty, accountability, trustworthiness, reliability, and integrity. Such behavior raises serious concerns about a person's ability to distinguish right from wrong, keep promises and honor obligations, be accountable for his/her behavior, and whether the nurse will continue such behavior and jeopardize the effectiveness of patient care in the future.</p> |
| <p>False Report or Statement: Offense Against Property that involves intentionally or knowingly making a false material representation to obtain money or property.</p> | F, M | 32.32 , 42.06 | <p>For felony, 0-3 yrs old, Deny/Revoke; 4-5 yrs old, if on felony probation, Deny/Revoke/Suspend. If not on felony probation, impose discipline/issue license with</p> | <p>For felony, if on felony probation, then Deny/Revoke/Suspend; if not on felony probation, impose discipline/issue license with stipulations. Suspension may be enforced or probated.</p> <p>If misdemeanor, issue license with or without stipulations.</p> | <p>Professional character is required in nursing and nurses must exhibit behaviors indicating honesty, accountability, trustworthiness, reliability, and integrity. Patients frequently bring valuables (medications, money, jewelry, items of sentimental value, checkbook, or credit cards) with them to a health care facility. Nurses frequently provide care in private homes and home-like settings without supervision where all of the patient's property and valuables</p> |

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| | | | <p>stipulations. Suspension may be enforced or probated.</p> <p>If a misdemeanor, 0-3 yrs, Deny/Revoke/Suspend. 4-5 yrs old, impose discipline/issue license with stipulations. Suspension may be enforced or probated.</p> <p>For either a felony or misdemeanor, a forensic psychological evaluation with or without a polygraph examination may be requested.</p> | <p>For either a felony or misdemeanor, a forensic psychological evaluation with or without a polygraph examination may be requested.</p> | <p>are accessible to the nurse and there would be a continuing opportunity to commit similar offenses as a nurse. Fraud and intent to deceive raise serious concerns about a person's professional character and whether the nurse can be trusted to respect a patient's property/possessions.</p> |
| <p>Forgery: Offense Against Property that involves an intent to defraud or harm another which by its own definition is deemed unprofessional or dishonorable conduct as defined in TOC §301.452(b)(10).</p> | <p>F, M</p> | <p>32.21</p> | <p>If felony, 0-3 yrs old Deny/Revoke; 4-5 yrs old, if on felony probation, then Deny/Revoke/Suspend; if not on felony probation, impose discipline/issue license with</p> | <p>For felony, if on felony probation, then Deny/Revoke/Suspend; if not on felony probation, impose discipline/issue license with stipulations. Suspension may be enforced or probated.</p> <p>If misdemeanor, then issue license with or without</p> | <p>By definition this conduct is deemed unprofessional or dishonorable conduct as defined in TOC §301.452(b)(10). Professional character is required in nursing and nurses must exhibit behaviors indicating honesty, accountability, trustworthiness, reliability, and integrity. Patients frequently bring valuables (checkbook or credit cards) with them to a health care facility. Nurses frequently provide care in private homes and home-like settings</p> |

| OFFENSE | PENALTY <u>F = Felony</u> <u>M=Misdemeanor</u> | PENAL CODE SECTION (or Crim. Pro. ch. 62) | If judicial order** occurred 0-5 yrs. ago: | If judicial order** occurred ≥5 yrs. ago and 5th yr. anniversary since release from probation*** has not occurred: | Rationale for How Crimes Relate to the Practice of Nursing |
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| | | | <p>stipulations. Suspension may be enforced or probated.</p> <p>If misdemeanor, impose discipline/ issue license with stipulations.</p> <p>For either a felony or misdemeanor, a forensic psychological evaluation with or without a polygraph examination may be requested.</p> | <p>stipulations.</p> <p>For either a felony or misdemeanor, a forensic psychological evaluation with or without a polygraph examination may be requested.</p> | <p>without supervision where all of the patient’s property and valuables are accessible to the nurse and there would be a continuing opportunity to commit similar offenses as a nurse. Fraud and intent to deceive raise serious concerns about a person’s professional character and whether the nurse can be trusted to respect a patient’s property/possessions.</p> |
| <p>Fraudulent Destruction, Removal, or Concealment of Writing: Offense Against Property that involves an intent to defraud or harm another through the destruction, removal, concealment, substitution, or alteration of a writing that impairs the use of the writing.</p> | <p>F, M</p> | <p>32.47</p> | <p>For felony, 0-3 yrs old, then Deny/Revoke; 4-5 yrs old, if on felony probation, then Deny/Revoke/ Suspend. If not on felony probation, impose discipline/issue license with stipulations. Suspension may be enforced or probated.</p> | <p>For felony, if on felony probation, then Deny/Revoke/Suspend; if not on felony probation, impose discipline/issue license with stipulations. Suspension may be enforced or probated.</p> <p>If misdemeanor, issue license with or without stipulations.</p> <p>For felony or misdemeanor, a forensic psychological evaluation with or without a polygraph examination may be</p> | <p>Professional character is required in nursing and nurses must exhibit behaviors indicating honesty, accountability, trustworthiness, reliability, and integrity. Patients frequently bring valuables (checkbook, or credit cards) with them to a health care facility. Nurses frequently provide care in private homes and home-like settings without supervision where all of the patient’s property and valuables are accessible to the nurse and there would be a continuing opportunity to commit similar offenses as a nurse. Fraud and intent to deceive raise serious concerns about a person’s professional character and whether the nurse can be trusted to respect a patient’s</p> |

| OFFENSE | PENALTY <u>F = Felony</u> <u>M=Misdemeanor</u> | PENAL CODE SECTION <u>(or Crim. Pro. ch. 62)</u> | If judicial order** occurred 0-5 yrs. ago: | If judicial order** occurred ≥5 yrs. ago and 5th yr. anniversary since release from probation*** has not occurred: | Rationale for How Crimes Relate to the Practice of Nursing |
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| | | | <p>If misdemeanor, impose discipline/issue license with stipulations.</p> <p>For felony or misdemeanor, a forensic psychological evaluation with or without a polygraph examination may be requested.</p> | requested. | property/possessions. |
| <p>Fraudulent Use of Possession of Identifying Information: Offense Against Property that involves an intent to defraud or harm another through the possession, transfer, or use of another person's identifying information without consent.</p> | F | 32.51 | <p>0-3 yrs old, if on felony probation, then Deny/Revoke; if not on felony probation, impose discipline/issue license with stipulations. 4-5 yrs old, if on felony probation, then Deny/Revoke/ Suspend; if not on felony probation, then impose discipline/issue license with stipulations.</p> | <p>If on felony probation, then Deny/Revoke/Suspend; if not on felony probation, impose discipline/issue license with stipulations. Suspension may be enforced or probated.</p> <p>A forensic psychological evaluation with or without a polygraph examination may be requested.</p> | <p>Professional character is required in nursing and nurses must exhibit behaviors indicating honesty, accountability, trustworthiness, reliability, and integrity. Patients frequently bring valuables (checkbook, or credit cards) with them to a health care facility. Nurses frequently provide care in private homes and home-like settings without supervision where all of the patient's property and valuables are accessible to the nurse and there would be a continuing opportunity to commit similar offenses as a nurse. Fraud and intent to deceive raise serious concerns about a person's professional character and whether the nurse can be trusted to respect a patient's property/possessions.</p> |

| OFFENSE | PENALTY <u>F = Felony</u> <u>M=Misdemeanor</u> | PENAL CODE SECTION (or Crim. Pro. ch. 62) | If judicial order** occurred 0-5 yrs. ago: | If judicial order** occurred ≥5 yrs. ago and 5th yr. anniversary since release from probation*** has not occurred: | Rationale for How Crimes Relate to the Practice of Nursing |
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| | | | <p>Suspension may be enforced or probated.</p> <p>A forensic psychological evaluation with or without a polygraph examination may be requested.</p> | | |
| <p>Harassment: Offense Against Public Order and Decency that involves intent to alarm, abuse, or torment another person. It also may involve threats to inflict bodily injury on the person or to commit a felony against the person, a member of his family or household, or his property.</p> | M | 42.07 | <p>0-3 yrs old impose discipline/issue with stipulations; 4-5 yrs old, issue license with or without stipulations.</p> <p>A mental health/psychological evaluation may be required and/or a forensic psychological evaluation with or without a polygraph examination may be requested.</p> | <p>Issue license with or without stipulations.</p> <p>A mental health/psychological evaluation may be required and/or a forensic psychological evaluation with or without a polygraph examination may be requested.</p> | <p>Patients under the care of a nurse are vulnerable by virtue of illness or injury, and the dependent nature of the nurse - patient relationship. Nurses are frequently in situations where they provide intimate care to patients and are in the position to have access to privileged information and opportunity to exploit patient vulnerability. There are appropriate boundaries in the nurse - patient relationship which nurses must clearly understand and be trusted not to cross. A person who has committed harassment against another person raises concerns that similar behavior may be repeated to exploit or harm vulnerable patients.</p> |
| <p>Harboring Runaway Child: Offense Against the Family that involves knowingly harboring a child and being criminally negligent regarding whether the child has escaped from a law</p> | M | 25.06 | <p>Impose discipline/issue with stipulations.</p> | <p>Issue license with or without stipulations.</p> | <p>Children are vulnerable by nature of their reliance on their parents for their care and provision. Patients under the care of a nurse are vulnerable by virtue of illness or injury, and the dependent nature of the nurse - patient relationship. Persons who are especially</p> |

| OFFENSE | PENALTY <u>F = Felony</u> <u>M=Misdemeanor</u> | PENAL CODE SECTION <u>(or Crim. Pro. ch. 62)</u> | If judicial order** occurred 0-5 yrs. ago: | If judicial order** occurred ≥5 yrs. ago and 5th yr. anniversary since release from probation*** has not occurred: | Rationale for How Crimes Relate to the Practice of Nursing |
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| enforcement or juvenile facility or the child's home without the consent of the child's parents. | | | | | vulnerable include 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. Individuals who engage in such conduct raise serious concerns about whether they are capable of providing autonomous care to vulnerable individuals in their care. |
| Hindering Apprehension or Prosecution: Offense Against Public Administration that involves intentionally hindering the arrest, prosecution, conviction, or punishment of another person by harboring, concealing, aiding, or warning the other person. | F, M | 38.05 | For felony, 0-3 yrs old, then Deny/Revoke; 4-5 yrs old, if on felony probation, then Deny/Revoke/Suspend; if not on felony probation, impose discipline/issue license with stipulations. Suspension may be enforced or probated. If a misdemeanor, impose discipline/issue license with stipulations. For felony or misdemeanor, a forensic | For felony, if on felony probation, then Deny/Revoke/Suspend; if not on felony probation, impose discipline/issue license with stipulations. Suspension may be enforced or probated. If a misdemeanor, issue license with or without stipulations. For felony or misdemeanor, a forensic psychological evaluation with or without a polygraph examination may be requested. | Such behavior raises questions about a nurse's professional character. Professional character is required in nursing and nurses must exhibit behaviors indicating honesty, accountability, trustworthiness, reliability, and integrity. Such behavior raises serious concerns about a person's ability to distinguish right from wrong, keep promises and honor obligations, be accountable for his/her behavior, and whether the nurse will continue such behavior and jeopardize the effectiveness of patient care in the future. |

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| | | | psychological evaluation with or without a polygraph examination may be requested. | | |
| Hindering Secured Creditors: Offense Against Property involving intentional conduct that deprives a secured creditor of its rightful security interest in, and possession of, property. | F, M | 32.33 | For felony, 0-3 yrs old, then Deny/Revoke; 4-5 yrs old, if on felony probation, then Deny/Revoke/ Suspend; if not on felony probation, impose discipline/issue license with stipulations. Suspension may be enforced or probated. If a misdemeanor, impose discipline/issue license with stipulations. For felony or misdemeanor, a forensic psychological evaluation with or without a polygraph examination may be requested. | For felony, if on felony probation, then Deny/Revoke/Suspend; if not on felony probation, impose discipline/issue license with stipulations. Suspension may be enforced or probated. If a misdemeanor, issue license with or without stipulations. For felony or misdemeanor, a forensic psychological evaluation with or without a polygraph examination may be requested. | Professional character is required in nursing and nurses must exhibit behaviors indicating honesty, accountability, trustworthiness, reliability, and integrity. Patients frequently bring valuables (medications, money, jewelry, items of sentimental value, checkbook, or credit cards) with them to a health care facility. Nurses frequently provide care in private homes and home-like settings without supervision where all of the patient's property and valuables are accessible to the nurse and there would be a continuing opportunity to commit similar offenses as a nurse. Fraud and intent to deceive raise serious concerns about a person's professional character and whether the nurse can be trusted to respect a patient's property/possessions. |
| Improper Photography or Visual | F | 21.15 | Deny/Revoke | If on felony probation, then | Such a violation of trust and secret activity |

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| Recording: Offense Against the Person that involves engaging in the secret photography of another person for purposes of sexual gratification. | | | License. | Deny/Revoke; if not on felony probation, impose discipline/issue license with stipulations. | raises serious concern that such behaviors may be repeated in nursing care. Nurses are frequently in situations where they provide intimate care to vulnerable patients, often having contact with partially clothed or fully undressed patients. Nurses must maintain appropriate boundaries in the nurse - patient relationship. Sexual misconduct involving the secret photography of another person for prurient interests raises serious concerns that similar behavior may be repeated by a nurse with even more vulnerable victims. |
| Improper Relationship between Educator and Student: Offense Against the Person that involves a teacher engaging in sexual contact with a primary or secondary school student. | F | 21.12 | Deny/Revoke License. | If on felony probation, then Deny/Revoke; if not on felony probation, impose discipline/issue license with stipulations. A mental health/psychological evaluation and/or a sexual offender evaluation may be required and a forensic psychological evaluation with or without a polygraph examination may be requested. | Such a violation of trust given the disparate relationship between a student and teacher raises serious public concern. Nurses are frequently in situations where they provide intimate care to vulnerable patients, often having contact with partially clothed or fully undressed patients, including minors. Nurses must maintain appropriate boundaries in the nurse - patient relationship. Sexual misconduct that involves violation of the boundaries between teacher and student raise serious concerns that similar behavior may be repeated in the nurse - patient relationship with even more vulnerable victims. (Note: If required to register as sex offender under ch. 62, subject to TOC §301.4535). |
| Indecent Exposure Note: If more than one Indecent Exposure offense, an individual may be required to register as a sex offender under Chapter 62, Code of Criminal Procedure. If so, see Tex. Occ. Code | M | 21.08 | 0-3 yrs old, impose discipline/issue license with stipulations. If multiple offenses, a psychological or sex offender | Issue license with or without stipulations. If multiple offenses, a psychological or sex offender evaluation may be required and a forensic psychological evaluation with or without a | Nurses are frequently in situations where they provide intimate care to vulnerable patients, often having contact with partially clothed or fully undressed patients. Nurses must maintain appropriate boundaries in the nurse - patient relationship. The need or desire to engage in sexually explicit conduct without regard for appropriate boundaries raises concerns that |

| OFFENSE | PENALTY <u>F = Felony</u> <u>M=Misdemeanor</u> | PENAL CODE SECTION <u>(or Crim. Pro. ch. 62)</u> | If judicial order** occurred 0-5 yrs. ago: | If judicial order** occurred ≥5 yrs. ago and 5th yr. anniversary since release from probation*** has not occurred: | Rationale for How Crimes Relate to the Practice of Nursing |
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| §301.4535 and the corresponding notations regarding criminal offenses under §301.4535 in these Guidelines. | | | required and a forensic psychological evaluation with or without a polygraph examination may be requested. Based on results of evaluation, a higher sanction, such as licensure denial, suspension, or revocation, may be warranted. A suspension may be probated or enforced. | polygraph examination may be requested. Based on results of evaluation, a higher sanction, such as licensure denial, suspension, or revocation, may be warranted. A suspension may be probated or enforced. | sexual misconduct may be committed through exploitation of patients. |
| Insurance Fraud: Claim > \$500: Offense Against Property that involves the intent to defraud or deceive another of at least \$500 by using information known to contain false or misleading material information. | F | 35.02(c) | 0-3 yrs old Deny/Revoke; 4-5 yrs old, if on felony probation, then Deny/Revoke/ Suspend; if not on felony probation, then impose discipline/issue license with stipulations. Suspension may be enforced or probated. A forensic psychological evaluation with or without a polygraph examination may be requested. | If on felony probation, then Deny/Revoke/Suspend; if not on felony probation, impose discipline/issue license with stipulations. Suspension may be enforced or probated. A forensic psychological evaluation with or without a polygraph examination may be requested. | By definition, this conduct is deemed unprofessional or dishonorable conduct as defined in TOC §301.452(b)(10). Professional character is required in nursing and nurses must exhibit behaviors indicating honesty, accountability, trustworthiness, reliability, and integrity. Patients frequently bring valuables with them to a health care facility and there is a continuing opportunity to commit similar offenses as a nurse. Nurses frequently provide care in private homes and home-like settings without supervision where all of the patient's property and valuables are accessible to the nurse. Fraud and intent to deceive raise serious concerns about a person's professional character and whether the nurse can be trusted to respect a patient's property/possessions. |

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| Insurance Fraud: Claim ≤ \$500: Offense Against Property that involves an intent to defraud or deceive another by using information known to contain false or misleading material information, which by its own definition is deemed unprofessional or dishonorable conduct as defined in TOC §301.452(b)(10). | M | 35.02 (c)(1)-(3) | 0-3 yrs old, impose discipline/ issue with stipulations; 4-5 yrs old, issue license with or without stipulations. | Issue license with or without stipulations. | Professional character is required in nursing and nurses must exhibit behaviors indicating honesty, accountability, trustworthiness, reliability, and integrity. Patients frequently bring valuables with them to a health care facility. Nurses frequently provide care in private homes and home-like settings without supervision where all of the patient's property and valuables are accessible to the nurse. Fraud and intent to deceive raise serious concerns about a person's professional character and whether the nurse can be trusted to respect a patient's property/possessions. |
| Insurance Fraud: Intent to Defraud: Offense Against Property that involves knowingly making a false material representation to an insurance company with the intent of defrauding the insurance company of at least \$1500.00. | F | 35.02(a-1), (d) | 0-3 yrs old Deny/Revoke; 4-5 yrs old, if on felony probation, then Deny/Revoke/ Suspend; if not on felony probation, then impose discipline/issue license with stipulations. Suspension may be enforced or probated. A forensic psychological evaluation with or without a polygraph examination may be requested. | If on felony probation, then Deny/Revoke/Suspend; if not on felony probation, impose discipline/issue license with stipulations. Suspension may be enforced or probated. A forensic psychological evaluation with or without a polygraph examination may be requested. | Professional character is required in nursing and nurses must exhibit behaviors indicating honesty, accountability, trustworthiness, reliability, and integrity. Patients frequently bring valuables (medications, money, jewelry, items of sentimental value, checkbook, or credit cards) with them to a health care facility. Nurses frequently provide care in private homes and home-like settings without supervision where all of the patient's property and valuables are accessible to the nurse and there would be a continuing opportunity to commit similar offenses as a nurse. Fraud and intent to deceive raise serious concerns about a person's professional character and whether the nurse can be trusted to respect a patient's property/possessions. |
| Interference with Child Custody: Offense Against the Family that involves taking or retaining a | F | 25.03 | 0-3 yrs old Deny/Revoke; 4-5 yrs, if on felony | If on felony probation, then Deny/Revoke; if not on felony probation, impose | Children are vulnerable by nature of their reliance on their parents for their care and provision. Patients under the care of a nurse are |

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| minor child in knowing violation of a judicial judgment or order. | | | probation, then Deny/Revoke; if not on felony probation, then impose discipline/issue license with stipulations. | discipline/issue license with stipulations. | vulnerable by virtue of illness or injury, and the dependent nature of the nurse - patient relationship. Persons who are especially vulnerable include 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. Individuals who engage in this type of behavior raise serious concerns about whether they are capable of providing autonomous care to vulnerable individuals in their care and whether they are able to discern right from wrong. |
| Interference with Emergency Request for Assistance | M, F | 42.062 | <p>If felony, 0-3 yrs old, Deny/Revoke; 4-5 yrs, if on felony probation, then Deny/Revoke; if not on felony probation, then impose discipline/issue license with stipulations.</p> <p>If a misdemeanor, impose discipline or issue license with stipulations.</p> <p>For felony or misdemeanor, a forensic psychological evaluation with or without a polygraph</p> | <p>If on felony probation, then Deny/Revoke; if not on felony probation, impose discipline/issue license with stipulations.</p> <p>If a misdemeanor, impose discipline or issue license with stipulations.</p> <p>For felony or misdemeanor, a forensic psychological evaluation with or without a polygraph examination may be requested.</p> | Individuals who engage in behavior that prevents vulnerable persons from receiving the help they require raise serious concerns about whether these individuals are capable of providing autonomous care to vulnerable individuals depending upon them for assistance and whether they are able to discern right from wrong. |

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| | | | examination may be requested. | | |
| Intoxication Assault: Offense Against Public Health, Safety, and Morals that causes serious bodily injury to another person due to the person's own intoxicated state while operating a vehicle, aircraft, or amusement ride. | F | 49.07 | Deny/Revoke/Suspend License. Suspension may be enforced or probated. A chemical dependency evaluation may be required. | If on felony probation, then Deny/Revoke/Suspend; if not on felony probation, impose discipline/issue license with stipulations. Suspension may be enforced or probated. A chemical dependency evaluation may be required. | Such conduct could indicate an issue with substance abuse or chemical dependency which may affect the nurse's ability to safely perform his/her duties and/or threaten public safety. Patients under the care of a nurse are vulnerable by virtue of illness or injury, and the dependent nature of the nurse - patient relationship. Persons who are especially vulnerable include 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. Nurses who are chemically dependent or who abuse drugs or alcohol and whose judgment may be impaired are at risk for harming patients and/or the public and demonstrate a potential inability to practice nursing with reasonable skill and safety. |
| Intoxication Manslaughter: Offense Against Public Health, Safety, and Morals that causes the death of another person due to the person's intoxicated state while operating a vehicle, aircraft, or amusement ride. | F | 49.08 | Deny/Revoke License. | If on felony probation, then Deny/Revoke; if not on felony probation, impose discipline/issue license with stipulations. A chemical dependency evaluation may be required. | Such conduct could indicate an issue with substance abuse or chemical dependency which may affect the nurse's ability to safely perform his/her duties and/or threaten public safety. Patients under the care of a nurse are vulnerable by virtue of illness or injury, and the dependent nature of the nurse - patient relationship. Persons who are especially vulnerable include 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. Nurses who are chemically dependent or who abuse drugs or alcohol and whose judgment may be impaired are at risk for harming patients and/or the public |

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| | | | | | and demonstrate a potential inability to practice nursing with reasonable skill and safety. |
| <p>Medicaid Fraud > \$1500: Offense Against Property that involves knowingly making a false material representation with the intent of recovering Medicaid payments of at least \$1500.00. The offense may also involve seeking certification of a hospital, a nursing facility, skilled nursing facility, hospice, an intermediate care facility for the mentally retarded, assisted living facility, or a home health agency.</p> <p>See Note At End of Document.</p> | F | 35A.02(b)(4)-(7) | <p>Deny/Revoke/Suspend. A Suspension may be enforced or probated. In order to be eligible for a probated suspension, restitution must be paid in full and an individual must provide verifiable evidence of the successful completion of at least one year of felony probation. A suspension will be enforced, at a minimum, until an individual is able to provide such evidence.</p> <p>A forensic psychological evaluation with or without a polygraph examination may be requested.</p> | <p>Impose discipline/issue license with stipulations. In order to be eligible for a stipulated license, restitution must be paid in full and an individual must provide verifiable evidence of the successful completion of at least one year of felony probation. A license may be suspended or denied until, at a minimum, an individual is able to provide such evidence.</p> <p>A forensic psychological evaluation with or without a polygraph examination may be requested.</p> | <p>Professional character is required in nursing and nurses must exhibit behaviors indicating honesty, accountability, trustworthiness, reliability, and integrity. Patients frequently bring valuables with them to a health care facility. Nurses frequently provide care in private homes and home-like settings without supervision where all of the patient's property and valuables are accessible to the nurse. Nurses often manage and own certified nursing facilities and home health agencies. Further, APRNs submit billing information to Medicaid for reimbursement regarding services they provide. Honesty in such billing practices is required. The commission of Medicaid fraud raises serious concerns of professional character and whether the same misconduct will be repeated with respect to a patient's property/possessions, future Medicaid charges, or in facility certification processes.</p> |
| <p>Medicaid Fraud < \$1500: Offense Against Property that involves knowingly making a false material representation with</p> | M | 35A.02(b)(2)-(3) | 0-3 yrs old impose discipline/ issue with stipulations; 4-5 yrs issue license with or | Issue license with or without stipulations. | Nurses frequently provide care in private homes and home-like settings without supervision where all of the patient's property and valuables are accessible to the nurse. Nurses are often in |

| OFFENSE | PENALTY <u>F = Felony</u> <u>M=Misdemeanor</u> | PENAL CODE SECTION <u>(or Crim. Pro. ch. 62)</u> | If judicial order** occurred 0-5 yrs. ago: | If judicial order** occurred ≥5 yrs. ago and 5th yr. anniversary since release from probation*** has not occurred: | Rationale for How Crimes Relate to the Practice of Nursing |
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| <p>the intent of recovering Medicaid payments of less than \$1500.00 which would not be authorized but for the misrepresentations. The offense may also involve seeking certification of a hospital; a nursing facility, skilled nursing facility; hospice; an intermediate care facility for the mentally retarded; assisted living facility; or a home health agency.</p> <p>See Note At End of Document.</p> | | | without stipulations. | | <p>the position to run and often own certified nursing facilities and home health agencies. Further, APRNs submit billing information to Medicaid for reimbursement regarding services they provide. Honesty in such billing practices is required. The commission of Medicaid fraud raises serious concerns of professional character and whether the same misconduct will be repeated with respect a patient's property/possessions and future Medicaid charges.</p> |
| <p>Misapplication of Fiduciary Property or Property of Financial Institution: Offense Against Property that involves an intentional, knowing, or reckless misapplication of property that he/she holds as a fiduciary for a financial institution.</p> | F, M | 32.45 | <p>For felony, 0-3 yrs old, then Deny/Revoke; 4-5 yrs old, if on felony probation, then Deny/Revoke/ Suspend; if not on felony probation, impose discipline/issue license with stipulations. Suspension may be enforced or probated.</p> <p>If a misdemeanor, impose discipline/issue license with stipulations</p> <p>For either a felony or</p> | <p>For felony, if on felony probation, then Deny/Revoke/Suspend; if not on felony probation, impose discipline/issue license with stipulations. Suspension may be enforced or probated.</p> <p>If misdemeanor, issue license with or without stipulations.</p> <p>For either a felony or misdemeanor, a forensic psychological evaluation with or without a polygraph examination may be requested.</p> | <p>Professional character is required in nursing and nurses must exhibit behaviors indicating honesty, accountability, trustworthiness, reliability, and integrity. Patients frequently bring valuables (checkbook, or credit cards) with them to a health care facility. Nurses frequently provide care in private homes and home-like settings without supervision where all of the patient's property and valuables are accessible to the nurse and there would be a continuing opportunity to commit similar offenses as a nurse. Conduct involving a substantial risk of loss to a person's property raises serious concerns about a person's professional character and whether the nurse can be trusted to respect a patient's property/possessions.</p> |

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| | | | misdemeanor, a forensic psychological evaluation with or without a polygraph examination may be requested. | | |
| Money Laundering ≥ \$1500: Offense Against Property that involves knowingly engaging in a criminal enterprise to conceal, invest or possess at least \$1500.00 known to be the proceeds of illegal activity. | F | 34.02(e)(1)-(4) | 0-3 yrs old Deny/Revoke; 4-5 yrs old, if on felony probation, then Deny/Revoke; if not on felony probation, impose discipline/issue license with stipulations. | If on felony probation, then Deny/Revoke; if not on felony probation, impose discipline/issue license with stipulations. | Professional character is required in nursing and nurses must exhibit behaviors indicating honesty, accountability, trustworthiness, reliability, and integrity. In nursing, patients frequently bring valuables with them to a health care facility. Nurses frequently provide care in private homes and home-like settings without supervision where all of the patient's property and valuables are accessible to the nurse. A person who has demonstrated behavior associated with profiteering from criminal enterprises raises questions of professional character and whether similar behavior will be repeated with respect to a patient's property. |
| Obscenity, Participates/Wholesale Promotion: Offense Against Public Order and Decency that involves the intent to wholesale promote any obscene material, obscene device, or activity. | F, M | 43.23 | If felony, 0-3 yrs old Deny/Revoke; 4-5 yrs old, if on felony probation, then Deny/Revoke/Suspend; if not on felony probation, then impose discipline/issue license with stipulations. Suspension may be enforced or probated. | For felony, if on felony probation, then Deny/Revoke/Suspend; if not on felony probation, impose discipline/issue license with stipulations. Suspension may be enforced or probated. If misdemeanor, issue license with or without stipulations. For either a felony or a misdemeanor, a sex offender evaluation may be required and | Nurses are frequently in situations where they provide intimate care to vulnerable patients, often having contact with partially clothed or fully undressed patients. Nurses must maintain appropriate boundaries in the nurse - patient relationship. The need or desire to profit from sexually explicit and obscene material raises concerns that sexual misconduct may be committed through exploitation of patients. |

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| | | | <p>If misdemeanor, 0-3 yrs old, Deny/Revoke/Suspend. 4-5 yrs old, impose discipline/issue license with stipulations. Suspension may be enforced or probated.</p> <p>For either a felony or misdemeanor, a sex offender evaluation may be required and a forensic psychological evaluation with or without a polygraph examination may be requested.</p> | <p>a forensic psychological evaluation with or without a polygraph examination may be requested.</p> | |
| <p>Obstruction or Retaliation: Offense Against Public Administration that involves intentionally or knowingly harming or threatening to harm another in retaliation for that person's lawful report of a crime or status as a witness, informant, or public.</p> | F | 36.06 | <p>0-3 yrs old Deny/Revoke; 4-5 yrs, if on felony probation, then Deny/Revoke; if not on felony probation, then impose discipline/issue license with stipulations.</p> | <p>If on felony probation, then Deny/Revoke; if not on felony probation, impose discipline/issue license with stipulations.</p> | <p>Such behavior raises questions about a nurse's professional character. Professional character is required in nursing and nurses must exhibit behaviors indicating honesty, accountability, trustworthiness, reliability, and integrity. Such assaultive and threatening behavior raises serious concerns about whether the nurse will continue such behavior and jeopardize the effectiveness of patient care in the future.</p> |
| <p>Perjury: Offense Against Public Administration that involves making a false statement under oath with the intent to deceive.</p> | M | 37.02 | <p>Impose discipline/issue with stipulations.</p> | <p>Issue license with or without stipulations.</p> | <p>Such behavior raises questions about a person's professional character. Professional character is required in nursing and nurses must exhibit behaviors indicating honesty, accountability,</p> |

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| | | | | | trustworthiness, reliability, and integrity. Such deceptive and dishonest behavior raises serious concerns about a person's propensity to lie and whether the nurse will continue such behavior and jeopardize the effectiveness of patient care in the future. |
| Prohibited Substances and Items in Correctional Facility: Offense Against Public Administration that involves possessing and/or providing prohibited substances to a person confined in a correctional facility. | F | 38.11 | 0-3 yrs old Deny/Revoke; 4-5 yrs old, if on felony probation, then Deny/Revoke/Suspend; if not on felony probation, then impose discipline/issue license with stipulations. Suspension may be enforced or probated. A mental health/psychological evaluation or a chemical dependency evaluation (if the prohibited substances involve alcohol or controlled substances) may be required. A forensic psychological evaluation with or without a polygraph examination may be requested. | If on felony probation, then Deny/Revoke/Suspend; if not on felony probation, impose discipline/issue license with stipulations. Suspension may be enforced or probated. A mental health/psychological evaluation or a chemical dependency evaluation (if the prohibited substances involve alcohol or controlled substances) may be required. A forensic psychological evaluation with or without a polygraph examination may be requested. | Such behavior raises questions about a person's professional character. Professional character is required in nursing and nurses must exhibit behaviors indicating honesty, accountability, trustworthiness, reliability, and integrity. Such behavior raises serious concerns about a person's ability to distinguish right from wrong, think and act rationally, be accountable for his/her behavior and whether the nurse will continue such behavior and jeopardize the effectiveness of patient care in the future. |

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| Prohibited Weapon: Offense Against Public Health, Safety, and Morals that involves the intentional or knowing possession, manufacture, transport, repair, or sale of restricted weapons. | F, M | 46.05 | For felony, 0-3 yrs old, then Deny/Revoke; 4-5 yrs old, if on felony probation, then Deny/Revoke/Suspend; if not on felony probation, impose discipline/issue license with stipulations. Suspension may be enforced or probated. If a misdemeanor, impose discipline/issue license with stipulations. | For felony, if on felony probation, then Deny/Revoke/Suspend; if not on felony probation, impose discipline/issue license with stipulations. Suspension may be enforced or probated. If a misdemeanor, issue license with or without stipulations. | Stress inherent in the practice of nursing, and possible combativeness of patients in vulnerable states requires the control of impulses that could lead to an assaultive offense. Patients could be vulnerable to similar acts involving intent to injure or reckless behavior that would risk injury. |
| Prostitution, Promotion of Prostitution, or Aggravated Promotion of Prostitution: Offense Against Public Order and Decency involving offering/repeatedly offering to engage in sexual conduct for a fee or promoting others to engage in sex for a fee. | F, M | 43.02 , 43.04 | For felony, 0-3 yrs old Deny/Revoke; 4-5 yrs old, if on felony probation, then Deny/Revoke/Suspend; if not on felony probation, then impose discipline/issue license with stipulations. Suspension may be enforced or probated. For misdemeanor, 0- | For felony, if on felony probation, then Deny/Revoke/Suspend; if not on felony probation, impose discipline/issue license with stipulations. Suspension may be enforced or probated. For misdemeanor, issue license with or without stipulations. For either a felony or misdemeanor, a mental health/psychological evaluation or a chemical dependency | Prostitution is a crime of moral turpitude. Professional character is required in nursing and nurses must exhibit behaviors indicating honesty, accountability, trustworthiness, reliability, and integrity. Nurses are in the position to have access to privileged information and opportunity to exploit patient vulnerability both financially and sexually. There are appropriate boundaries in the nurse - patient relationship which nurses must clearly understand and be trusted not to cross. Repeated acts of illegal sexual conduct raise serious questions regarding the individual's ability to provide safe, competent care to vulnerable patients and avoid exploitation of |

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| | | | <p>3 yrs old, impose discipline/issue with stipulations; 4-5 yrs old, issue license with or without stipulations.</p> <p>For either felony or misdemeanor, a mental health/psychological evaluation or a chemical dependency evaluation may be required and/or a forensic psychological evaluation with or without a polygraph examination may be requested.</p> | <p>evaluation may be required and/or a forensic psychological evaluation with or without a polygraph examination may be requested.</p> | <p>patients.</p> |
| <p>Protective Order, Violation: Offense Against the Family identified by TOC §301.4535 as directly affecting the practice of nursing. It also may involve threats to inflict bodily injury on the person or to commit a felony against the person, a member of his family or household, or his property.</p> | <p>M</p> | <p>25.07, 38.112</p> | <p>0-3 yrs old, impose discipline/issue with stipulations; 4-5 yrs old, issue license with or without stipulations.</p> | <p>Issue license with or without stipulations.</p> | <p>Patients under the care of a nurse are vulnerable by virtue of illness or injury, and the dependent nature of the nurse - patient relationship. Nurses are frequently in situations where they provide intimate care to patients and are in the position to have access to privileged information and opportunity to exploit patient vulnerability. There are appropriate boundaries in the nurse - patient relationship which nurses must clearly understand and be trusted not to cross. A person who has committed harassment against another person raises concerns that similar behavior may be repeated to exploit or harm vulnerable patients.</p> |

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| Public Lewdness: Offense Against Person that involves knowingly or recklessly engaging in sexual conduct in a public place or where another person may be present and may be alarmed or offended by the conduct. | M | 21.07 | Impose discipline/issue with stipulations. A mental health/psychological and/or sexual offender evaluation may be required. | Issue license with or without stipulations. A mental health/psychological and/or sexual offender evaluation may be required. | Nurses are frequently in situations where they provide intimate care to vulnerable patients, often having contact with partially clothed or fully undressed patients. Nurses must maintain appropriate boundaries in the nurse - patient relationship. Sexual misconduct of this type raises serious concerns that similar behavior may be repeated by a nurse with even more vulnerable victims. |
| Resisting Arrest Offense Against Public Administration that involves intentionally obstructing or preventing an arrest by using force against another person. | M | 38.03(a) | 0-3 yrs old, impose discipline/issue with stipulations; 4-5 yrs old, issue license with or without stipulations. | Issue license with or without stipulations. | Stress inherent in the practice of nursing, and possible combativeness of patients in vulnerable states requires the control of impulses that lead to an assaultive offense. A person who has committed an assaultive offense raises serious questions regarding his/her ability to provide safe patient care. Patients could be vulnerable to similar acts involving intent to injure or reckless behavior that would risk injury. |
| Resisting Arrest, Use of Deadly Weapon: Offense Against Public Administration that involves using a deadly weapon against another person. | F | 38.03(d) | Deny/Revoke License. | If on felony probation, then Deny/Revoke; if not on felony probation, impose discipline/issue license with stipulations. | Stress inherent in the practice of nursing, and possible combativeness of patients in vulnerable states requires the control of impulses that lead to an assaultive offense. A person who has committed an assaultive offense raises serious questions regarding his/her ability to provide safe patient care. Patients could be vulnerable to similar acts involving intent to injure or reckless behavior that would risk injury. |
| Securing Execution of Document by Deception: Offense Against Property that involves an intent to defraud or harm another by deception by causing another person to sign, execute, or file a document that affects the | F, M | 32.46 | For felony, 0-3 yrs old, then Deny/Revoke; 4-5 yrs, if on felony probation, then Deny/Revoke/Suspend; if not on | For felony, if on felony probation, then Deny/Revoke/Suspend; if not on felony probation, impose discipline/issue license with stipulations. Suspension may be enforced or probated. | Professional character is required in nursing and nurses must exhibit behaviors indicating honesty, accountability, trustworthiness, reliability, and integrity. Patients frequently bring valuables (checkbook, or credit cards) with them to a health care facility. Nurses frequently provide care in private homes and |

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| person's property or pecuniary interests. | | | <p>felony probation, impose discipline/issue license with stipulations. Suspension may be enforced or probated.</p> <p>If a misdemeanor, impose discipline/issue license with stipulations.</p> <p>For felony or misdemeanor, a forensic psychological evaluation with or without a polygraph examination may be requested.</p> | <p>If a misdemeanor, issue license with or without stipulations.</p> <p>For felony or misdemeanor, a forensic psychological evaluation with or without a polygraph examination may be requested.</p> | home-like settings without supervision where all of the patient's property and valuables are accessible to the nurse and there would be a continuing opportunity to commit similar offenses as a nurse. Fraud and intent to deceive raise serious concerns about a person's professional character and whether the nurse can be trusted to respect a patient's property/possessions. |
| Smuggling of Persons: Offense Against the Person that involves intentionally using a mode of transportation to transport a person with the intent to conceal the person from law enforcement or flee from law enforcement. | F | 20.05 | <p>If on felony probation, then Deny/Revoke/Suspend.</p> <p>If not on felony probation, then impose discipline/issue license with stipulations. Suspension may be enforced or probated.</p> | <p>If on felony probation, then Deny/Revoke/Suspend; if not on felony probation, impose discipline/issue license with stipulations. Suspension may be enforced or probated.</p> <p>A forensic psychological evaluation with or without a polygraph examination may be requested.</p> | Such behavior raises questions about a person's professional character. Professional character is required in nursing and nurses must exhibit behaviors indicating honesty, accountability, trustworthiness, reliability, and integrity. Such behavior raises serious concerns about a person's ability to distinguish right from wrong, keep promises and honor obligations, be accountable for his/her behavior, and whether the nurse will continue such behavior and jeopardize the effectiveness of patient care in the future. |

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| | | | A forensic psychological evaluation with or without a polygraph examination may be requested. | | |
| Stalking: Offense Against Public Order and Decency that involves a person knowingly engaging in repetitive conduct that is intended to be threatening in nature and imposing a fear of bodily injury or death on another person. | F | 42.072(b) | Deny/Revoke/Suspend License. Suspension may be enforced or probated. A mental health/psychological evaluation may be required and/or a forensic psychological evaluation with or without a polygraph examination may be requested. | If on felony probation, then Deny/Revoke/Suspend; if not on felony probation, impose discipline/issue license with stipulations. Suspension may be enforced or probated. A mental health/psychological evaluation may be required and/or a forensic psychological evaluation with or without a polygraph examination may be requested. | Such threatening behavior raises questions regarding a person's ability to provide safe, competent care to vulnerable patients. Such behavior is unprofessional/ dishonorable conduct that is likely to injure the public. TOC §301.452(b)(10). |
| Tampering with Government Record: Offense Against Public Administration that requires an intent to defraud or harm another by destroying or falsifying a government record. | F | 37.10 | 0-3 yrs old Deny/Revoke; 4-5 yrs old, if on felony probation, then Deny/Revoke/Suspend; if not on felony probation, then impose discipline/issue license with stipulations. Suspension may be enforced or probated. | If on felony probation, then Deny/Revoke/Suspend; if not on felony probation, impose discipline/issue license with stipulations. Suspension may be enforced or probated. A forensic psychological evaluation with or without a polygraph examination may be requested. | Professional character is required in nursing and nurses must exhibit behaviors indicating honesty, accountability, trustworthiness, reliability, and integrity. The Board depends on its own government records in the licensing/ authorization process that contain several questions that might affect the ability of an individual to function safely as a nurse. Tampering with government records, 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. Nurses must report patient condition, record |

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| | | | A forensic psychological evaluation with or without a polygraph examination may be requested. | | objective/subjective information, provide patients with information, and report errors in the nurse's own practice or conduct. Honesty, accuracy, and integrity are personal traits valued by the nursing profession and considered imperative for the provision of safe and effective nursing care. |
| Tampering With or Fabricating Physical Evidence: Offense Against Public Administration that involves altering, destroying, concealing, or falsely presenting a record with the intent to impair its use or availability during an investigation or proceeding and/or alter the outcome of the investigation or proceeding. | F, M | 37.09 | For felony, 0-3 yrs old, then Deny/Revoke; 4-5 yrs, if on felony probation, then Deny/Revoke/ Suspend; if not on felony probation, impose discipline/issue license with stipulations. Suspension may be enforced or probated. If a misdemeanor, impose discipline/issue license with stipulations. For felony or misdemeanor, a forensic psychological evaluation with or without a polygraph examination may be | For felony, if on felony probation, then Deny/Revoke/Suspend; if not on felony probation, impose discipline/issue license with stipulations. Suspension may be enforced or probated. If misdemeanor, issue license with or without stipulations. For felony or misdemeanor, a forensic psychological evaluation with or without a polygraph examination may be requested. | Professional character is required in nursing and nurses must exhibit behaviors indicating honesty, accountability, trustworthiness, reliability, and integrity. Tampering with or fabricating evidence raises concerns about the person's propensity to lie, and the likelihood that such conduct will continue in the practice of nursing. Nurses must report patient conditions, record objective/subjective information, provide patients with information, and report errors in the nurse's own practice or conduct. Honesty, accuracy and integrity are personal traits valued by the nursing profession and considered imperative for the provision of safe and effective nursing care. |

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| | | | requested. | | |
| <p>Tampering with Witness: Offense Against Public Administration that involves coercing or offering, conferring, or agreeing to confer a benefit on a witness or potential witness with the intent to influence the witness to provide false testimony, to withhold testimony, or to elude the legal process.</p> | F | 36.05 | Deny/Revoke License. | <p>If on felony probation, then Deny/Revoke/Suspend; if not on felony probation, impose discipline/issue license with stipulations. Suspension may be enforced or probated.</p> <p>A forensic psychological evaluation with or without a polygraph examination may be requested.</p> | <p>Such behavior raises questions about a person's professional character. Professional character is required in nursing and nurses must exhibit behaviors indicating honesty, accountability, trustworthiness, reliability, and integrity. Such behavior raises serious concerns about a person's ability to distinguish right from wrong, think and act rationally, be accountable for his/her behavior, and whether the nurse will continue such behavior and jeopardize the effectiveness of patient care in the future.</p> |
| <p>Terroristic Threat: Offense Against Persons that involves threatening violence to persons or property.</p> | F, M | 22.07 | <p>For either felony or misdemeanor, 0-3 yrs old, impose discipline/issue with stipulations; 4-5 yrs old, issue license with or without stipulations.</p> | <p>For either felony or misdemeanor, issue license with or without stipulations.</p> | <p>Stress inherent in the practice of nursing and possible combativeness of patients in vulnerable states requires the control of impulses that lead to an assaultive offense. A person who has committed assaultive offenses raises serious question regarding his/her ability to provide safe patient care. Patients could be vulnerable to similar acts involving intent to injure or reckless behavior that would risk injury.</p> |
| <p>Theft ≤ \$1499: Offense Against Property that involves an intent to deprive person of his/her property without his/her consent.</p> | M | 31.03(e)(1) - (3) | <p>0-3 yrs old impose discipline/issue with stipulations ; 4-5 yrs old, issue with or without stipulations.</p> | <p>Issue license with or without stipulations.</p> | <p>Theft is a crime of moral turpitude. Patients under the care of a nurse are vulnerable by virtue of illness or injury, and the dependent nature of the nurse - patient relationship. Patients frequently bring valuables (medications, money, jewelry, items of sentimental value, checkbook, or credit cards) with them to a health care facility. 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. Nurses frequently provide care in settings</p> |

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| | | | | | without direct supervision. Crimes of theft raise serious concerns whether a nurse can be trusted to respect a patient’s property/possessions in the future. A nursing license would provide unfettered opportunity and access to a patient’s person and property. |
| Theft ≥ \$1500: Offense Against Property that involves an intent to deprive person of his/her property without his/her consent. | F | 31.03(e)(4)-(7) | Deny/Revoke License. | If on felony probation, then Deny/Revoke/Suspend; if not on felony probation, impose discipline/issue license with stipulations. Suspension may be enforced or probated. A forensic psychological evaluation with or without a polygraph examination may be requested. | Theft is a crime of moral turpitude. Patients under the care of a nurse are vulnerable by virtue of illness or injury, and the dependent nature of the nurse - patient relationship. Patients frequently bring valuables (medications, money, jewelry, items of sentimental value, checkbook, or credit cards) with them to a health care facility. 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. Nurses frequently provide care in settings without direct supervision. Theft crimes raise serious concerns whether a nurse can be trusted to respect a patient’s property/possessions in the future. A nursing license would provide unfettered opportunity and access to a patient’s person and property. |
| Theft of Service: Offense Against Property that involves an intent to avoid payment for services and intentionally or knowingly secures the services by deception, threat, diversion, or false token. | F, M | 31.04 | For felony, 0-3 yrs old, then Deny/Revoke; 4-5 yrs old, if on felony probation, then Deny/Revoke/Suspend; if not on felony probation, impose discipline/issue license with | For felony, if on felony probation, then Deny/Revoke/Suspend; if not on felony probation, impose discipline/issue license with stipulations. Suspension may be enforced or probated. If misdemeanor, issue license with or without stipulations. | Theft is a crime of moral turpitude. Patients under the care of a nurse are vulnerable by virtue of illness or injury, and the dependent nature of the nurse - patient relationship. Patients frequently bring valuables (medications, money, jewelry, items of sentimental value, checkbook, or credit cards) with them to a health care facility. 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. Nurses frequently |

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| | | | <p>stipulations. Suspension may be enforced or probated.</p> <p>If a misdemeanor, impose discipline/issue license with stipulations.</p> <p>For felony or misdemeanor, a forensic psychological evaluation with or without a polygraph examination may be requested.</p> | <p>For felony or misdemeanor, a forensic psychological evaluation with or without a polygraph examination may be requested.</p> | <p>provide care in settings without direct supervision. Theft crimes raise serious concerns whether a nurse/nurse applicant can be trusted to respect a patient's property/possessions in the future. A nursing license would provide unfettered opportunity and access to a patient's person and property.</p> |
| <p>Trafficking of Persons: Offense Against the Person that involves knowingly trafficking another person with the intent that the other person engage in forced labor or services and/or trafficking another person and causing the person to engage in certain criminal acts through fraud, coercion, or force.</p> | F | 20A.02 | Deny/Revoke License. | <p>If on felony probation, then Deny/Revoke; if not on felony probation, impose discipline/issue license with stipulations.</p> <p>A forensic psychological evaluation with or without a polygraph examination may be requested.</p> | <p>Such behavior raises questions about a nurse's professional character. Professional character is required in nursing and nurses must exhibit behaviors indicating honesty, accountability, trustworthiness, reliability, and integrity. Such behavior raises serious concerns about a person's ability to distinguish right from wrong, keep promises and honor obligations, be accountable for his/her behavior, and whether the nurse will continue such behavior and jeopardize the effectiveness of patient care in the future.</p> |
| <p>Unlawful Carrying Weapon: Offense Against Public Health, Safety, and Morals that involves the intentional, knowing, or reckless carrying on his/her</p> | F, M | 46.02 | <p>For felony, 0-3 yrs old, then Deny/Revoke; 4-5 yrs old, if on felony probation, then</p> | <p>For felony, if on felony probation, then Deny/Revoke/Suspend; if not on felony probation, impose discipline/issue license with</p> | <p>Stress inherent in the practice of nursing, and possible combativeness of patients in vulnerable states requires the control of impulses that could lead to an assaultive offense. Patients could be vulnerable to similar acts involving intent to</p> |

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| person of a prohibited weapon. | | | Deny/Revoke/Suspend; if not on felony probation, impose discipline/issue license with stipulations. Suspension may be enforced or probated. If a misdemeanor, impose discipline/issue license with stipulations. For felony or misdemeanor, a forensic psychological evaluation with or without a polygraph examination may be requested. | stipulations. Suspension may be enforced or probated. If misdemeanor, issue license with or without stipulations. For felony or misdemeanor, a forensic psychological evaluation with or without a polygraph examination may be requested. | injure or reckless behavior that would risk injury. Further, such behavior raises questions about whether the individual is able to distinguish right from wrong. |
| Unlawful Possession of Firearm: Offense Against Public Health, Safety, and Morals that involves the possession of a firearm by a convicted felon under certain conditions. | F, M | 46.04 | For felony, 0-3 yrs old, then Deny/Revoke; 4-5 yrs old, if on felony probation, then Deny/Revoke/Suspend; if not on felony probation, impose discipline/issue license with | For felony, if on felony probation, then Deny/Revoke/Suspend; if not on felony probation, impose discipline/issue license with stipulations. Suspension may be enforced or probated. If misdemeanor, issue license with or without stipulations. | Stress inherent in the practice of nursing, and possible combativeness of patients in vulnerable states requires the control of impulses that could lead to an assaultive offense. Patients could be vulnerable to similar acts involving intent to injure or reckless behavior that would risk injury. Further, such behavior raises questions about whether the individual is able to distinguish right from wrong. |

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| | | | <p>stipulations. Suspension may be enforced or probated.</p> <p>If a misdemeanor, impose discipline/issue license with stipulations.</p> <p>For felony or misdemeanor, a forensic psychological evaluation with or without a polygraph examination may be requested.</p> | <p>For felony or misdemeanor, a forensic psychological evaluation with or without a polygraph examination may be requested.</p> | |
| <p>Unlawful Restraint: Offense Against the Person that involves intentionally or knowingly restraining another person.</p> | M | 20.02 | <p>0-3 yrs old, impose discipline/issue with stipulations; 4-5 yrs old, issue license with or without stipulations.</p> | <p>Issue license with our without stipulations.</p> | <p>Offense Against the Person that the Nursing Practice Act has specifically identified as relating to nursing under §301.4535.</p> |
| <p>Vehicle, Unauthorized Use: Offense Against Property that involves an intentional or knowing act to deprive a person of his/her vehicle without his/her consent.</p> | F | 31.07 | <p>0-3 yrs old Deny/Revoke; 4-5 yrs old, if on felony probation, then Deny/Revoke/ Suspend; if not on felony probation, then impose discipline/issue license with</p> | <p>If on felony probation, then Deny/Revoke/Suspend; if not on felony probation, impose discipline/issue license with stipulations. Suspension may be enforced or probated.</p> <p>A forensic psychological evaluation with or without a polygraph examination may be</p> | <p>Theft is a crime of moral turpitude. Patients under the care of a nurse are vulnerable by virtue of illness or injury, and the dependent nature of the nurse - patient relationship. Patients frequently bring valuables (medications, money, jewelry, items of sentimental value, checkbook, or credit cards) with them to a health care facility. Nurses frequently provide care in private homes and home-like settings where all of the patient's</p> |

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| | | | <p>stipulations. Suspension may be enforced or probated.</p> <p>A forensic psychological evaluation with or without a polygraph examination may be requested.</p> | requested. | property and valuables are accessible to the nurse. Nurses frequently provide care in settings without direct supervision. Theft crimes raise serious concerns whether a nurse can be trusted to respect a patient's property/ possessions in the future. |
| Violation of Civil Rights of Person in Custody/Improper Sexual Acts With a Person In Custody: Offense Against Public Administration that involves intentionally denying or impeding a another person in custody at a correctional facility a lawful right, privilege, or immunity and/or engaging in sexual conduct with a person in custody at a correctional or youth facility. | F, M | 39.04 | <p>For felony, 0-3 yrs old, then Deny/Revoke; 4-5 yrs, if on felony probation, then Deny/Revoke/ Suspend; if not on felony probation, impose discipline/issue license with stipulations. Suspension may be enforced or probated.</p> <p>If a misdemeanor, impose discipline/issue license with stipulations.</p> <p>For felony or misdemeanor, a mental health/psychological</p> | <p>For felony, if on felony probation, then Deny/Revoke/Suspend; if not on felony probation, impose discipline/issue license with stipulations. Suspension may be enforced or probated.</p> <p>If a misdemeanor, issue license with or without stipulations.</p> <p>For felony or misdemeanor, a mental health/psychological evaluation may be required and/or a forensic psychological evaluation with or without a polygraph examination may be requested.</p> | Individuals who are in custody in correctional or youth facilities are particularly vulnerable by nature of their reliance on others for their care and provision. Patients under the care of a nurse are vulnerable by virtue of illness or injury, and the dependent nature of the nurse - patient relationship. Persons who are especially vulnerable include 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. When harm occurs to these individuals, often they are unable to communicate the harm inflicted. Individuals engaging in such conduct raise serious concerns whether they are capable of providing autonomous care to vulnerable individuals in their care. |

| OFFENSE | PENALTY <u>F = Felony</u> <u>M=Misdemeanor</u> | PENAL CODE SECTION (<u>or Crim. Pro. ch. 62</u>) | If judicial order** occurred 0-5 yrs. ago: | If judicial order** occurred ≥ 5 yrs. ago and 5th yr. anniversary since release from probation*** has not occurred: | Rationale for How Crimes Relate to the Practice of Nursing |
|---------|--|---|---|---|--|
| | | | evaluation may be required and/or a forensic psychological evaluation with or without a polygraph examination may be requested. | | |

*Texas Occupations Code §53.021(b) requires a person’s license to be revoked on the person’s imprisonment following a felony conviction, felony community supervision revocation, revocation of parole, or revocation of mandatory supervision.

**When used in this guideline, the term “judicial order” means orders of conviction (regardless of plea entered) and deferred adjudication (regardless of plea entered), as well as deferred dispositions, including, but not limited to, pre-trial diversion agreements and deferred prosecutions.

***When used in this guideline, the term “probation” means community supervision, probation, parole, and any other requirement that results from or is related to a criminal disposition of any form, including deferred dispositions (such as pre-trial diversion agreements and deferred prosecutions).

**** In accordance with Texas Occupations Code §301.4535, licensees or applicants for licensure receiving judicial orders for these designated offenses on or after September 1, 2005, shall not be licensed, shall be revoked, and/or shall not be renewed and not considered for re-licensure until at least the fifth anniversary following release from probation or community service has occurred. This does not prevent a nurse or applicant for licensure from exercising any right or privilege to have a formal hearing as established by virtue of Texas Occupations Code §301.454(c).

Note: Licensees may be excluded from working in various federally-funded facilities for convictions for program-related fraud and patient abuse, licensing board actions and default on Health Education Assistance Loans. The Office of Inspector General states that “[n]o payment will be made by any Federal health care program for any items or services furnished, ordered, or prescribed by an excluded individual or entity. Federal health care programs include Medicare, Medicaid, and all other plans and programs that provide health benefits funded directly or indirectly by the United States (other than the Federal Employees Health Benefits Plan). For exclusions implemented prior to August 4, 1997, the exclusion covers the following Federal health care programs: Medicare (Title XVIII), Medicaid

(Title XIX), Maternal and Child Health Services Block Grant (Title V), Block Grants to States for Social Services (Title XX) and State Children's Health Insurance (Title XXI) programs.” For more information, see <http://www.oig.hhs.gov/fraud/exclusions/aboutexclusions.html>, and 1 Tex. Admin. Code §§371.1655 & 371.1657 (mandatory and permissive exclusions from Medicaid and Title V, XIX, XX, and CHIP programs by the Texas Health and Human Services Commission, Office of Inspector General).

The Board's recommendation regarding licensure is independent of any decision by an employer or potential employer to hire a person with a criminal history.

Amended July 23, 2015