



**El Paso
Community
College**

NURSING PROGRAM

VN NEW STUDENT

ORIENTATION

FALL 2022 FOR SPRING 2023

EL PASO COMMUNITY COLLEGE NURSING PROGRAM

NURSING PROGRAM DESCRIPTION —Licensed Vocational Nurse

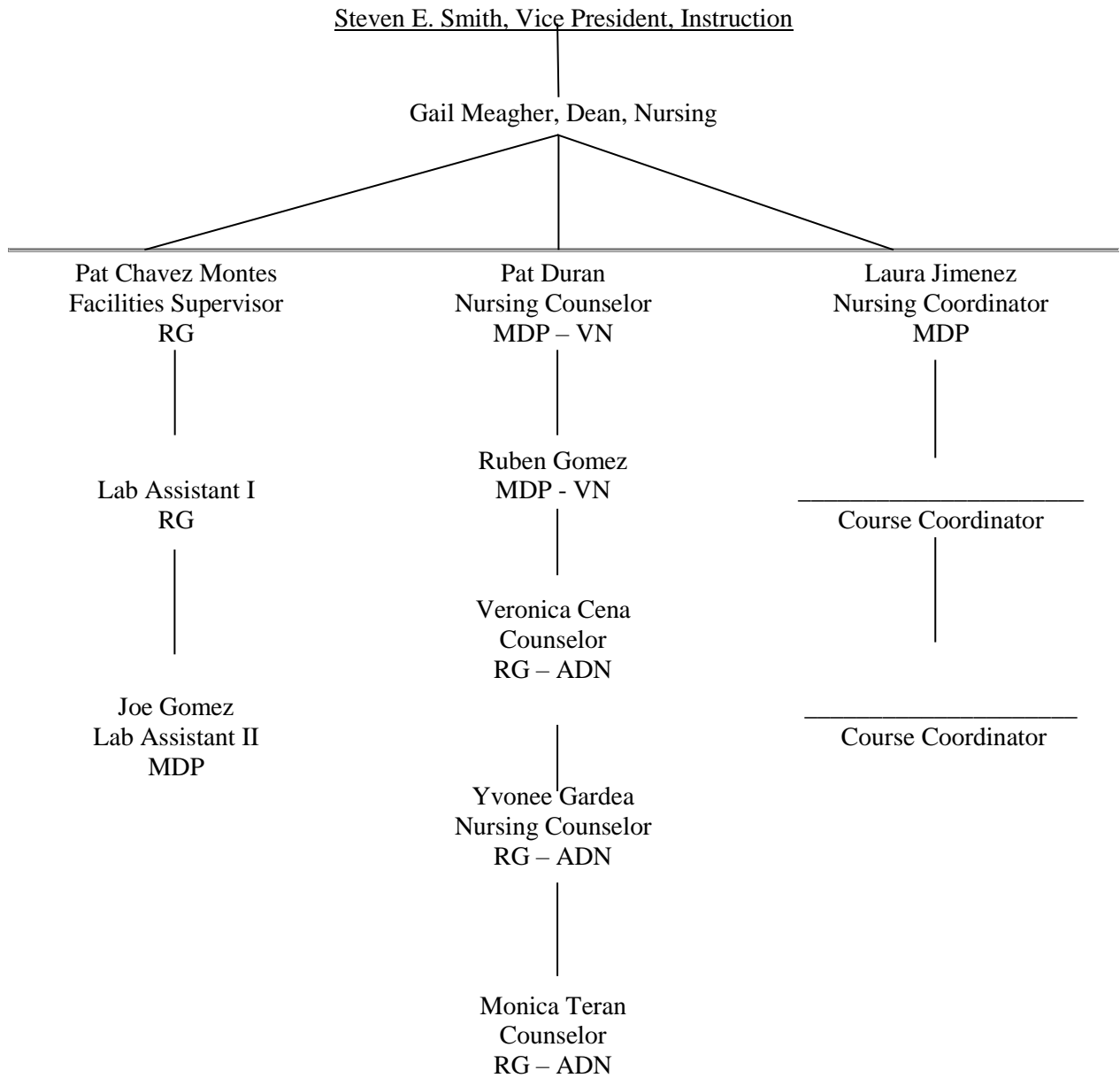
The El Paso Community College in Spring 1998 started a separate Vocational Nursing Certificate of Completion program. It is a one-year classroom and clinical education program which prepares individuals for eligibility to write the licensure exam for Vocational nurses. Graduates of the Vocational Nursing Program are prepared to perform routine nursing procedures under the supervision of a Registered Nurse or a physician. Credit for selected courses is available for students completing health occupations courses in high school and specific nursing courses from high school.

After successful completion of VNSG 1323, VNSG 1160, VNSG 1402, VNSG 1260, Basic Nursing Skills Theory and Clinical, and Applied Skills I Theory and Clinical students may apply for Nurse Aide Certification.

ACCREDITATION

The Nursing program is accredited by the Board of Nursing for the State of Texas (BON). The Nurse Practice Act covers both Licensed Vocational Nurses and Registered Nurses. The El Paso Community College is approved by the Texas Education Agency and complies with the standards, rules and regulations as prescribed by the Coordinating Board of the Texas College and University System. EPCC is accredited by the Southern Association of Colleges and Schools.

ORGANIZATIONAL STRUCTURE



**EL PASO COMMUNITY COLLEGE
ACCREDITING NURSING PROGRAMS AND LICENSING AGENCIES**

WEB SITES

Board of Nursing – Texas (BON)

- The BON has specific rules for vocational and associate nursing programs. They can be found at:
- www.bon.state.tx.us/nursingeducation/guidelines.html

Accreditation Commission for Education in Nursing, Inc. (ACEN)

- Rules and regulations for nursing which must be followed to maintain accreditation are listed at the following site:
- <http://www.acenursing.org/>
- Please note: although the VN program is not ACEN accredited, we still follow the rules in the event we choose to get accredited.

National Council of State Boards of Nursing (NCSBN)

- This site gives you information in how the graduates will be tested, which in turn helps us create test questions for your current students. It also tells you what content/concepts must be included in your program. The site is:
- <https://www.ncsbn.org/index.htm>

Develops National Council Licensing Exam (NCLEX)

- PN – Practical/Vocational Nurse
- RN – Registered Nurse

Same exam is given by each state but NCSBN regulates it.

It determines the areas that will be tested and the percentages of each topic. It also develops a detailed test plan.

Southern Association of Colleges and Schools (SACS)

- The website is:
- <http://www.sacs.org/>
- This is where we get some of the academic requirements.
- Umbrella agency over 11 states in the south east region of USA

Guiding Principles of Nursing Regulation

Website: www.NCSBN.org/1325htm

NCLEX Test Plans – VN and RN

www.NCSBN.org/testplans.htm

Guiding Principles

Nursing regulation exists to protect the health, safety and welfare of the public in their receipt of nursing services—and much more. The complete scope of the guiding principles of nursing regulation is found below.

Guiding Principles of Nursing Regulation

Protection of the public

- Nursing regulation exists to protect the health, safety and welfare of the public in their receipt of nursing services.
- Involvement of nurses in nursing regulation is critical to public protection.

Competence of all practitioners regulated by the board of nursing

- Nursing regulation is responsible for upholding licensure requirements for competence of the various levels of nursing practice.
- Competence is assessed at initial licensure/entry and during the career life of all practitioners.

Due process and ethical decision making

- Nursing regulation ensures due process rights for practitioners.
- Boards of nursing hold practitioners accountable for conduct based on legal, ethical and professional standards.

Shared accountability

- Nursing regulation requires shared accountability for enhancing safe patient care.

Strategic collaboration

- Nursing regulation requires collaboration with individuals and agencies in the interest of public protection, patient safety and the education of nurses.

Evidenced-based regulation

- Nursing regulation uses evidenced-based standards of practice, advances in technology, and demographic and social research in its mission to protect the public.

Response to the marketplace and health care environment

- Nursing regulation requires timely and thoughtful responsiveness to the evolving marketplace.

- Scope of practice clarity and congruence with the community needs for nursing care are essential.

Globalization of nursing

- Nursing regulation occurs at the state level and concurrently works to standardize regulations and access to licensure.
- Nursing regulation requires fair and ethical practices and policies to address the social, political and fiscal challenges of globalization.

Test Plans

You are encouraged to review the NCLEX test plans before your exam appointment. The test plans serve as blue prints to outline the content to be tested and guide the item writing process.

The basic test plans and detailed test plans for the NCLEX-RN and PN can be found below. These are updated every three years to reflect current, entry-level nursing competency. The basic version of the test plan is an overview of approved content distribution. The basic test plan is included in the detailed version of the test plan.

Purpose of the Detailed Test Plans

1. Guide candidates preparing for the exam
2. Inform the direction for item development
3. Facilitate classification of exam items

The Detailed Test Plan also includes

1. Definition of each Client Needs Categories
2. Nursing activity statements
3. Detailed content examples
4. Sample NCLEX items
5. Item writing guide (educator version)

2020 NCLEX-PN® Test Plan

National Council Licensure Examination for Practical/Vocational Nurses (NCLEX-PN® Examination)

Introduction

Entry into the practice of nursing is regulated by the licensing authorities within each of the NCSBN nursing regulatory bodies (state, commonwealth and territorial boards of nursing). To ensure public protection, each jurisdiction requires candidates for licensure to meet set requirements that include passing an examination that measures the competencies needed to perform safely and effectively as a licensed practical/vocational nurse (LPN/VN). NCSBN develops a licensure examination, the National Council Licensure Examination for Practical Nurses (NCLEX-PN®), which is used by U.S. members to assist in making licensure decisions. Several steps occur in the development of the NCLEX-PN Test Plan. The first step is conducting a practice analysis that is used to collect data on the current practice of entry-level LPN/VNs (*Report of Findings from the 2018 LPN/VN Practice Analysis: Linking the NCLEX-PN® Examination to Practice*, NCSBN, 2019). Twelve thousand newly licensed practical/vocational nurses are asked about the frequency and priority of performing nursing care activities. Nursing care activities are then analyzed in relation to the frequency of performance, impact on maintaining client safety and client care settings where the activities are performed. This analysis guides the development of a framework for entry-level nursing practice that incorporates specific client needs, as well as processes that are fundamental to the practice of nursing. The next step is the development of the NCLEX-PN Test Plan, which guides the selection of content and behaviors to be tested. Variations in jurisdiction laws and regulations are considered in the development of the test plan.

The NCLEX-PN Test Plan provides a concise summary of the content and scope of the licensure examination. It serves as a guide for examination development as well as candidate preparation. The NCLEX® assesses the knowledge, skills and abilities that are essential for the entry-level LPN/VN to use in order to meet the needs of clients requiring the promotion, maintenance and restoration of health. The following sections describe beliefs about people and nursing that are integral to the examination, cognitive abilities that will be tested in the examination and specific components of the NCLEX-PN Test Plan.

Beliefs

Beliefs about people and nursing underlie the NCLEX-PN Test Plan. People are finite beings with varying capacities to function in society. They are unique individuals who have defined systems of daily living reflecting their values, cultures, motives and lifestyles. People have the right to make decisions regarding their health care needs and to participate in meeting those needs. The profession of nursing makes a unique contribution in helping clients (individuals, family or group, including significant others and population) achieve an optimal level of health in a variety of settings. For the purposes of the NCLEX, a client is defined as the individual, family or group which includes significant others and population.

Nursing is both an art and a science, founded on a professional body of knowledge that integrates concepts

based on an understanding of the human condition across the life span and the relationships of an individual with others and within the environment. Nursing is a dynamic, continually evolving discipline that employs critical thinking to integrate increasingly complex knowledge, skills, technologies and client care activities into evidence-based nursing practice. The goal of nursing for client care is preventing illness; promoting comfort; protecting, promoting and restoring health; and promoting dignity in dying.

The LPN/VN uses “specialized knowledge and skills which meet the health needs of people in a variety of settings under the direction of qualified health professionals” (NFLPN, 2003).

Considering unique cultural and spiritual client preferences, the applicable standard of care and legal considerations, the LPN/VN uses a clinical problem-solving process (the nursing process) to collect and organize relevant health care data, assist in the identification of the health needs/problems throughout the client’s life span and contribute to the interdisciplinary team in a variety of settings. The entry-level LPN/VN demonstrates the essential competencies needed to care for clients with commonly occurring health problems that have predictable outcomes.

“Professional behaviors, within the scope of nursing practice for a practical/vocational nurse, are characterized by adherence to standards of care, accountability of one’s own actions and behaviors, and use of legal and ethical principles in nursing practice” (NAPNES, 2007).

Classification of Cognitive Levels

Bloom’s taxonomy for the cognitive domain is used as a basis for writing and coding items for the examination (Bloom et al., 1956; Anderson & Krathwohl, 2001). The practice of practical/vocational nursing requires application of knowledge, skills and abilities; therefore, the majority of items are written at the application or higher levels of cognitive ability.

Test Plan Structure

The framework of Client Needs was selected because it provides a universal structure for defining nursing actions and competencies for a variety of clients across all settings and is congruent with state laws/rules.

Client Needs

The content of the NCLEX-PN Test Plan is organized into four major Client Needs categories; two of the four categories are divided into subcategories:

Safe and Effective Care Environment

- Coordinated Care
- Safety and Infection Control

Health Promotion and Maintenance

Psychosocial Integrity

Physiological Integrity

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- Basic Care and Comfort
- Pharmacological Therapies
- Reduction of Risk Potential
- Physiological Adaptation

Integrated Processes

The following processes fundamental to the practice of practical/vocational nursing are integrated throughout the Client Needs categories and subcategories:

- *Clinical Problem-Solving Process (Nursing Process)* – a scientific approach to client care that includes data collection, planning, implementation and evaluation.
- *Caring* – interaction of the LPN/VN and client in an atmosphere of mutual respect and trust. In this collaborative environment, the LPN/VN provides support and compassion to help achieve desired therapeutic outcomes.
- *Communication and Documentation* – verbal and nonverbal interactions between the LPN/VN and the client, as well as other members of the health care team. Events and activities associated with client care are validated in written and/or electronic records that reflect standards of practice and accountability in the provision of care.
- *Teaching and Learning* – facilitation of the acquisition of knowledge, skills and attitudes to assist in promoting a change in behavior.
- *Culture and Spirituality* – interaction of the nurse and the client (individual, family or group, including significant others and population) which recognizes and considers the client-reported, self-identified, unique and individual preferences to client care, the applicable standard of care and legal considerations.

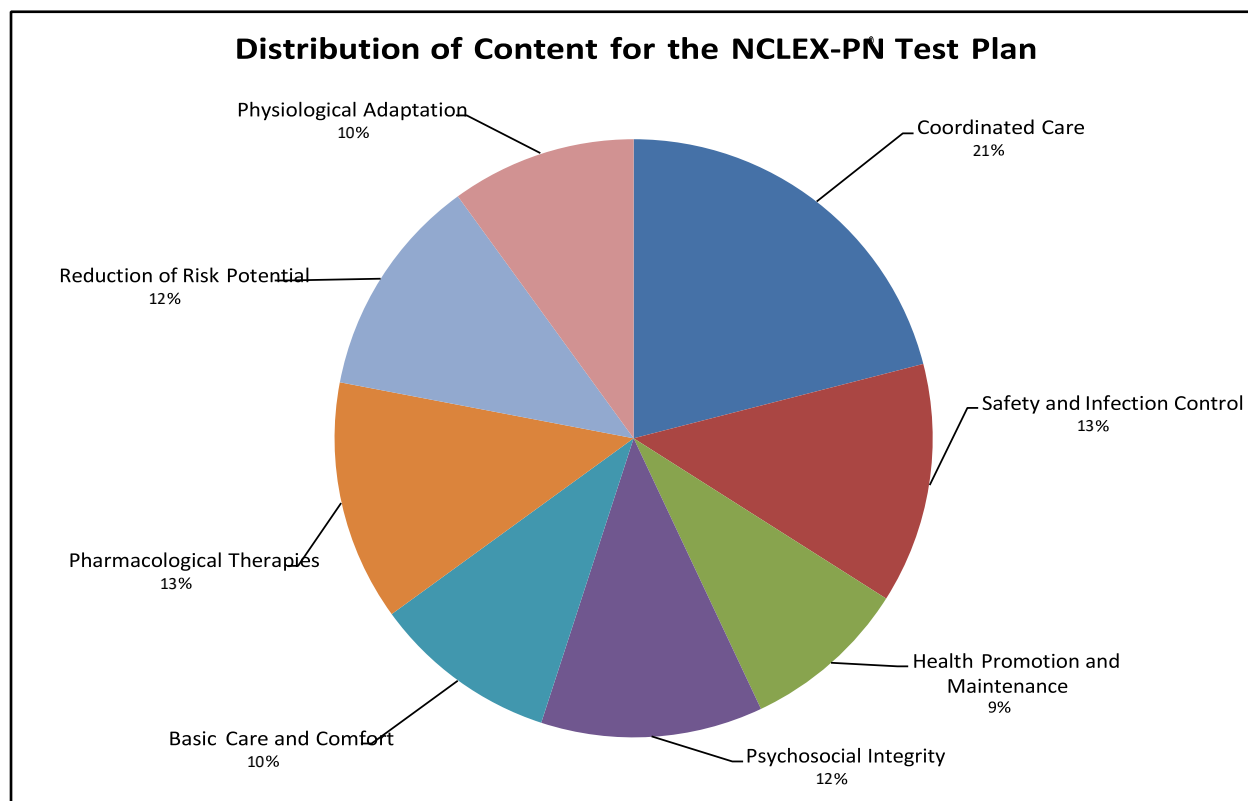
Distribution of Content

The percentage of test items assigned to each Client Needs category and subcategory in the NCLEX-PN Test Plan is based on the results of the study *Report of Findings from the 2018 LPN/VN Practice Analysis: Linking the NCLEX-PN® Examination to Practice* (NCSBN, 2019), and expert judgment provided by members of the NCLEX® Examination Committee.

Client Needs	Percentage of Items from each Category/Subcategory
Safe and Effective Care Environment	
<ul style="list-style-type: none">• Coordinated Care• Safety and Infection Control	18-24% 10-16%
Health Promotion and Maintenance	6-12%

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Psychosocial Integrity	9-15%
Physiological Integrity	
<ul style="list-style-type: none"> • Basic Care and Comfort • Pharmacological Therapies • Reduction of Risk Potential • Physiological Adaptation 	7-13% 10-16% 9-15% 7-13%



NCLEX-PN Examinations are administered adaptively in variable length format to target candidate-specific ability. To accommodate possible variations in test length, content area distributions of the individual examinations may differ up to $\pm 3\%$ in each category.

Overview of Content

The activity statements used in the *2018 LPN/VN Practice Analysis: Linking the NCLEX-PN® Examination to Practice* (NCSBN, 2019) preface each of the eight content categories and are identified throughout the test plan by an asterisk (*). NCSBN performs an analysis of those activities used frequently and identified as important by entry-level nurses to ensure client safety. This is called a practice analysis; it provides data to support the NCLEX as a reliable, valid measure of competent, entry-level LPN/VN practice. The practice anal-

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ysis is conducted every three years.

In addition to the practice analysis, NCSBN conducts a knowledge, skills and abilities (KSA) survey. The primary purpose of this study is to identify the knowledge needed by newly licensed practical/vocational nurses in order to provide safe and effective care. Findings from both the *2018 LPN/VN Practice Analysis: Linking the NCLEX-PN® Examination to Practice* (NCSBN, 2019) and the *2018 LPN/VN Nursing Knowledge Survey* (NCSBN, 2019) can be found at www.ncsbn.org/1235.htm. Both documents are used in the development of the NCLEX-PN Test Plan as well as to inform item development.

All task statements in the *2020 NCLEX-PN® Test Plan* require the nurse to apply the fundamental principles of clinical decision making and critical thinking to nursing practice. The test plan also makes the assumption that the nurse integrates concepts from the following bodies of knowledge:

- Social Sciences (psychology and sociology); and
- Biological Sciences (anatomy, physiology, biology and microbiology)

In addition, the following concepts are utilized throughout the four major client needs categories and sub-categories of the test plan:

- A. Clinical Problem Solving (Nursing process);
- B. Caring;
- C. Communication and documentation;
- D. Teaching and Learning; and
- E. Culture and Spirituality

Please note: There are certain inconsistencies throughout this document related to word usage and punctuation. Sentences or phrases marked by an asterisk (*) are activity statements taken directly from the *2018 LPN/VN Practice Analysis: Linking the NCLEX-PN® Examination to Practice* (NCSBN, 2019). In order to provide proper attribution to the original survey these statements have not been altered to fit the overall grammatical style of this document. In addition, the term “client” refers to an individual, family or group, which includes significant others and population. “Clients” are the same as “residents” or “patients.” In general, if the age or age category of the client is not stated in an item, it can be understood that the client is an adult. NCLEX items are developed based on a variety of practice settings, such as acute/critical care, long-term care/rehabilitation care, skilled care, outpatient care and community-based/home care settings.

Safe and Effective Care Environment

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The practical/vocational nurse provides nursing care that contributes to the enhancement of the health care delivery setting and protects clients and health care personnel.

Coordinated Care – the LPN/VN collaborates with health care team members to facilitate effective client care.

Related content includes, but is **not limited** to:

- Provide information about advance directives
- Advocate for client rights and needs
- Promote client self-advocacy
- Assign client care and/or related tasks (e.g., assistive personnel, LPN/VN)
- Involve client in care decision making
- Contribute to the development of and/or update the client plan of care
- Participate as a member of an interdisciplinary team
- Recognize and report staff conflict
- Participate in staff education (e.g., inservices, continued competency)
- Use data from various credible sources in making clinical decisions
- Monitor activities of assistive personnel
- Maintain client confidentiality
- Provide for privacy needs
- Follow up with client after discharge
- Participate in client discharge or transfer
- Provide and receive report
- Organize and prioritize care based on client needs
- Practice in a manner consistent with code of ethics for nurses
- Participate in client consent process
- Use information technology in client care
- Verify and process health care provider orders
- Recognize self-limitations of task/assignments and seek assistance when needed
- Respond to the unsafe practice of a health care provider (e.g., intervene, report)
- Follow regulation/policy for reporting specific issues (e.g., abuse, neglect, gunshot wound, communicable disease)

Safety and Infection Control – the LPN/VN contributes to the protection of clients and healthcare personnel from health and environmental hazards.

Related content includes, but is **not limited** to:

- Identify client allergies and intervene as appropriate
- Verify the identity of client
- Assist in and/or reinforce education to client about safety precautions
- Use transfer assistive devices (e.g., gait/transfer belt, slide board, mechanical lift)
- Evaluate the appropriateness of health care provider's order for client
- Participate in preparation for internal and external disasters (e.g., fire, natural disaster)
- Use safe client handling techniques (e.g., body mechanics)

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- Identify and address unsafe conditions in health care environment (e.g., environmental, biohazard, fire)
- Acknowledge and document practice error (e.g., incident report)
- Follow protocol for timed client monitoring (e.g., safety checks)
- Implement least restrictive restraints or seclusion
- Assure availability and safe functioning of client care equipment
- Initiate and participate in security alert (e.g., infant abduction, flight risk)
- Apply principles of infection control (e.g., aseptic technique, isolation, sterile technique, universal/standard precautions)

Health Promotion/Disease Prevention

The practical/vocational nurse provides nursing care for clients that incorporate the knowledge of expected stages of growth and development, and prevention and/or early detection of health problems.

- Related content includes, but is not limited to:
- Identify risk factors for disease/illness (e.g., age, gender, ethnicity, lifestyle)
- Identify clients in need of immunizations (required and voluntary)*
- Identify precautions and contraindications to immunizations
- Identify client health seeking behaviors (e.g., breast and testicular self-examinations)
- Gather data on client health history and risk for disease (e.g., lifestyle, family and genetic history)
- Check results of client health screening tests (e.g., Papanicolaou [Pap] test or smear, stool occult blood test)
- Provide assistance for screening examinations (e.g., scoliosis, breast and testicular self examinations, blood pressure check)
- Participate in health screening or health promotion programs*
- Assist client in disease prevention activities
- Monitor client actions to maintain health and prevent disease (e.g., smoking cessation, exercise, diet, stress management)
- Monitor incorporation of healthy behaviors into lifestyle by client (e.g., screening examinations, immunizations, limiting risk taking behaviors)
- Recognize client unexpected response to immunizations

Psychosocial Integrity

Psychosocial Integrity – the LPN/VN provides care that assists with promotion and support of the emotional, mental and social well-being of clients.

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Related content includes, but is **not limited to**:

- Reinforce education to caregivers/family on ways to manage client with behavioral disorders
- Incorporate behavioral management techniques when caring for a client
- Participate in reminiscence therapy, validation therapy or reality orientation
- Participate in client group session
- Identify signs and symptoms of substance abuse, chemical dependency, withdrawal or toxicity
- Collect data regarding client psychosocial functioning
- Identify client use of effective and ineffective coping mechanisms
- Recognize stressors that affect client care
- Assist client to cope/adapt to stressful events and changes in health status
- Collect data on client's potential for violence to self and others
- Assist in managing the care of an angry and/or agitated client (e.g., de-escalation techniques)
- Plan care with consideration of client spiritual or cultural beliefs
- Provide end of life care and education to clients
- Explore reasons for client non-compliance with treatment plan
- Assist in the care of a client experiencing sensory/perceptual alterations
- Assist in the care of the cognitively impaired client
- Promote positive self-esteem of client
- Provide emotional support to client
- Use therapeutic communication techniques with client
- Promote a therapeutic environment

BASIC CARE AND COMFORT

Basic Care and Comfort – the LPN/VN provides comfort to clients and assistance in the performance of activities of daily living.

Related content includes, but is **not limited to**:

- Provide care to client with bowel or bladder management protocol
- Perform irrigation (e.g., urinary catheter, bladder, wound, ear, nose, eye)
- Provide for mobility needs (e.g., ambulation, range of motion, transfer, repositioning, use of adaptive equipment)
- Use measures to maintain or improve client skin integrity
- Provide care to an immobilized client based on need
- Assist in the care and comfort for a client with a visual and/or hearing impairment
- Promote alternative/complementary therapy in providing client care (e.g., music therapy, pet therapy)
- Provide non-pharmacological measures for pain relief (e.g., imagery, massage, repositioning)
- Evaluate pain using standardized rating scales
- Provide feeding for client with enteral tubes
- Monitor and provide for nutritional needs of client
- Monitor client intake/output
- Assist with activities of daily living
- Provide site care for client with enteral tubes
- Assist in providing postmortem care

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- Provide measures to promote sleep/rest

Pharmacological Therapies

Pharmacological Therapies – the LPN/VN provides care related to the administration of medications and monitors clients who are receiving parenteral therapies.

Related content includes, but is **not limited** to:

- Perform calculations needed for medication administration
- Reinforce education to client regarding medications
- Evaluate client response to medication (e.g., adverse reactions, interactions, therapeutic effects)
- Follow the rights of medication administration
- Maintain medication safety practices (e.g., storage, checking for expiration dates, compatibility)
- Reconcile and maintain medication list or medication administration record
- (e.g., prescribed medications, herbal supplements, over-the-counter medications)
- Collect required data prior to medication administration (e.g., contraindications, desired therapeutic effects, current medications)
- Administer medication by oral route
- Administer intravenous piggyback (secondary) medications
- Administer medication by gastrointestinal tube (e.g., g-tube, nasogastric (NG) tube, g-button, j-tube)
- Administer a subcutaneous, intradermal or intramuscular medication
- Administer medication by ear, eye, nose, inhalation, rectum, vagina or skin route
- Count narcotics/controlled substances and report discrepancies
- Calculate and monitor intravenous (IV) flow rate
- Monitor transfusion of blood product
- Maintain pain control devices (e.g., epidural, patient control analgesia, peripheral nerve catheter)

Administration of the NCLEX-PN® Examination

The NCLEX-PN is administered to candidates by computerized adaptive testing (CAT). CAT is a method of delivering examinations that uses computer technology and measurement theory. With CAT, each candidate's examination is unique because it is assembled interactively as the examination proceeds. Computer technology selects items to administer that match the candidate's ability. The items, which are stored in a large item pool, have been classified by test plan category and level of difficulty. After the candidate answers an item, the computer calculates an ability estimate based on all of the previous answers the candidate selected. The next item administered is chosen to measure the candidate's ability in the appropriate test plan category. This process is repeated for each item, creating an examination tailored to the

candidate's knowledge and skills while fulfilling all NCLEX-PN Test Plan requirements. The examination continues with items selected and administered in this way until a pass or fail decision is made.

Examination Security and Confidentiality

Any candidate that violates test center regulations or rules, or engages in irregular behavior, misconduct and/or does not follow a test center administrator's warning to discontinue inappropriate behavior may be dismissed from the test center. Additionally, exam results may be withheld or cancelled and the licensing board may take other disciplinary action, such as denial of a license and/or disqualifying the candidate from future registrations for licensure. Refer to the current candidate bulletin for more information.

Candidates should be aware and understand that the disclosure of any examination materials including the nature or content of examination items, before, during or after the examination is a violation of law. Violations of confidentiality and/or candidates' rules can result in criminal prosecution or civil liability and/or disciplinary actions by the licensing agency, including the denial of licensure. Disclosure of examination materials includes, but is not limited to discussing examination items with faculty, friends, family, or others.

Any candidate that violates test center regulations or rules, or engages in irregular behavior, misconduct and/or does not follow a test center administrator's warning to discontinue inappropriate behavior may be dismissed from the test center. Additionally, exam results may be withheld or cancelled and the licensing board may take other disciplinary action such as denial of a license and/or disqualifying the candidate from future registrations for licensure. Refer to the current candidate bulletin at www.ncsbn.org/1213.htm for more information.

Candidates should be aware and understand that the disclosure of examination items before, during or after the examination is a violation of law. Violations of confidentiality and/or candidates' rules can result in criminal prosecution or civil liability and/or disciplinary actions by the licensing agency including the denial of licensure.

Tutorial

Each NCLEX-PN candidate is provided information on how to answer examination items. A tutorial is given at the beginning of the examination explaining the various formats that candidates may see on the examination. More information on alternate item formats is available on the NCSBN website at www.ncsbn.org/9010.htm.

The following are examples of how screens in the tutorial may appear with examples of possible item formats.

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STUDENT ATTRIBUTES

The EPCC nursing program is a challenging academic program and it expects graduates of the program to be valued members of the health care team, patient safety is a priority. To accomplish this goal, **nursing students must have good study habits and be willing to spend at least 5 hours a day completing course assignments, course objectives and reading the textbook.**

Students must be pleasant and considerate of others. They must be willing to face up to a crisis, as well as every day concerns, in a calm and efficient manner. Students in nursing must be aware of legal and ethical responsibilities and must use good judgment and expertise while performing nursing actions, harassment, bullying, and stalking will not be tolerated. Nursing demands that all people regardless of their age, race, social/economic status, or personal beliefs be accepted and respected as individuals. In order to deal with the demands of patient care, students in nursing must have good physical and mental health.

DECLARATORY ORDER

The Vocational Nursing Certificate Program prepares graduates to write the licensure examination for VN's. This exam, NCLEX-PN, must be passed in order to be licensed as an LVN.

Students are advised that it is possible to successfully complete the EPCC Program and be denied the opportunity to take the State Licensure examination. This is a decision which will be made by the Board of Nursing (BON). The BON may deny licensure to individuals with criminal convictions, chemical dependence, and/or mental illness. If the student has reason to believe that he/she may be ineligible for licensure, he/she must petition the BON for a declaratory order as to eligibility. This must be completed before the end of first semester of the nursing programs. **Of the declaratory order is not completed you will not be able to progress to the next semester.** You must see the Nursing Program Coordinators if there is an issue. The petition must state the basis for the individual's potential ineligibility. The BON will investigate the petition and the individual's eligibility. Students are advised to contact the Dean of Nursing or Nursing Coordinator for assistance prior to contacting the BON. "Declaratory Orders for Individuals with Prior Criminal History, Mental Illness, or Chemical Dependency" as printed in the Nursing Student Handbook has been included for your review. The declaratory order form can also be obtained from the BON website at www.bne.tx.state.us.

Note: Wait to do the Declaratory order until you hear from the BON. However, Declaratory orders must be completed by the end of the first semester of a Nursing Program (RN or VN). If not completed, and a blue card or a letter of clearance from the BON is not received, the student will not be allowed to register for the second semester of the program.

Anyone with felony is not able to be admitted to the program.

**EL PASO COMMUNITY COLLEGE
NURSING PROGRAM**

**DECLARATORY ORDERS FOR INDIVIDUALS
WITH PRIOR CRIMINAL HISTORY, MENTAL ILLNESS,
OR CHEMICAL DEPENDENCY**

Students applying to or enrolled in a nursing program who have a history of (1) conviction of a crime (felony or misdemeanor) other than a minor traffic violation, (2) hospitalization or treatment for mental illness, (3) hospitalization or treatment for chemical dependency, or disciplinary action by another licensing agency, must have their situation reviewed by the Board of Nursing prior to the end of the first semester of a program.

In addition, students with a current or past history of psychiatric conditions or drug/alcohol use should discuss their current health status with their health care provider. **This information should be documented on the physical examination form on file with the College.** Current drug or alcohol use may result in disciplinary action by the College and Nursing in accordance with existing student disciplinary procedures. Refer to the College Catalog Student Code of Conduct, and/or the College Student Handbook for more information.

The Board of Nursing can issue decisions about declaratory orders from individuals stating their eligibility to write the licensure examination prior to entering or completing the first semester of a nursing program. You should request advice from the Board of Nursing regarding the need for a declaratory order if:

1. You have been convicted of a crime other than a minor traffic violation.
2. You have been hospitalized or treated for mental illness and/or chemical dependency.
3. You have had disciplinary action taken against you by a licensing authority.

The Board of Nursing requires that the individual student request this clearance. The school can NOT complete this process for you. If you have not received clearance from the Board of Nursing prior to the end of the first semester of a nursing program. You will not progress to the next semester. Therefore, you must begin this process prior to entering a nursing program.

BOARD OF NURSE EXAMINERS POLICY FOR INDIVIDUALS WITH CONVICTIONS

The Board of Nursing's Licensure Eligibility Policy for Individuals with Convictions is reprinted below.

1. Staff are authorized to propose denial of licensure eligibility for an applicant or petitioner who:
 - a. has been convicted of a felony.
 - b. has been convicted of a misdemeanor involving moral turpitude in which the crime was against a person(s) or was a crime of violence.
 - c. has been convicted of misdemeanor involving moral turpitude in which the crime was non-violent, involving property if less than 10 years from the date all court conditions were met.
2. Staff members of the Board of Nursing are authorized to propose denial of licensure eligibility of an individual who has had action by another health care licensing authority when:
 - a. his/her licensure was revoked and not reinstated.
 - b. board action was related to a felony conviction.
 - c. board action was related to a misdemeanor conviction (see 1b and 1c)
3. The Executive Director of the Board of Nursing is authorized to recommend approval of an individual convicted of a misdemeanor involving moral turpitude in which the crime was non-violent, involving property, who has met all conditions of the court, such as probation, 10 or more years prior to the application or petition, with no further conviction(s).

Current Procedure to Apply for Declaratory Order:

1. Submit Declaratory Order Form with a letter to the Board of Nursing; follow instructions and do not enclose money at this time.
2. The staff members of the Board of Nursing will review your Declaratory Order.
3. Keep copies of all correspondence to and from the Board of Nursing.
4. It is recommended that you submit all paperwork relating to this process via certified mail, return receipt requested.
5. Submit copies of all court documents to the ADN program coordinator.

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For further information contact:

Board of Nursing
For the State of Texas
(Registered Nurses and Licensed Vocational Nurses)
333 Guadalupe # 3-460
Austin, Texas 78701
Phone: (512) 305-7400
Fax: (512) 305-8101
Executive Director: Katherine Thomas, MN, RN
Web Address: www.bon.state.tx.us

Laura Jimenez, RN, MSNed
VN Coordinator
Mission Del Paso, Room D109
El Paso Community College
P.O. Box 20500
El Paso, Texas 79998
Phone: (915) 831-7093 Fax: 831-7134
E-mail: Lsalaza1@epcc.edu

Equal Educational Opportunity. No Student or Prospective Student of the College Shall Be Discriminated Against Because of Race, Color, Religion, Gender, National Origin, Age, or Handicap. Students Who Feel Aggrieved on the Basis of Race, Gender, Color, National Origin, Disability, Creed, or Age May File a Written Grievance. See college catalog for specific procedures.

Reviewed: June, 2011
Reviewed: October, 2011
Reviewed: November, 2012
Reviewed: October, 2013
Reviewed: June, 2015
Reviewed: June, 2016
Reviewed: October, 2016
Reviewed: October, 2017
Reviewed: June, 2018
Reviewed: October, 2018
Reviewed: June, 2019
Reviewed: October 2020
Reviewed: June 2022

Texas Administrative Code

TITLE 22

EXAMINING BOARDS

PART 11

TEXAS BOARD OF NURSING

CHAPTER 213

PRACTICE AND PROCEDURE

RULE §213.30

Declaratory Order of Eligibility for Licensure

(a) For purposes of this section only, "petitioner" means an individual who:

(1) is enrolled or planning to enroll in an educational nursing program that prepares individuals for initial licensure as a registered or vocational nurse;

(2) seeks licensure by endorsement pursuant to §217.5 of this title (relating to Temporary License and Endorsement); or

(3) seeks licensure by examination pursuant to §217.2 (relating to Licensure by Examination for Graduates of Nursing Education Programs Within the United States, its Territories, or Possessions) or §217.4 (relating to Requirements for Initial Licensure by Examination for Nurses Who Graduate From Nursing Education Programs Outside of United States' Jurisdiction) of this title.

(b) An individual who has reason to believe that he or she may be ineligible for initial licensure or licensure by endorsement due to issues discussed in this rule may petition the Board for a declaratory order as to his or her eligibility.

(c) A petitioner must submit a petition, on forms provided by the Board, and the following information:

(1) a statement by the petitioner indicating the reason(s) and basis of his/her potential ineligibility;

(2) if the potential ineligibility is due to the petitioner's criminal history, all court documents, including, but not limited to: indictments, agreements for pre-trial diversion or deferred prosecution, orders of deferred adjudication, judgments, probation records, and evidence of completion of probation, as applicable;

(3) if the potential ineligibility is due to the petitioner's mental health condition or diminished capacity, verifiable and reliable evidence of controlled behavior and consistent compliance with recommended treatment, including compliance with a prescribed medication regime, for a reasonable amount of time, as applicable;

(4) if the potential ineligibility is due to the petitioner's substance use disorder and/or the abuse/misuse of alcohol or drugs, verifiable and reliable evidence of sobriety and abstinence from drugs and alcohol, which may include evidence of the completion of inpatient, outpatient, or aftercare treatment, random drug screens, individual or group therapy, and/or support group attendance;

(5) the required fee, which is not refundable; and

- (6) an evaluation that meets the criteria of the Occupations Code §301.4521 and §213.33 of this chapter (relating to Factors Considered for Imposition of Penalties/Sanctions), as applicable.
- (d) Once the Board has received all necessary information, including the information required by subsection (c) of this section, an investigation of the petition and the petitioner's eligibility shall be conducted. The investigation will be based upon an evaluation of the individualized factors of the case, the potential risk of harm the individual's practice may pose to patients/clients and/or the public, and the petitioner's ability to meet the requirements of §213.27 (relating to Good Professional Character), §213.28 (relating to Licensure of Individuals with Criminal History), and §213.29 (relating to Fitness to Practice) of this chapter, as applicable. Based upon the individualized facts of the case, the Board may approve licensure without encumbrance, impose probationary conditions or restrictions on the individual's ability to practice nursing in this state, or deny licensure.
- (e) The petitioner or the Board may amend the petition to include additional grounds for potential ineligibility at any time before a final determination is made.
- (f) If an individual is seeking licensure by endorsement pursuant to §217.5 of this title and has been licensed to practice nursing in any jurisdiction and has been disciplined in that jurisdiction or allowed to surrender in lieu of discipline in that jurisdiction, the provisions of §213.27(e) of this chapter will apply to the eligibility of the petitioner.
- (g) If a petitioner's potential ineligibility is due to his/her criminal history, the provisions of §213.28 of this chapter will apply to the eligibility of the petitioner.
- (h) If a petitioner's potential ineligibility is due to a substance use disorder and/or the abuse/misuse of alcohol or drugs, a mental health condition or diminished capacity, or another issue relating to the individual's fitness to practice, the provisions of §213.29 of this chapter will apply to the eligibility of the petitioner.
- (i) If the Executive Director proposes to find the petitioner ineligible for licensure, the petitioner may obtain a hearing before the State Office of Administrative Hearings (SOAH). The Executive Director shall have discretion to set a hearing and give notice of the hearing to the petitioner. The hearing shall be conducted in accordance with §213.22 of this chapter (relating to Formal Proceedings) and the rules of SOAH. When in conflict, SOAH's rules of procedure will prevail. The decision of the Board shall be rendered in accordance with §213.23 of this chapter (relating to Decision of the Board).
- (j) A final Board order is issued after an appeal results in a Proposal for Decision from SOAH. The Board's final order must set out each basis for potential ineligibility and the Board's determination as to eligibility. In the absence of new evidence not disclosed by the petitioner or not reasonably available to the Board at the time the order is issued, the Board's ruling determines the petitioner's eligibility with respect to the grounds for potential ineligibility as set out in the order. An individual whose petition is denied by final order of the Board may not file another petition or seek licensure by endorsement or examination until after the expiration of three years from the date of the Board's order denying the petition. If the petitioner does not appeal or request a formal hearing at SOAH after a letter proposal to deny eligibility made by the Eligibility and Disciplinary Committee of the Board or the Executive Director, the petitioner may re-petition or seek

VN NEW STUDENT ORIENTATION

licensure by endorsement or examination after the expiration of one year from the date of the proposal to deny eligibility, in accordance with this section and the Occupations Code §301.257.

(k) The following eligibility and disciplinary sanction policies, as applicable, shall be used by the Executive Director, SOAH, and the Board in evaluating an eligibility matter under this section:

(1) Sanctions for Behavior Involving Fraud, Theft, and Deception, approved by the Board and published on August 28, 2015, in the *Texas Register* and available on the Board's website at <http://www.bon.state.tx.us/disciplinaryaction/dsp.html>;

(2) Sanctions for Behavior Involving Lying and Falsification, approved by the Board and published on August 28, 2015, in the *Texas Register* and available on the Board's website at <http://www.bon.state.tx.us/disciplinaryaction/dsp.html>;

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

(4) Sanctions for Substance Use Disorders and Other Alcohol and Drug Related Conduct, approved by the Board and published on August 28, 2015, in the *Texas Register* and available on the Board's website at <http://www.bon.state.tx.us/disciplinaryaction/dsp.html>.

(l) If an individual seeking licensure by endorsement under §217.5 of this title or licensure by examination under §217.2 or §217.4 of this title should have had an eligibility issue addressed pursuant to the Occupations Code §301.257, the filed application will be treated and processed as a petition for declaratory order under this section, and the individual will be treated as a petitioner under this section and will be required to pay the non-refundable fee required by this section and §223.1 of this title (relating to Fees).

m) This section implements the requirements of the Occupations Code Chapter 53 Subchapter D and the Occupations Code §301.257.

Source Note: The provisions of this §213.30 adopted to be effective August 15, 2002, 27 TexReg 7107; amended to be effective May 17, 2004, 29 TexReg 4884; amended to be effective February 19, 2006, 31 TexReg 847; amended to be effective October 10, 2007, 32 TexReg 7058; amended to be effective July 2, 2008, 33 TexReg 5007; amended to be effective November 15, 2009, 34 TexReg 7812; amended to be effective July 12, 2010, 35 TexReg 6074; amended to be effective July 10, 2013, 38 TexReg 4342; amended to be effective October 29, 2015, 40 TexReg 7422

VN NEW STUDENT ORIENTATION

For Office Use Only: RN / LVN	Texas Board of Nursing 333 Guadalupe, Ste. 3-480, Austin, TX 78701-3944 Phone: 512-305-7400 – Web Site: www.bon.texas.gov PETITION FOR DECLARATORY ORDER	For Office Use Only:
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Last Name (Print or Type): _____ First Name: _____
 Middle Name (will appear on license): _____ Previous Name(s): _____

(Address) _____ (City) _____ (State/Country) _____ (Zip/Postal Code) _____
 (E-Mail Address) _____ Phone Number _____

U.S. Social Security Number: _____ - _____ - _____ Date of Birth: _____ / _____ / _____
Mo Day Yr

Gender: [] Male [] Female Ethnicity: [] African American [] Asian [] Caucasian [] Hispanic [] Native American [] Other

Nursing Program Information

Type of Nursing Program for which you are seeking clearance: (circle one) LVN RN BOTH

Date of Enrollment/Potential Enrollment: _____ Date of Anticipated Graduation: _____

Eligibility Questions

These questions MUST be answered truthfully EACH TIME they are answered, even if you have previously disclosed information and/or undergone a previous eligibility review. Check either "Yes" or "No" in the box for each numbered question.

1) ☐ No ☐ Yes *For any criminal offense, including those pending appeal, have you:

- A. been arrested and have a pending criminal charge?
- B. been convicted of a misdemeanor?
- C. been convicted of a felony?
- D. pled nolo contendere, no contest, or guilty?
- E. received deferred adjudication?
- F. been placed on community supervision or court-ordered probation, whether or not adjudicated guilty?
- G. been sentenced to serve jail time, prison time, or court-ordered confinement?
- H. been granted pre-trial diversion?
- I. been cited or charged with any violation of the law?
- J. been subject of a court-martial; Article 15 violation; or received any form of military judgment/punishment/action?

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

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

NOTE: Orders of Non-Disclosure: Pursuant to Tex. Gov't Code § 552.142(b), if you have criminal matters that are the subject of an order of non-disclosure you are not required to reveal those criminal matters on this form. However, a criminal matter that is the subject of an order of non-disclosure may become a character and fitness issue. Pursuant to Gov't Code chapter 411, the Texas Nursing Board is entitled to access criminal history record information that is the subject of an order of non-disclosure. If the Board discovers a criminal matter that is the subject of an order of non-disclosure, even if you properly did not reveal that matter, the Board may require you to provide information about any conduct that raises issues of character and fitness.

Applicant's Signature: _____

Date: _____

Page 1 of 2

VN NEW STUDENT ORIENTATION

Petition for Declaratory Order

Applicant Name: _____

Social Security Number: _____ - _____ - _____

- 2) ☐ No ☐ Yes *Are you currently the target or subject of a grand jury or governmental agency investigation?
- 3) ☐ No ☐ Yes Has any licensing authority ever refused to issue you a license or ever revoked, annulled, cancelled, accepted surrender of, suspended, placed on probation, refused to renew a professional license, certificate or multi-state privilege held by you now or previously, or ever fined, censured, reprimanded or otherwise disciplined you?
- 4) ☐ No ☐ Yes *In the past five (5) years have you been diagnosed with or treated or hospitalized for schizophrenia and/or psychotic disorder, bipolar disorder, paranoid personality disorder, antisocial personality disorder, or borderline personality disorder which impaired or does impair your behavior, judgment, or ability to function in school or work?
- (You may answer "No" if you have completed and/or are in compliance with TPAPN for mental illness OR you've previously disclosed to the Texas Board of Nursing and have remained compliant with your treatment regime and have had no further hospitalization since disclosure.)
- 5) ☐ No ☐ Yes *Within the past five (5) years have you been addicted to and/or treated for the use of alcohol or any other drug?

*Pursuant to the Texas Occupations Code §301.207, information, including diagnosis and treatment, regarding an individual's physical or mental condition, immoderate use of drugs or alcohol, or chemical dependency and information regarding an individual's criminal history is confidential to the same extent that information collected as part of an investigation is confidential under the Texas Occupations Code §301.466. If you are licensed as an LVN in the State of Texas and are currently participating in the Texas Peer Assistance Program for Nurses you may answer "NO" to questions #4 and #5.

NOTE: IF YOU ANSWER "YES" TO ANY QUESTION #1 - #5, PLEASE REFER TO "INSTRUCTIONS FOR ELIGIBILITY QUESTIONS" FOR MORE INFORMATION.

Attestation/Consent to Release & Use of Confidential Records

I, the NCLEX ® Candidate whose name appears within this Application, acknowledge this document is a legal document and I attest that I understand & meet all the requirements for the type of licensure requested, as listed in sections 301.252, 301.253, 301.452, 301.453, 301.454 and 304.001 of the Nursing Practice Act; 22 TAC §§ 213.27, 213.28, 213.29, 213.30, 213.33; 22 TAC §§ 217.11 and 217.12.

Further, I understand that it is a violation of the 22 TAC § 217.12 (6) (I) and the Penal Code, sec 37.10, to submit a false statement to a government agency; and I consent to release of confidential information to the Texas Board of Nursing and further authorize the Board to use and to release said information as needed for the evaluation and disposition of my application.

I understand that if I have any questions regarding this affidavit I should contact an attorney or the appropriate professional health provider. I will immediately notify the Board if at any time after signing this affidavit I no longer meet the eligibility requirements.

Applicant's Signature: _____

Date: _____ / _____ / _____

TEXAS BOARD OF NURSING
333 Guadalupe - Suite 3-460, Austin, Texas 78701
(512) 305-7400 – Web Site: www.bon.texas.gov

GENERAL INFORMATION

A petition for Declaratory Order (DO) is a formal disclosure to the Board of an eligibility issue that may prevent an applicant from taking the NCLEX examination upon completion of a nursing program. The Declaratory Order process permits the Board to make decisions regarding a petitioner's eligibility for licensure prior to entering or completing a nursing program.

Who should submit a Declaratory Order?

- Individuals attending an out-of-state nursing program who are more than 6 months away from graduation and have an eligibility issue to disclose to the Board.
- Individuals attending or planning to attend a Texas based nursing program, who have submitted fingerprints to the BON through the New/Accepted Student Roster process and have a non-CBC issue to disclose to the BON (i.e. they received a blue card, but need to answer "yes" to eligibility questions #2-5)
- Individuals attending or planning to attend a Texas based nursing program, who have submitted fingerprints to the BON through the New/Accepted Student Roster process, and received a letter from the BON **requesting** the submission of the Declaratory Order Petition.

NOTE:

- The Petition for Declaratory Order expires after one (1) year from the date of receipt in the Board's office. If the petition packet is not completed within one (1) year, then all forms must be re-submitted.
- The Petition for Declaratory Order (DO) is **not** the same as the NCLEX®PN/NCLEX®RN application. Individuals must still submit an NCLEX examination application within 4 months of their potential graduation date.

INSTRUCTIONS

1. Print in black ink or type your information on the Petition for Declaratory Order. The petition will be accepted only if the information is printed **LEGIBLY**.
2. Be sure to answer all questions honestly. The Texas Board of Nursing may have cause to deny your petition if you provide false information on your petition.
3. Sign and date the *Attestation/Consent to Release & Use of Confidential Records* statement on page 2.
4. Criminal background checks are performed on all applicants for Licensure in Texas. A criminal background check must be completed through the Department of Public Safety (DPS) and the Federal Bureau of Investigation (FBI) based on the set of fingerprints you provide to MorphoTrust. **The BON cannot accept fingerprint cards or criminal background check results mailed by the applicant, or results that were completed for another facility, even if the previous check was completed through DPS and FBI.**

The Service Code Forms located at the end of this packet will assist you in submitting the required fingerprints.

Individuals attending or planning to attend a Texas based nursing program should complete the fingerprinting process through their school using the New/Accepted Student Roster process prior to potentially submitting the Declaratory Order Petition.

NOTE: Occasionally DPS and/or the FBI will notify the BON that the fingerprints submitted were not usable and/or readable and therefore have been rejected. You will be notified that a rejection has been received and another set of fingerprints is required. The BON can only submit a request to initiate a name search on your behalf if our office has received two (2) quality rejections from the FBI within the past year. A rejection for any other reason (i.e. smudging, impressions too light etc.) will not count towards this requirement.

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

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be requested.

Only ONE copy of the letter and supporting documentation is required. Sending the same information by multiple methods (i.e. mail, fax, and email) delays processing, as staff must pull the paperwork each time a submission is made to verify if it is duplicate or new information being received.

Statutes and Rules governing this petition may be found in the Texas Occupations Code §§ 301.257, 301.452-301.454 (Nursing Practice Act), and in the Board Rules and Regulations relating to Nurse Education, Licensure and Practice, 22 TAC §§ 213.27-.30, §213.33, and §§ 217.11-.12. These statutes and rules can be located on the BON's web site www.bon.texas.gov.

INSTRUCTIONS FOR ELIGIBILITY QUESTIONS

If you answered yes to questions 1-5 of the Eligibility Questions, you must provide the Board with the following information (All documents become a permanent part of your file and will not be returned):

***QUESTION #1.** The Board has determined that criminal behavior is highly relevant to an individual's fitness to practice nursing. Therefore, all criminal convictions or deferred orders, prosecution, or adjudication-a determination by a court that is withheld or delayed for a specific time period, must be reported to the Board. This question includes offenses under the law of another state, federal law, or the Uniform Code of Military Justice that contains elements of criminal conduct. SUBMIT a personal letter of explanation describing each incident, the behavior that led up to the criminal order and your conduct since the order, and any rehabilitative efforts that have been performed since the order. The document must be signed and dated. In addition, SUBMIT the following documentation for all felonies, all misdemeanors, and all military actions:

Certified copies of:

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

(To obtain this documentation, contact the county clerk in the jurisdiction where the order was issued for misdemeanors; district court clerk for felonies. If the record does not exist, you must obtain a statement from that court that the document has been destroyed or could not be located.)

You may answer "NO" to the question of prior convictions only if you: (a) received a pardon; or (b) were adjudicated as a minor without a finding of "delinquent conduct". If you were ever required to register as a sex offender, you must answer "YES".

If you have questions regarding the outcome of any criminal matter, consult your attorney.

***QUESTION #2.** The Nursing Practice Act provides that a person's conduct in violation of the Nursing Practice Act or rules of the Board may be considered as a factor in its deliberations regarding fitness to practice nursing. Therefore, if a licensee or applicant is the subject of a grand jury or governmental agency investigation, the information regarding conduct or behavior giving rise to the investigation may be relevant in determining a violation of the Nursing Practice Act or lead to the admissibility of relevant evidence of such violation. If you are the subject of a grand jury or governmental agency investigation, please SUBMIT the name and address of the investigating entity and an explanation as to the basis of the investigation.

QUESTION #3. The Board has determined that if any licensing authority has taken disciplinary action against a person for any reason, then those actions are highly relevant to an individual's current ability to practice nursing in the state of Texas. If any licensing authority has refused to issue a license, revoked, annulled, cancelled, accepted surrender of, suspended, placed on probation, refused to renew a license, certificate, or multi state privilege held by you or previously fined, censured, reprimanded or otherwise disciplined you, SUBMIT the names and address of the licensing authority who has taken action and a letter explaining the background of the action. Additionally, SUBMIT certified copies of

1. formal charges or allegations supporting the licensure action;

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

***QUESTION #4.** The practice of nursing requires current fitness. The Board has identified certain disorders which, if occurring within the last 5 years, may indicate a lack of fitness. The disorders are: schizophrenia and other psychotic disorders, bipolar disorder, paranoid personality disorder, anti-social personality disorder, or borderline personality disorder. If you have been diagnosed, treated, or hospitalized for any of the above illnesses within the last 5 years, which impaired or does impair your behavior, judgment, or ability to function in school or work, submit the following information that will allow the Board to conduct an individualized assessment of your ability to practice safely, competently, and without impairment to your professional judgment, skill, or knowledge.

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

Please be advised that a physical/psychological evaluation may be requested as part of your individualized assessment. The evaluation process is described in more detail at www.bon.texas.gov/disciplinaryaction/eval-guidelines.html. The evaluation process could potentially delay consideration of your application. Therefore, the Board is providing advance notice of this possibility so that applicants may contact the Board to schedule an evaluation at the beginning of the application process. By doing so, the application should not be unduly delayed. An applicant is not required to contact the Board in advance of Board consideration of the application. The applicant may choose to wait for a specific decision by the Board that a specific evaluation is necessary. This information is being provided to put applicants on notice with respect to this potential requirement and afford the applicant the opportunity to expedite the process if he/she so desires.

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

1. verification of treatment for substance abuse sent directly to the Board from the treatment center;
2. verification of compliance with aftercare recommendations;
3. evidence of continuing sobriety/abstinence, for example, current support group attendance and random drug testing results; and
4. a personal letter of explanation with sobriety date and plan for relapse prevention.

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

ELIGIBILITY REVIEW TIME FRAMES

An initial review will take place within ten (10) business days of the BON receiving the CBC results from DPS and FBI. This initial review can take up to 30 days.

If it is determined that the issue being reported to the BON meets the criteria for opening a case according to our current rules, you may be required to pay a \$150.00 review fee. Your file will be transferred to our Enforcement Department for review within ten (10) business days of the payment being received.

The time needed to complete an eligibility review by the Enforcement Department varies on a case by case basis. The process generally takes an average of 90 days to make a recommendation, provided the file contains all the needed information. If additional material is needed, you will receive such request by the Enforcement Staff. Upon completion of the eligibility enforcement review, your file will be returned to the Examination Department for continued processing.

The BON **will not** issue an outcome letter, approve an applicant for an authorization to test (ATT), and/or approve an applicant for permanent licensure until a final decision has been rendered by either the Operations or Enforcement Department.

FREQUENTLY ASKED QUESTIONS REGARDING PETITIONS FOR DECLARATORY ORDER

1. How long will it take to receive an eligibility decision from the Board?

- *The initial review process can take a minimum of 30 days and a minimum of 90 days for a recommendation by Enforcement Department. Unfortunately, Board staff cannot provide a specific time frame over the telephone to an applicant regardless of the type of case. The Board strongly advises that the applicant petition the Board before enrolling into a nursing program if the applicant has potential eligibility issues.*

2. I am in my last semester of nursing school and I am not allowed to participate in clinicals until I receive an eligibility determination from the Board. How can I speed up the petition process?

- *Unfortunately the Board cannot expedite the eligibility process. Petitions for Declaratory Order are reviewed on a case-by-case basis and are processed in the order that they are received.*

3. My criminal history came back with a charge I forgot about. I did not indicate this on my Declaratory Order. Will I automatically be denied because I did not disclose the offense to the Board?

- *Providing incomplete information may result in the Board delaying or denying the approval of the DO.*

4. Can a person be licensed if they have a misdemeanor or felony crime on their record?

- *Each applicant is evaluated on a case-by-case basis. Eligibility to take the NCLEX cannot be determined without an applicant disclosing all pertinent eligibility issues for review. The Texas Board of Nursing considers the nature, severity, the age of the individual when the incident occurred, and other factors when reviewing a case for eligibility. The Board will take all factors into consideration prior to making a determination for approval or denial of licensure.*

5. I have a pending criminal charge against me. Do I have to report this to the Board?

- *YES. All pending criminal charges and/or disciplinary action must be reported to the Board.*

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6. Can I work as a Graduate Nurse/Graduate Vocational Nurse (GN/GVN) while the Board is determining my eligibility?

- *NO. The Board will not authorize applicants to take the NCLEX exam and/or to practice as a GN/GVN until an eligibility decision is rendered. Some applicants may not be eligible to practice as a GN/GVN upon receiving the eligibility determination.*

7. When will I receive my blue card?

- *Blue cards are issued within ten business days to individuals whose criminal history report comes back with findings from both DPS and FBI.*

NOTE: It is possible for an individual to receive a blue card, but still need to submit a Declaratory Order to disclose other eligibility concerns. All petitioners need to read each question carefully.

8. What can I do if I am denied?

- *Petitioners who receive a proposal to deny eligibility may request a hearing before an Administrative Law Judge at the State Office of Administrative Hearings (SOAH) by filing a written request with the Board. The request must be made within 60 days of the denial date and must be addressed to the Office of General Counsel.*
- *Petitioners who are denied can re-petition the Board at a later date. To determine when you will be eligible to re-petition the Board, speak to the Enforcement or Legal department for the length of time you must wait before re-petitioning.*

Declaratory Order Petition Check List

- ☐ Have you filled in **all** applicable blanks and written **all dates** with month/day/year?
- ☐ Have you listed **and described** all offenses and dates of offenses for questions 2&3 in your **detailed** letter of explanation?
- ☐ Have you attached all the certified court documentation for **each** offense? **NOTE:** Computer screen prints (unless certified by the court) are not acceptable.
- ☐ Have you attached your personal letter explaining the occurrences of each offense, addiction, or mental illness? ☐ you sign and date your letter?
- ☐ If you are petitioning due to a mental illness, have you requested your physician, psychiatrist and/or psychologist to submit documentation directly to the Board?
- ☐ Have you attached verification of compliance with after care recommendations (only if petitioning due to mental illness or addiction)?
- ☐ Have you attached evidence of continuing sobriety/abstinence (only if petitioning due to alcohol/substance abuse addiction)?
- ☐ Have you attached verification of treatment for substance abuse (only if petitioning due to addiction, all documentation must be sent directly from physician and/or treatment center)?

Send to:
Texas Board of Nursing
333 Guadalupe, Tower 3, Suite 460
Austin, TX 78701



FOR APPLICANTS RESIDING IN TEXAS

The Texas Department of Public Safety has entered into an exclusive contract with MorphoTrust, which operates over 80 IdentoGO Centers around Texas, to provide statewide electronic fingerprinting. The goal of the Fingerprint Applicant Services of Texas (FAST) Program is to provide convenient applicant fingerprinting services throughout the state of Texas. IdentoGO is committed to a 98% classifiable rate which means quality prints, less rejections, and quick responses. Appointments are available by scheduling on-line at <http://www.identogo.com> or by calling 1-888-467-2080. The cost of this service is 10.00 plus a \$27.00 fee for the State and National Criminal History Record Information. Fees associated with the F.A.S.T. service may be paid online with a credit card or onsite with a check or money order made payable to MorphoTrust USA only. (Cash is not accepted.)

The general process for electronic fingerprinting is:

1. Schedule an appointment to be electronically fingerprinted by MorphoTrust USA at one of their IdentoGo enrollment centers.
 - Internet based scheduling is the quickest and most convenient way to obtain a fingerprint appointment.
 - a. You may begin the process now by simply clicking on this link:
<https://uenroll.identogo.com/servicecode/119TF2>
 - b. and then; click "Schedule an Appointment".
 - c. Once you have scheduled your appointment, you are **not** required to bring the form to your visit.
 - If you prefer to schedule over the telephone, you must:
 - a. First download the TX Fingerprint Service Code form here:
http://www.bon.texas.gov/pdfs/forms_pdfs/background/TX-S-Code-119TF2-Nurse-Examiners.pdf
 - b. Then call **888.467.2080**;
 - c. Please have the TX Fingerprint Service Code form before you call –MorphoTrust will prompt you for the Service Code (**119TF2**) on the form;
 - d. Once you have scheduled your appointment, you are **not** required to bring the form to your visit.
2. Arrive at your scheduled appointment with your photo identification and fee
 - If you plan on bringing a form of identification other than a valid (unexpired) TX Driver License, please refer to the Department of Public Safety's acceptable document types here:
<http://www.tnrollment.com/state/forms/tx/55fc619a7f7aa.doc>
 - MorphoTrust accepts Visa/MasterCard/Discover/American Express, business checks, money orders and coupon codes (employer accounts) at the time of service.
 - Please note that personal checks and cash are **not accepted**.
3. Your fingerprints will be submitted electronically to DPS and the FBI. You will not receive a printed fingerprint card.
4. At the conclusion of your appointment, the MorphoTrust enrollment agent will provide you with an IdentoGo receipt stating that you were fingerprinted.
 - Do not throw away the receipt;
 - You may check status on your submission by clicking on this link:
<https://uenroll.identogo.com/servicecode/119TF2> and then;
 - Click "Check Status"

Fingerprints provided for this application shall be used to check criminal history records of the Texas Department of Public Safety and the Federal Bureau of Investigation, in accordance with applicable statutes.



FOR APPLICANTS RESIDING OUTSIDE TEXAS

The Texas Department of Public Safety has entered into an exclusive contract with MorphoTrust, which operates over 80 Identogo Centers around Texas, to provide statewide electronic fingerprinting. The goal of the Fingerprint Applicant Services of Texas (FAST) Program is to provide convenient applicant fingerprinting services throughout the state of Texas. Identogo is committed to a 98% classifiable rate which means quality prints, less rejections, and quick responses. Appointments are available by scheduling on-line at <http://www.identogo.com> or by calling 1-888-467-2080. The cost of this service is \$10.00 plus a \$27.00 fee for the State and National Criminal History Record Information. Fees associated with the F.A.S.T. service may be paid online with a credit card or onsite with a check or money order made payable to MorphoTrust USA only. (Cash is not accepted.)

When electronic fingerprinting is not available (i.e. out of state applicants), the following process must be followed to submit ink fingerprint cards.

1. Pre-enroll with MorphoTrust USA to submit fingerprint cards.
 - Internet based pre-enrollment is the quickest and most convenient way to submit fingerprint cards.
 - a. You may begin the process now by simply clicking on this link: <https://uenroll.identogo.com/servicecode/119TF2> and then;
 - b. Click "Schedule an Appointment";
 - c. On the screen that prompts for your zip code, instead click the "Pay for Ink Card Submission" button and complete all required fields on the following page;
 - d. Complete payment screen;
 - e. Print the confirmation document containing a bar code and complete by signing the waiver and filling in contact information;
 - f. Once you have obtained your fingerprint cards, follow mail-in directions on the confirmation document.
 - If you prefer to pre-enroll over the telephone, you must:
 - a. First download the TX Fingerprint Service Code form here: http://www.bon.texas.gov/pdfs/forms_pdfs/background/TX-S-Code-119TF2-Nurse-Examiners.pdf
 - b. Then call 888.467.2080
 - c. Please have the TX Fingerprint Service Code form before you call –MorphoTrust will prompt you for the Service Code (119TF2) on the form;
 - d. Inform the MorphoTrust representative that you wish to pre-enroll for a "hard card submission";
 - e. Once payment is complete a summary confirmation document will be emailed to you;
 - f. Print the confirmation document and complete by signing the waiver and filling in contact information;
 - g. Once you have obtained your fingerprint cards, follow mail-in directions on the confirmation page.
2. Obtain a copy of your fingerprints by a criminal law enforcement agency on an original FBI APPLICANT fingerprint card that includes the Texas Board of Nursing ORI – TX920440Z. ALL requested information must be provided on the fingerprint card, and you and the official taking the fingerprints must sign the card.
3. All fingerprints MUST be captured by a law enforcement agency.
4. Once you have obtained your fingerprint cards, follow the mail-in directions found on the MorphoTrust Pre-Enrollment Confirmation Page that you previously printed and completed.
5. Wait for a receipt from MorphoTrust USA.
 - You may check status on your submission by clicking on this link: <https://uenroll.identogo.com/servicecode/XXXXXX> and then;
 - Click "Check Status"

Fingerprints provided for this application shall be used to check criminal history records of the Texas Department of Public Safety and the Federal Bureau of Investigation, in accordance with applicable statutes.



FOR APPLICANTS WITHOUT A SOCIAL SECURITY NUMBER

The Texas Department of Public Safety has entered into an exclusive contract with MorphoTrust to provide statewide electronic fingerprinting by visiting one of the over 80 Identogo Centers around Texas. The goal of the Fingerprint Applicant Services of Texas (FAST) Program is to provide convenient applicant fingerprinting services throughout the state of Texas. Identogo is committed to a 98% classifiable rate which means quality prints, less rejections, and quick responses. Appointments are available by scheduling on-line at <http://www.identogo.com> or by calling 1-888-467-2080. The cost of this service is \$10.00 plus a \$29.75 fee for the State and National Criminal History Record Information. Fees associated with the F.A.S.T. service may be paid online with a credit card or onsite with a check or money order made payable to Identogo only. Cash is not accepted!

If you are unable to utilize an Identogo Center for the fingerprint process you may be fingerprinted by any entity trained in fingerprint collection (See instructions in "A Completed Fingerprint Card" section). Be sure to use a DPS approved fingerprint card; fingerprints must be collected on a Standard FBI Fingerprint Card. These are identified as white cards with blue lines and the label "FD-258" (on the top left corner). Please do not bend the cards during mailing. Please submit only one card per envelope.

The general process for electronic fingerprinting is:

1. Pre-enroll with MorphoTrust USA to submit fingerprint cards.
 - Internet based pre-enrollment is the quickest and most convenient way to submit fingerprint cards.
 - a. You may begin the process now by simply clicking on this link: <https://uenroll.identogo.com/servicecode/11G64G> and then;
 - b. Click "Schedule an Appointment";
 - c. On the screen that prompts for your zip code, instead click the "Pay for Ink Card Submission" button and complete all required fields on the following page;
 - d. Complete payment screen;
 - e. Print the confirmation document containing a bar code and complete by signing the waiver and filling in contact information;
 - f. Once you have obtained your fingerprint cards, follow mail-in directions on the confirmation document.
 - If you prefer to pre-enroll over the telephone, you must:
 - a. First download the TX Fingerprint Service Code form here: http://www.bon.texas.gov/pdfs/forms_pdfs/background/TX-S-Code-11G64G-International-Candidates.pdf
 - b. Then call 888.467.2080
 - c. Please have the TX Fingerprint Service Code form before you call –MorphoTrust will prompt you for the Service Code (11G64G) on the form;
 - d. Inform the MorphoTrust representative that you wish to pre-enroll for a "hard card submission";
 - e. Once payment is complete a summary confirmation document will be emailed to you;
 - f. Print the confirmation document and complete by signing the waiver and filling in contact information;
 - g. Once you have obtained your fingerprint cards, follow mail-in directions on the confirmation page.
2. Obtain a copy of your fingerprints by a criminal law enforcement agency on an original FBI APPLICANT fingerprint card that includes the Board of Nurse Examiners ORI – TX923672Z. ALL requested information must be provided on the fingerprint card and you and the official taking the fingerprints must sign the card.
3. All fingerprints MUST be captured by a law enforcement agency.
4. Once you have obtained your fingerprint cards, follow the mail-in directions found on the MorphoTrust Pre-Enrollment Confirmation Page that you previously printed and completed.
5. Wait for a receipt from MorphoTrust USA.
 - You may check status on your submission by clicking on this link: <https://uenroll.identogo.com/servicecode/XXXXXX> and then;
 - Click "Check Status"

Fingerprints provided for this application shall be used to check criminal history records of the Texas Department of Public Safety and the Federal Bureau of Investigation, in accordance with applicable statutes.

[TITLE 22](#)
[PART 11](#)
[CHAPTER 213](#)
RULE §213.28

EXAMINING BOARDS
TEXAS BOARD OF NURSING
PRACTICE AND PROCEDURE
Licensure of Individuals with Criminal History

(a) Purpose and Applicability. This section establishes the criteria utilized by the Board in determining the effect of criminal history on nursing licensure and eligibility for nursing licensure and implements the requirements of Texas Occupations Code §53.025. This section applies to all individuals seeking to obtain or retain a license or multistate licensure privilege to practice nursing in Texas.

(b) An individual is subject to denial of licensure or to disciplinary action for a conviction for, or placement on deferred adjudication community supervision or deferred disposition for, a felony that is directly related to the practice of nursing or for a misdemeanor involving moral turpitude that is directly related to the practice of nursing (collectively referred to as *crimes* hereafter). This section applies to crimes that have been adjudicated through agreement or judicial order by a state or federal criminal justice system, without re-litigation of the underlying factual basis for the agreement or judicial order.

(c) The Board considers the crimes listed in the attached Criminal Guidelines (Guidelines) to be directly related to the practice of nursing. The Guidelines reflect the most common or well known crimes. The vast majority of an individual's criminal history that is reviewed by the Board will fall within the Guidelines. However, the Guidelines are not intended to be an exhaustive listing, and they do not prohibit the Board from considering an offense not specifically listed in the Guidelines. In matters involving an offense that is not specifically listed in the Guidelines, such as a violation of another state's law, federal law, or the Uniform Code of Military Justice, a determination shall be made by comparing that offense to the crime listed in the Guidelines that contains substantially similar elements. The offense must meet the requirements of subsection (b) of this section to be actionable.

[Attached Graphic](#)

(d) The Board has determined that the crimes listed in the Guidelines in subsection (c) of this section are directly related to the practice of nursing for the following reasons.

(1) Nursing is a unique profession. Nurses practice autonomously in a wide variety of settings and provide care to individuals who are, by virtue of their illness or injury,

physically, emotionally, and financially vulnerable. These individuals include the elderly; children; individuals with mental disorders; sedated and anesthetized patients; individuals with mental or cognitive disorders; and disabled and immobilized individuals. Nurses that engage in criminal conduct potentially place patients, healthcare employers, and the public at future risk of harm.

(2) Crimes involving fraud or theft. Nurses often have unfettered access to individuals' privileged information, financial information, and valuables, including medications, money, jewelry, credit cards/checkbook, and sentimental items. Nurses also provide around the clock care, working night and weekend shifts at hospitals, long term care facilities, nursing homes, assisted living facilities, and in home health and home-like settings, where there is often no direct supervision of the nurse. Patients in these settings are particularly vulnerable to the unethical, deceitful, and illegal conduct of a nurse. When a nurse has engaged in criminal behavior involving fraud or theft in the past, the Board is mindful that similar misconduct may be repeated in these nursing settings, thereby placing patients, healthcare employers, and the public at risk.

(3) Crimes involving sexual misconduct. Nurses also frequently provide care to partially clothed or fully undressed individuals, who are particularly vulnerable to exploitation. Due to the intimate nature of nursing care, professional boundaries in the nurse-patient relationship are extremely important. When a nurse has engaged in criminal behavior involving any type of sexual misconduct in the past, the Board is mindful that similar misconduct may be repeated in nursing settings. Such conduct may involve touching intimate body parts when the touch is not necessary for care, voyeurism, exposure of body parts when not necessary, and surreptitious touching. As such, the Board considers crimes involving any type of sexual misconduct to be highly relevant to an individual's ability to provide safe nursing care.

(4) Crimes involving lying, falsification, and deception. Nurses are expected to accurately and honestly report and record information in a variety of sources, such as medical records, pharmacy records, billing records, nursing notes, and plans of care, as well as report errors in their own nursing practice. When a nurse has engaged in criminal behavior involving lying, falsification, or deceptive conduct, the Board is mindful that similar misconduct may be repeated in nursing settings, thereby placing patients, healthcare employers, and the public at risk.

(5) Crimes involving drugs and alcohol.. Nurses have a duty to their patients to provide safe, effective nursing care and to be fit to practice. Nurses who have a substance use disorder may exhibit impairment in both cognitive and motor functioning. A nurse affected by a substance use disorder may be unable to

accurately assess patients, make appropriate judgments, or intervene in a timely and appropriate manner. This danger may be heightened when the nurse works in an autonomous setting where other healthcare providers are not present to provide interventions for the patient. As such, the Board considers crimes related to the use or possession of drugs or alcohol to be highly relevant to a nurse's fitness to practice.

(6) Crimes involving violence or threatening behavior. Nurses provide care to the most vulnerable of populations, including individuals who often have no voice of their own and cannot advocate for themselves. Further, patients are dependent on the nurse-patient relationship for their daily care. When a nurse has engaged in violent or threatening criminal behavior in the past, the Board is mindful that patients may be at risk for similar behavior in a healthcare setting. As such, the Board considers crimes involving violence and threatening behavior to be highly relevant to a nurse's fitness to practice.

(e) The Board has considered the nature and seriousness of each of the crimes listed in the Guidelines in subsection (c) of this section, the relationship of the crime to the purposes for requiring a license to engage in nursing; the extent to which a license to practice nursing might offer an opportunity to engage in further criminal activity of the same type as that in which the individual previously was involved; and the relationship of the crime to the ability, capacity, or fitness required to perform the duties and discharge the responsibilities associated with the practice of nursing. The Board has determined that each crime listed in the Guidelines in subsection (c) of this section raises concerns about the propensity of the individual to repeat similar misconduct in the workplace, if provided the opportunity. The Board has also determined that similar misconduct in the workplace would place vulnerable individuals at risk of exploitation or victimization. As a result, if an individual has committed a crime listed in the Guidelines in subsection (c) of this section, the Board will evaluate that conduct to determine if disciplinary action is warranted.

(f) Additionally, a crime will be considered to be directly related to the practice of nursing if the act:

(1) arose out of the practice of vocational, professional, or advanced practice nursing, as those terms are defined by the Nursing Practice Act (NPA);

(2) involves a current or former patient;

(3) arose out of the practice location of the nurse;

(4) involves a healthcare professional with whom the nurse has had a professional relationship; or

(5) constitutes a criminal violation of the NPA or another statute regulating another profession in the healing arts that also applies to the individual.

(g) Sanction. Not all criminal conduct will result in a sanction. The Board recognizes that an individual may make a mistake, learn from it, and not repeat it in the nursing practice setting. As such, each case will be evaluated on its own merits to determine if a sanction is warranted. If multiple crimes are present in a single case, a more severe sanction may be considered by the Board pursuant to Texas Occupations Code §301.4531. If a sanction is warranted, the Board will utilize the schedule of sanctions set forth in §213.33(e) (relating to Factors Considered for Imposition of Penalties/Sanctions) of this chapter. At a minimum, an individual will be required to successfully complete the terms of his/her criminal probation and provide evidence of successful completion to the Board. If an individual's criminal behavior is due to, or associated with, a substance use disorder or a mental health condition, evidence of ongoing sobriety, effective clinical management, and/or appropriate ongoing treatment may be required. Further, if an individuals' criminal history implicates his/her current fitness to practice, the individual may also be required to meet the requirements of §213.29 to ensure he/she is safe to practice nursing.

(h) Factors. The following factors will be considered when determining the appropriate sanction, if any, in eligibility and disciplinary matters involving criminal conduct:

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

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- (7) a record of steady employment;
 - (8) support of the individual's dependents;
 - (9) a record of good conduct;
 - (10) successful completion of probation/community supervision or early release from probation/community supervision;
 - (11) payment of all outstanding court costs, supervision fees, fines, and restitution ordered;
 - (12) the actual damages, physical or otherwise, resulting from the criminal activity;
 - (13) the results of an evaluation performed pursuant to Texas Occupations Code §301.4521 and §213.33(k) and (l) of this chapter;
 - (14) evidence of remorse and having learned from past mistakes;
 - (15) evidence of current support structures that will prevent future criminal activity;
 - (16) evidence of current ability to practice nursing in accordance with the NPA, Board rules, generally accepted standards of nursing; and other laws that affect nursing practice; and
 - (17) any other matter that justice requires.
- (i) Evaluations. Pursuant to Texas Occupations Code §301.4521 and §213.33(k) and (l) of this chapter, the Board may request or require an individual to undergo an evaluation with a Board-approved evaluator to better determine whether the individual is safe to practice nursing and is able to comply with the NPA, Board rules, and generally accepted standards of nursing. If an individual's criminal behavior is due to, or associated with, a substance use disorder or a mental health condition, evidence of ongoing sobriety, effective clinical management, and/or appropriate ongoing treatment may also be required.
- (j) Youthful Indiscretions. Some criminal behavior may be deemed a youthful indiscretion under this paragraph. In that event, a sanction will not be imposed. The following criteria will be considered in making such a determination:
- (1) the offense was not classified as a felony;

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

Disciplinary Guidelines for Criminal Conduct

Figure 22 TAC §213.28(c)

OFFENSE	PENALTY F = Felony M=Misdemeanor	PENAL CODE SECTION (or Crim. Pro. ch. 62)	NOTES
*Abandonment/Edangerment of a Child	F	22.041	If on or after September 1, 2005, revocation/denial of licensure is required by Tex. Occ. Code §301.4535.
*Agree to Abduct Child for Remuneration: Younger than 18	F	25.031	If on or after September 1, 2005, revocation/denial of licensure is required by Tex. Occ. Code §301.4535.
*Aiding Suicide: Serious Bodily Injury/Death	F	22.08	If on or after September 1, 2005, revocation/denial of licensure is required by Tex. Occ. Code §301.4535.
*Assault, Aggravated	F	22.02	If on or after September 1, 2005, revocation/denial of licensure is required by Tex. Occ. Code §301.4535.
*Attempt, Conspiracy, or Solicitation of ch. 62 offense	F, M	ch. 62	If on or after September 1, 2005, revocation/denial of licensure is required by Tex. Occ. Code §301.4535.
*Burglary (if punishable under Penal Code §30.02(d) and ch. 62 offense)	F	ch. 62 (§62.001(5) (D))	If on or after September 1, 2005, revocation/denial of licensure is required by Tex. Occ. Code §301.4535.
*Capital Murder	F	19.03	If on or after September 1, 2005, revocation/denial of licensure is required by Tex. Occ. Code §301.4535.
*Child Pornography, Possession or Promotion	F	43.26(a),(e) (ch .62)	If on or after September 1, 2005, revocation/denial of licensure is required by Tex. Occ. Code §301.4535.
*Continuous Sexual Abuse of Young Child or Children	F	21.02	If on or after September 1, 2005, revocation/denial of licensure is required by Tex. Occ. Code §301.4535.
*Indecency w/Child	F	21.11 (ch. 62)	If on or after September 1, 2005, revocation/denial of licensure is required by Tex. Occ. Code §301.4535.
*Indecent exposure x 2, if meets ch. 62 requirements	M	21.08 (ch. 62)	If on or after September 1, 2005, revocation/denial of licensure is required by Tex. Occ. Code §301.4535.
*Injury to Child/Elderly/Disabled	F	22.04	If on or after September 1, 2005, revocation/denial of licensure is required by Tex. Occ. Code §301.4535.
*Kidnapping	F	20.03, 20.04 (ch. 62)	If on or after September 1, 2005, revocation/denial of licensure is required by Tex. Occ. Code §301.4535.
*Manslaughter	F	19.04	If on or after September 1, 2005, revocation/denial of licensure is required by Tex. Occ. Code §301.4535.
*Murder	F	19.02	If on or after September 1, 2005, revocation/denial of licensure is required by Tex. Occ. Code §301.4535.
*Offenses for Which Registration as a Sex Offender is Required Under Ch. 62	F, M	§62.001(5)	If on or after September 1, 2005, revocation/denial of licensure is required by Tex. Occ. Code §301.4535.

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OFFENSE	PENALTY F = Felony M=Misdemeanor	PENAL CODE SECTION (or Crim. Pro. ch. 62)	NOTES
*Online Solicitation of a Minor	F	33.021(b),(c), (f); (ch. 62)	If on or after September 1, 2005, revocation/denial of licensure is required by Tex. Occ. Code §301.4535.
*Prostitution, Compelling	F	43.05 (ch. 62)	If on or after September 1, 2005, revocation/denial of licensure is required by Tex. Occ. Code §301.4535.
*Protective Order, Violation	F	25.07, 25.071	If on or after September 1, 2005, revocation/denial of licensure is required by Tex. Occ. Code §301.4535.
*Robbery	F	29.02	If on or after September 1, 2005, revocation/denial of licensure is required by Tex. Occ. Code §301.4535.
*Robbery, Aggravated	F	29.03	If on or after September 1, 2005, revocation/denial of licensure is required by Tex. Occ. Code §301.4535.
*Sale or Purchase of a Child	F	25.08	If on or after September 1, 2005, revocation/denial of licensure is required by Tex. Occ. Code §301.4535.
*Sexual Assault	F	22.011 (ch. 62)	If on or after September 1, 2005, revocation/denial of licensure is required by Tex. Occ. Code §301.4535.
*Sexual Assault, Aggravated	F	22.021 (ch. 62)	If on or after September 1, 2005, revocation/denial of licensure is required by Tex. Occ. Code §301.4535.
*Sexual Conduct, Prohibited	F	25.02 (ch. 62)	If on or after September 1, 2005, revocation/denial of licensure is required by Tex. Occ. Code §301.4535.
*Sexual Performance by Child	F	43.24(d), 43.25(b), (ch. 62)	If on or after September 1, 2005, revocation/denial of licensure is required by Tex. Occ. Code §301.4535.
*Unlawful Restraint	F	20.02	If on or after September 1, 2005, revocation/denial of licensure is required by Tex. Occ. Code §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	
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)	
Assault: Offense Against the Person that involves intentionally, knowingly, or recklessly causing bodily injury to another person.	F	22.01	
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	
Burglary: Offense Against	F	30.02	

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OFFENSE	PENALTY F = Felony M=Misdemeanor	PENAL CODE SECTION (or Crim. Pro. ch. 62)	NOTES
Property that involves entering another's property with intent to commit theft or harm to another person.			
Burglary of Vehicles: Offense Against Property that involves breaking into a vehicle with the intent to commit a felony or theft.	F	30.04	
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	
Criminal Attempt or Conspiracy: Inchoate (Preparatory) Offense for an offense listed in Guidelines.	F	15.01, 15.02	
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	
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	42.09	
Driving While Intoxicated	F	49.09	
Offenses. Offenses Against Public Health, Safety, and Morals that by the repetitiveness of the conduct indicates 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.			
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	
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.	F	Health & Safety Code Chs. 481, 482, 483	
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.	F	38.04	
False Report or Statement: Offense Against Property that involves intentionally or knowingly making a false material representation to obtain money or property.	F, M	32.32, 42.06	
Forgery: Offense Against Property that involves an intent to defraud or harm another.	F, M	32.21	
Fraudulent Destruction, Removal, or Concealment of Writing: Offense Against Property that involves an intent to defraud or harm another through the	F, M	32.47	

VN NEW STUDENT ORIENTATION

OFFENSE	PENALTY F = Felony M=Misdemeanor	PENAL CODE SECTION (or Crim. Pro. ch. 62)	NOTES
destruction, removal, concealment, substitution, or alteration of a writing that impairs the use of the writing.			
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.	F	32.51	
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	38.05	
Improper Photography or Visual Recording: Offense Against the Person that involves engaging in the secret photography of another person for purposes of sexual gratification.	F	21.15	
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	
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)	
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)	
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)	
Interference with Emergency Request for Assistance	F	42.062	
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	
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	
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	F	35A.02(b)(4)-(7)	

VN NEW STUDENT ORIENTATION

OFFENSE	PENALTY F = Felony M=Misdemeanor	PENAL CODE SECTION (or Crim. Pro. ch. 62)	NOTES
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. See Note at End of Document.			
Medicaid Fraud < \$1500: Offense Against Property that involves knowingly making a false material representation with the intent of recovering Medicaid payments of less than \$1500.00 which would not be authorized but for the misrepresentations.	F	35A.02(b)(2)-(3)	
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. See Note At End of Document.			
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.	F,M	32.45	
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)	
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	43.23	
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.	F	36.06	
Perjury: Offense Against Public Administration that involves making a false statement under oath with the intent to deceive.	M	37.02	
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	
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	46.05	
Prostitution, Prostitution or Promotion of, or Aggravated Promotion: 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	43.02, 43.04	

VN NEW STUDENT ORIENTATION

OFFENSE	PENALTY F = Felony M=Misdemeanor	PENAL CODE SECTION (or Crim. Pro. ch. 62)	NOTES
Resisting Arrest, Use of Deadly Weapon: Offense Against Public Administration that involves using a deadly weapon against another person.	F	38.03(d)	
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 person's property or pecuniary interests.	F, M	32.46	
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)	
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, M	37.10	
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	
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.	F	36.05	
Terroristic Threat: Offense Against Persons that involves threatening violence to persons or property.	F, M	22.07	
Theft # \$1499: Offense Against Property that involves an intent to deprive person of his/her property without his/her consent.	M	31.03(e)(1) - (3)	
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)	
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	
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.			
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.	F	31.07	

VN NEW STUDENT ORIENTATION

OFFENSE	PENALTY F = Felony M=Misdemeanor	PENAL CODE SECTION (or Crim. Pro. ch. 62)	NOTES
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	39.04	

*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.

EL PASO COMMUNITY COLLEGE
Nursing Program
Background
Screening
And Substance Abuse Screening

Two criminal background checks, fingerprints, and drug screen are required of students participating in this program.

Background Check American Data Bank (1)

A background check will be completed by each student after acceptance to the program by American Data Bank. Students who cannot participate in clinical rotations due to adverse activities revealed through a background check cannot start a program, complete a course or complete program requirements. Students not cleared for clinical learning experience participation will need to drop the program or will be administratively withdrawn from enrollment or admission in specified health-related educational courses and programs. Therefore, students who fail to obtain clearance may be prohibited from admission or enrollment in specified programs/courses. There is a fee for the finger printing.

For further information, please ask a Nursing Counselor or call the nursing coordinator. Web site: <http://www.elpasoex.com/>.

Background Check - Texas Board of Nursing. (2)

A background check will also be required by the Texas Board of Nursing. It will be done as you begin a nursing program, either VN or RN. Upon admission into a nursing program each student will have their name sent to the Texas Board of Nursing (BON) and in turn the student will get a an email from the BON to obtain the electronic fingerprints from Morpho Trust (IdentiGo) for FBI Background Check. There is a fee involved for the finger printing. After the fingerprints are completed and sent to the BON a report will be sent to the student in the form of a Blue Card which will be turned in to Pat Chavez Montes. More information will be given at the New Student Orientation. If a Blue Card is not received, a letter from the TX BON will be sent to the student in place of the Blue Card. A letter from the BON will be sent to the student if a declaratory order is needed. Don't send a declaratory order unless requested from the BON or answering yes to questions 3-5. Copies of the court documents must be turned into the ADN Program Coordinator.

Students who can not participate in clinical rotations due to adverse activities revealed through a background check can not start a program, complete a course or complete a program requirements.

Students not cleared for clinical learning experience participation will be asked to drop the program or will be administratively withdrawn from enrollment or admission in specified health-related educational courses and programs. Therefore, students who fail to obtain clearance may be prohibited from admission or enrollment in specified programs/courses.

VN NEW STUDENT ORIENTATION

This will also be required of LVN-RN Students going into the Transition Semester (RNSG 1347-1144, 1327-1262)

There is a fee for the background check.

Level of Background Screening

There are two levels of background investigations:

1. Level I Screening

(All associates, applicants, volunteers/contract/agency personnel, affiliated students) includes but not limited to the following:

- a. Employment history verification
- b. Social Security
- c. Criminal history
- d. Violent sexual offender and predator registry search
- e. OIG list of excluded individuals/entities
- f. GSA list of parties excluded from federal programs

2. Level II Screening

(All professionals, including caregivers, finance Associates and management Associates, including senior level management, administrative Associates, and Compliance Officer) includes but not limited to the following:

- a. Level 1 screening
- b. Education verification
- c. Professional license verification
- d. Certification verification
- e. Professional disciplinary action search
- f. Department of motor vehicle driving history (if relevant to position)
- g. Consumer credit report (if applicable to the position/requirements)

The following definitions and offenses are potential obstacles that could prevent admission and registration into a nursing or health careers program.

Definitions

Turpitude – Everything done contrary to justice, honesty, modesty or good morals, is said to be done with turpitude (www.lectlaw.com accessed 6/30/09)

Moral - of or relating to principles of right and wrong in behavior (www.dictionary.com accessed 6/30/09)

VN NEW STUDENT ORIENTATION

Moral Turpitude: Crimes involving dishonesty, fraud, deceit, misrepresentation, or deliberate violence.

Depravity – A corrupt or depraved or degenerate act or practice, wrongful conduct (www.wordreference.com accessed 6/30/09)

Base – Low, vile mean deserving of contempt because of the absence of higher values. (www.dictionary.com accessed 6/30/09)

Vile – Morally despicable or abhorrent (www.dictionary.com accessed 6/30/09)

Adjudication – the act of a court in making an order, judgment, or decree; a judicial decision or sentence.
www.dictionary.com

CIMT CHECKLIST

This checklist is designed to provide a quick reference to the types of offenses which the Board of Nurse Examiners may find to be "Crimes Involving Moral Turpitude." This list is not exclusive.

Crimes Against The Person

Murder/Intentional Homicide

Felony malicious harassment or stalking, or 2 misdemeanor offenses within 10 years.

Voluntary Manslaughter

Homicide by Reckless Conduct

Involuntary Manslaughter w/ Reckless Disregard

Attempted Murder

Kidnapping Mayhem

Assault or Attempted Murder Upon Government Officers

Carrying a Concealed Weapon w/ Intent to Use Against the Person of Another

Assault w/ a Deadly Weapon

Assault w/ Weapon Likely to Produce Bodily Harm

Felony assault or 2 misdemeanor assault offenses;

Felony battery or 2 misdemeanor battery offenses;

Aggravated assault

Aiding suicide

Interfering w/ a Law Enforcement Officer w/ Use of Deadly Force

Attempting to Obstruct/Impede the Progress of Justice

Aggravated Assault Against a Peace Officer

Crimes Against Property

Attempted Arson
Felony fraud or forgery, or 2 misdemeanor offenses within the past 10 years
Blackmail/Extortion
Forgery
Uttering a Forged Instrument/Forged Prescription
Making False Statements of Financial Condition
Robbers'
Aggravated robbery; robbery
Two misdemeanor robbery offenses within past ten years
Theft
Two misdemeanor theft offenses within past 10 years
Felony burglary and criminal trespass, or two misdemeanor burglary offenses within past 10 years
Embezzlement
Larceny/Theft
Grand theft
Petty Theft
Receiving Stolen Property
Concealing Assets in Bankruptcy
Encumbering Mortgaged Property w/ Intent to Defraud
Fraudulently Issuing Check w/ Insufficient Funds
Fraudulently Issuing Worthless Check
Illegal use of ATM or Credit Card
Passing Forged Instrument
Attempted Fraud
Using Mails to Defraud
Making False Statements in Acquisition of Firearm
Securities Fraud
Welfare Fraud
Transporting Stolen Property
Obtaining Money by False Pretenses
Bribery
Malicious Trespass

Sexual and Family Crimes

Pornography involving a child, vulnerable adult or disabled individual
Felony indecent exposure, or 2 misdemeanor offenses within past 10 years
Abandoning, endangering or injuring a child, elderly individual or disabled adult
Sale or purchase of a child
Agreement to abduct from custody
Misdemeanor involving abuse, neglect or exploitation against a child, vulnerable adult or disabled individual

VN NEW STUDENT ORIENTATION

Misdemeanor involving assault, battery, or criminal sexual conduct against a child, vulnerable adult, or disabled individual
Criminal domestic violence
Assault w/Intent to Commit Abortion
Attempted Assault w/Intent to Commit Carnal Abuse
Statutory Rape/Rape
Indecent Assault/Sexual Battery
Adultery
Bigamy
Prostitution
Sodomy
Gross Indecency
Contributing to the Delinquency of a Minor/Sexual Acts
Taking Indecent Liberties w/ a Child
Incest
Oral Sexual Perversion

Crimes Against the Government

Falsely Issuing a Narcotic Prescription
Offering a Bribe
Making, Passing, or Possessing Counterfeit Coins
Conspiracy to Violate IRS Laws
Felony manufacture, importation, delivery or possession with intent to manufacture or deliver a controlled substance;

Any misdemeanor involving manufacture, importation, or delivery (intent to sell) of controlled substances, if convicted within past 10 years; or two misdemeanor possession offenses within past 10 years;

Felony conviction of driving under the influence of a controlled substance or alcohol

Securities Fraud
Counterfeiting
Smuggling Merchandise
Impersonating Federal Officer
False Statements/Firearm
False Statements or Entries
Harboring a Fugitive
Using False Names & Addresses to Violate Postal Laws
Uttering/Selling False/Counterfeit Immigration Documents
False Statements to Obtain a Passport
False Statements in LPR Application
Perjury
Theft from U.S. Mail
Taking Kickbacks

VN NEW STUDENT ORIENTATION

Receiving Funds by False Statements
Trafficking in Narcotics
Failing to Report Income
Union Official Unlawfully Accepting a Loan
Kickbacks on Government Contracts
False Statements/Selective Service
Falsely Representing Social Security Number
False Statements/Unemployment Benefits
Any felony conviction within the last ten years
Deferred adjudication for any felony listed above.

B. Substance Abuse Screening

Drug screening is required for all students entering a nursing program. A drug screen will be completed by each student after the acceptance to the program. Students who can not participate in clinical rotations due to adverse activities revealed through (drug screen) can not complete course/program requirements. Students not cleared for clinical learning experience participation will be administratively withdrawn from enrollment or admission in specified health-related educational courses and programs, which include the didactic portion of the course. Therefore, students who fail to obtain clearance may be prohibited from admission or enrollment in specified programs/courses for a period of one-year. (EPCC Policy 7.02.01.10) Students will be given directions during the orientation on how to proceed to get the drug screening done. The approved vendor for drug screening is; www.elpasoex.com There is a fee for the Drug Screen.

Texas Administrative Code

TITLE 22

PART 11

CHAPTER 213

RULE §213.27

EXAMINING BOARDS

TEXAS BOARD OF NURSING

PRACTICE AND PROCEDURE

Good Professional Character

(a) Every individual who seeks to practice nursing in Texas must have good professional character related to the practice of nursing. This requirement includes all individuals seeking to obtain or retain a license or privilege to practice nursing in Texas.

(b) The Board defines good professional character as the integrated pattern of personal, academic, and occupational behaviors that indicate an individual is able to consistently conform his/her conduct to the requirements of the Nursing Practice Act, the Board's rules, and generally accepted standards of nursing practice. An individual who provides satisfactory evidence that he/she has not committed a violation of the Nursing Practice Act or a rule adopted by the Board is considered to have good professional character related to the practice of nursing.

(c) A determination that an individual does not have good professional character related to the practice of nursing must be based on a showing by the Board of a clear and rational connection between a violation of the Nursing Practice Act or a rule adopted by the Board and the individual's ability to effectively practice nursing. When evaluating the rationale connection between the relevant conduct and the ability to effectively practice nursing, the Board will consider the following factors:

(1) whether the individual will be able to practice nursing in an autonomous role with patients/clients, their families, significant others, healthcare professionals, and members of the public who are or who may become physically, emotionally, or financially vulnerable;

(2) whether the individual will be able to recognize and honor the interpersonal boundaries appropriate to any therapeutic relationship or health care setting;

(3) whether the individual will be able to make appropriate judgments and decisions that could affect patients/clients and/or the public;

(4) whether the individual has exhibited an inability to conform his/her behavior to the requirements of the Nursing Practice Act, Board rules and regulations, including §217.11 (relating to Standards of Nursing Practice) and §217.12 (relating to Unprofessional Conduct) of this title, and generally accepted standards of nursing practice; and

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

(d) Actions from Other Jurisdictions A certified copy of the order of the denial, suspension, or revocation or other action relating to an individual's license or privilege to practice nursing in another jurisdiction or under federal law is conclusive evidence of that action.

Source Note: The provisions of this §213.27 adopted to be effective October 29, 2015, 40 TexReg 7403; amended to be effective February 25, 2018, 43 TexReg 863

Texas Administrative Code

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

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

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

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

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

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

(D) Accurately and completely report and document:

(i) the client's status including signs and symptoms;

(ii) nursing care rendered;

(iii) physician, dentist or podiatrist orders;

(iv) administration of medications and treatments;

(v) client response(s); and

(vi) contacts with other health care team members concerning significant events regarding client's status;

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

VN NEW STUDENT ORIENTATION

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

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

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

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

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

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

(i) who violates the Nursing Practice Act or a board rule and contributed to the death or serious injury of a patient;

(ii) whose conduct causes a person to suspect that the nurse's practice is impaired by chemical dependency or drug or alcohol abuse;

(iii) whose actions constitute abuse, exploitation, fraud, or a violation of professional boundaries; or

(iv) whose actions indicate that the nurse lacks knowledge, skill, judgment, or conscientiousness to such an extent that the nurse's continued practice of nursing could reasonably be expected to pose a risk of harm to a patient or another person, regardless of whether the conduct consists of a single incident or a pattern of behavior.

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

(L) Provide, without discrimination, nursing services regardless of the age, disability, economic status, gender, national origin, race, religion, health problems, or sexual orientation of the client served;

(M) Institute appropriate nursing interventions that might be required to stabilize a client's condition and/or prevent complications;

(N) Clarify any order or treatment regimen that the nurse has reason to believe is inaccurate, non-efficacious or contraindicated by consulting with the appropriate licensed practitioner and notifying the ordering practitioner when the nurse makes the decision not to administer the medication or treatment;

VN NEW STUDENT ORIENTATION

(O) Implement measures to prevent exposure to infectious pathogens and communicable conditions;

(P) Collaborate with the client, members of the health care team and, when appropriate, the client's significant other(s) in the interest of the client's health care;

(Q) Consult with, utilize, and make referrals to appropriate community agencies and health care resources to provide continuity of care;

(R) Be responsible for one's own continuing competence in nursing practice and individual professional growth;

(S) Make assignments to others that take into consideration client safety and that are commensurate with the educational preparation, experience, knowledge, and physical and emotional ability of the person to whom the assignments are made;

(T) Accept only those nursing assignments that take into consideration client safety and that are commensurate with the nurse's educational preparation, experience, knowledge, and physical and emotional ability;

(U) Supervise nursing care provided by others for whom the nurse is professionally responsible; and

(V) Ensure the verification of current Texas licensure or other Compact State licensure privilege and credentials of personnel for whom the nurse is administratively responsible, when acting in the role of nurse administrator.

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

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

(i) collecting data and performing focused nursing assessments;

(ii) participating in the planning of nursing care needs for clients;

(iii) participating in the development and modification of the comprehensive nursing care plan for assigned clients;

(iv) implementing appropriate aspects of care within the LVN's scope of practice; and

VN NEW STUDENT ORIENTATION

(v) assisting in the evaluation of the client's responses to nursing interventions and the identification of client needs;

(B) Shall assign specific tasks, activities and functions to unlicensed personnel commensurate with the educational preparation, experience, knowledge, and physical and emotional ability of the person to whom the assignments are made and shall maintain appropriate supervision of unlicensed personnel.

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

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

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

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

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

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

(iv) implementing nursing care; and

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

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

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

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

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

Source Note: The provisions of this §217.11 adopted to be effective September 28, 2004, 29 TexReg 9192; amended to be effective November 15, 2007, 32 TexReg 8165

Texas Administrative Code

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

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

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

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

(B) Failing to conform to generally accepted nursing standards in applicable practice settings;

(C) Improper management of client records;

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

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

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

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

(2) Failure of a chief administrative nurse to follow standards and guidelines required by federal or state law or regulation or by facility policy in providing oversight of the nursing organization and nursing services for which the nurse is administratively responsible.

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

VN NEW STUDENT ORIENTATION

(4) Conduct that may endanger a client's life, health, or safety.

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

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

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

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

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

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

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

(F) Threatening or violent behavior in the workplace;

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

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

(I) Failing to answer specific questions or providing false or misleading answers in a licensure or employment matter that could reasonably affect the decision to license, employ, certify or otherwise utilize a nurse; or

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

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

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

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

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

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

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

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

(D) A positive drug screen for which there is no lawful prescription; or

(E) Obtaining or attempting to obtain or deliver medication(s) through means of misrepresentation, fraud, forgery, deception and/or subterfuge.

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

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

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

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

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

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

Source Note: The provisions of this §217.12 adopted to be effective September 28, 2004, 29 TexReg 9192; amended to be effective February 25, 2018, 43 TexReg 1098

Texas Administrative Code

TITLE 22

EXAMINING BOARDS

PART 11

TEXAS BOARD OF NURSING

CHAPTER 213

PRACTICE AND PROCEDURE

RULE §213.29

Fitness to Practice

(a) Each individual who seeks to practice nursing in Texas must possess current fitness to practice. This requirement includes all individuals seeking to obtain or retain a license or privilege to practice nursing in Texas and applies in all eligibility and disciplinary matters. Each individual has a duty to self-evaluate to ensure that he/she is fit to practice before providing nursing care.

(b) An individual's fitness to practice will be determined by evaluating the individual's ability to consistently comply with the requirements of the Nursing Practice Act, the Board's rules and regulations, and generally accepted standards of nursing practice. An individual's fitness to practice may be subject to Board review due to an individual's substance use disorder; possession, abuse, or misuse of alcohol or drugs, prescribed or otherwise; or physical or mental health condition. This is not an exhaustive list. If an individual exhibits any conduct that may prevent him/her from practicing nursing with reasonable skill and safety, the Board will review the individual's conduct to determine if he/she possesses current fitness to practice.

(c) Evaluations. If an individual exhibits conduct that raises questions about his/her fitness to practice, the Board may require the individual to undergo a physical and/or psychological evaluation that meets the criteria of the Occupations Code §301.4521 and §213.33 of this chapter (relating to Factors Considered for Imposition of Penalties/Sanctions). Pursuant to §301.4521, an individual subject to this rule is responsible for paying the costs of the evaluation. Utilizing the results of the evaluation and the individualized facts of the case, the Board may deny licensure (including renewal, reinstatement/reactivation, or the return to direct patient care from a limited license); suspend or revoke the individual's license or privilege to practice nursing in this state; or impose probationary conditions or restrictions on the individual's ability to practice nursing in this state.

(d) Substance Use Disorders and Abuse/Misuse of Alcohol or Drugs.

(1) Individuals who have been diagnosed, treated, or hospitalized for a substance use disorder that may impair their ability to practice nursing safely, will, at a minimum, be required to demonstrate sobriety and abstinence from drugs and alcohol for a minimum of twelve consecutive months, through verifiable and reliable evidence, in order to obtain or retain licensure. Verifiable and reliable evidence of sobriety and abstinence from drugs and alcohol may include evidence of the completion of inpatient, outpatient, or aftercare treatment, random drug screens, individual or group therapy, and/or support group attendance. Depending upon the individualized facts of each case, an individual may be required to establish this period of sobriety and abstinence prior to being permitted to practice nursing in this state. If appropriate, based upon the individualized facts of the case, an individual may also be eligible to obtain or

retain licensure and practice nursing under an encumbered license with conditions/restrictions determined by the Board or through participation in a Board-approved peer assistance program created pursuant to the Texas Health and Safety Code Chapter 467 or other lawfully authorized peer assistance program. Licensure conditions/restrictions may include the completion of inpatient, outpatient, or aftercare treatment, random drug screens, individual or group therapy, and/or support group attendance. The outcome of any particular case will be based upon an evaluation of the individualized factors of the case and the potential risk of harm the individual's practice may pose to patients/clients and/or the public.

(2) Individuals who have not been diagnosed, treated, or hospitalized for a substance use disorder, but have nonetheless exhibited behaviors raising concerns about the individual's ability to practice nursing with reasonable skill and safety due to the possession, misuse, or abuse of alcohol or drugs, prescribed or otherwise, including related criminal conduct, may be required to demonstrate sobriety and abstinence from drugs and alcohol for a minimum of twelve consecutive months, through verifiable and reliable evidence, in order to obtain or retain licensure. Verifiable and reliable evidence of sobriety and abstinence from drugs and alcohol may include evidence of the completion of inpatient, outpatient, or aftercare treatment, random drug screens, individual or group therapy, and/or support group attendance. If appropriate, and depending upon the individualized facts of each case, an individual may be eligible to obtain or retain licensure and practice nursing under an encumbered license with conditions/restrictions determined by the Board, which may include the completion of inpatient, outpatient, or aftercare treatment, random drug screens, individual or group therapy, and/or support group attendance. The outcome of any particular case will be based upon an evaluation of the individualized factors of the case and the potential risk of harm the individual's practice may pose to patients/clients and/or the public.

(3) An individual's prior substance use disorder diagnosis or history of prior criminal conduct involving drugs or alcohol, prescribed or otherwise; or misuse or abuse of alcohol or drugs, prescribed or otherwise; will be considered by the Board only to the extent that it may be indicative of the individual's current lack of fitness to practice nursing.

(e) Mental Health Conditions and Diminished Capacity.

(1) Individuals who have been diagnosed, treated, or hospitalized for a mental health condition that may impair their ability to practice nursing safely, will, at a minimum, be required to demonstrate controlled behavior and consistent compliance with recommended treatment, including compliance with a prescribed medication regime, for a reasonable amount of time, through verifiable and reliable evidence, in order to obtain or retain licensure. Depending upon the individualized facts of each case, an individual may be required to establish controlled behavior and compliance with recommended treatment, including compliance with a prescribed medication regime, prior to being permitted to practice nursing in this state. If appropriate, and depending upon the individualized facts of the case, an individual may also be eligible to obtain or retain licensure and practice nursing under an encumbered license with conditions/restrictions determined by the Board or through participation in a Board-approved peer assistance program created pursuant to the Texas Health and Safety Code Chapter 467. The outcome of any particular case will be based upon an evaluation of the individualized factors of

the case and the potential risk of harm the individual's practice may pose to patients/clients and/or the public.

(2) Individuals who have not been diagnosed, treated, or hospitalized for a mental health condition, but have nonetheless exhibited behaviors raising concerns about the individual's fitness to practice due to a mental health condition or diminished capacity may be required to demonstrate controlled behavior and compliance with recommended treatment, including compliance with a prescribed medication regime, for a reasonable amount of time, through verifiable and reliable evidence, in order to obtain or retain licensure. If appropriate, and depending upon the individualized facts of each case, an individual may also be eligible to obtain or retain licensure and practice nursing under an encumbered license with conditions/restrictions determined by the Board. The outcome of any particular case will be based upon an evaluation of the individualized factors of the case and the potential risk of harm the individual's practice may pose to patients/clients and/or the public.

(3) An individual's prior mental health diagnosis or behavioral history will be considered by the Board only to the extent that it may be indicative of the individual's current lack of fitness to practice nursing.

(f) Other Medical Conditions.

(1) The Board recognizes that individuals may have a variety of medical conditions that require medical treatment and/or a medication regime that includes prescription drugs. Although authorized by law and medically necessary, prescription drugs may affect an individual's fitness to practice. An individual must be able to function safely while under the effects of prescription drugs. An individual who abuses his/her prescription drugs or who has been unable to stabilize the synergistic effect of his/her medications may not possess current fitness to practice. Further, some prescription medications may cause side effects that affect an individual's fitness to practice, even when taken properly. In some cases, an individual's physical condition may prevent the individual from practicing nursing safely. In addition to an individual's medication regime, the Board will review an individual's behavior, diagnosis/condition, and treatment plan to determine if he/she possesses current fitness to practice. Based upon the individualized facts of the case, including the results of a required evaluation, if any, the Board may deny licensure (including renewal, reinstatement/reactivation, or the return to direct patient care from a limited license); suspend or revoke the individual's license or privilege to practice nursing in this state; or impose probationary conditions or restrictions on the individual's ability to practice nursing in this state, including limiting the practice setting to one in which the individual is safe to practice nursing.

(2) An individual's prior medical condition and/or diagnosis will be considered by the Board only to the extent that it may be indicative of the individual's current lack of fitness to practice nursing.

(g) Authority of Executive Director. In eligibility and disciplinary matters involving an individual's fitness to practice, the Executive Director may:

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(1) review information submitted by the individual and materials and information gathered or prepared by Board Staff; including evidence of the individual's safe practice, compliance with the Nursing Practice Act, Board rules and regulations, and generally accepted standards of nursing practice; verification of compliance with treatment; and evidence of sobriety;

(2) identify any deficiencies in the information necessary for a determination regarding the individual's current fitness to practice;

(3) close any eligibility file in which the individual seeking licensure has failed to respond to a request for information from the Board or to a proposal for denial of licensure within 60 days of the request or proposed denial, as applicable;

(4) approve an individual's eligibility for licensure, enter eligibility orders as authorized in §211.7 (relating to Executive Director) of this title, and approve renewals, without Board ratification, when the evidence is clearly insufficient to support denial of licensure; and

(5) propose eligibility and disciplinary orders in eligibility, disciplinary, and renewal matters consistent with the Board's rules and regulations and the interests of public safety and enter disciplinary orders as authorized in §211.7 of this title.

(h) The following eligibility and disciplinary sanction policies, as applicable, shall be used by the Executive Director, SOAH, and the Board in evaluating the impact of criminal conduct on nurse licensure in eligibility and disciplinary matters:

(1) Sanctions for Behavior Involving Fraud, Theft, and Deception, approved by the Board and published on August 28, 2015, in the *Texas Register* and available on the Board's website at <http://www.bon.state.tx.us/disciplinaryaction/dsp.html>;

(2) Sanctions for Behavior Involving Lying and Falsification, approved by the Board and published on August 28, 2015, in the *Texas Register* and available on the Board's website at <http://www.bon.state.tx.us/disciplinaryaction/dsp.html>;

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

(4) Sanctions for Substance Use Disorders and Other Alcohol and Drug Related Conduct, approved by the Board and published on August 28, 2015, in the *Texas Register* and available on the Board's website at <http://www.bon.state.tx.us/disciplinaryaction/dsp.html>.

Source Note: The provisions of this §213.29 adopted to be effective October 29, 2015, 40 TexReg 7416

**EL PASO COMMUNITY COLLEGE
HEALTH CAREERS MATH AND SCIENCE/NURSING DIVISIONS
GUIDELINES FOR STUDENTS WITH DISABILITIES**

Students with permanent or temporary verified disabilities are invited to register with the Center for Students with Disabilities where counseling, registration assistance, adaptive equipment and a variety of support services are available. Support services can be arranged for all campus locations. For more information, refer to the College Catalog.

If accommodations are needed to complete program competencies (see El Paso Community College Procedure **7.02.01.14 *Physical and Technical Standards for Students in Health Occupations Programs***), a plan will be developed to assist students to meet course/program competencies whenever possible. An individualized learning plan will be jointly developed between the student, and a representative from the Center for Students with Disabilities. To initiate this process, please contact any of the following individuals: a Nursing Counselor, the Instructional/Program Coordinator, a representative of the Center for Students with Disabilities, or the Dean for Nursing. **YOU must initiate the request for accommodations! Accommodations requested and approved must allow you to meet the same course outcomes as students with no accommodations.**

Accommodations for Licensing, Certification, or Registry Examinations:

Most agencies which license, certify, or register health care professionals also have established guidelines for the examinations for graduates of health careers programs. These guidelines usually describe testing modifications during the licensing examination for candidates with disabilities. The following outlines a typical guideline:

1. Candidate must submit a request for testing modification directly to the appropriate licensing, certification, or registry agency. Examples of supporting documentation would include:

Letter from candidate
Letter from medical professional documenting disability and requested modification
Letter from program coordinator identifying modifications granted by the program (if requested)
2. The agency will review the request and supporting documentation for completeness, fairness, security, and impact. Information will also be provided to the testing service.
3. An approval letter will be mailed to the candidate from the agency and will include:

The accommodations approved.
The test center that was notified of the request for the accommodations.
Information for the candidate if changes are needed in the test center location.
4. Cost of accommodations will be the responsibility of the testing service.

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5. If assistive personnel (e.g. readers, recorders, signers) are needed at the testing site, an approved list of readers will have previously been identified by the agency. The testing service will identify the reader.

For more information contact the specific agency which will issue your license, certification, or registry.

Equal Educational Opportunity. No Student or Prospective Student of the College Shall Be Discriminated Against Because of Race, Color, Religion, Gender, National Origin, Age, or Handicap. Students Who Feel Aggrieved on the Basis of Race, Gender, Color, National Origin, Disability, Creed, or Age May File a Written Grievance. See college catalog for specific procedures.

Reviewed: June, 2011
Reviewed: October, 2011
Reviewed: June, 2012
Reviewed: November, 2012
Reviewed: July, 2013
Reviewed: October, 2013
Reviewed: June, 2014
Reviewed: June, 2016
Reviewed: October, 2016
Reviewed: June, 2017
Reviewed: October, 2017
Reviewed: June, 2018
Reviewed: October, 2018
Reviewed: June, 2019
Reviewed: June 2022



EL PASO COMMUNITY COLLEGE PROCEDURE

For information, contact Institutional Effectiveness:
(915) 831-6740

7.05.01.18	Student	APPROVED: February 20, 2001	REVISED: March 3,
	Code of	Year of last review: 2017	2017
	Conduct	AUTHORIZING BOARD POLICY:	
		7.05.01	

Designated Contact: Vice President of Student and Enrollment Services

OBJECTIVE: To provide guidelines for appropriate student behavior and conduct while attending El Paso Community College.

PROCEDURE:

A. Academic Dishonesty

Academic dishonesty shall constitute a violation of rules and regulations and is punishable as prescribed by Board Policies. Academic dishonesty shall include, but is not limited to: cheating on a test, plagiarism, making false statements and collusion.

1. Students may not cheat:

Cheating is defined as: Students not adhering to the guidelines provided by their instructors for completing academic work. Students may not claim as their own work any portion of academic work that was completed by another student. Students may only use materials approved by their instructor when completing an assignment or exam. Students may not present the same work for more than one course without obtaining approval from the instructor of each course. Students must adhere to all course regulations. Violations of this standard constitute cheating.

2. Students may not plagiarize:

Plagiarism is defined as: All ideas, arguments, and phrases, submitted without attribution to other sources, must be the creative product of the student. Thus, all text passages taken from the works of other authors (published or unpublished) must be properly cited. The same applies to paraphrased text, opinions, data, examples, illustrations, and all other creative work. Violations of this standard constitute plagiarism.

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3. Students may not fabricate:

Fabrication is defined as: All experimental data, observations, interviews, statistical surveys, and other information collected and reported as part of academic work must be authentic. Any alteration, e.g., the removal of statistical outliers, must be clearly documented. Data must not be falsified in any way. Violations of this standard constitute fabrication.

4. Collusion is prohibited

Collusion is defined as: Students providing, seeking or accepting information about any academic work to or from another student without the authorization of the instructor. Students may only collaborate on academic work within the limits prescribed by their instructors. Violations of this standard constitute collusion.

B. Offenses Against Persons:

1. Violations of the penal statutes of the State of Texas or of the United States occurring on District property or in connection with District-sponsored activities constitute violations of the District's rules and regulations when, such violations interfere with the educational process and goals of the District.
2. Possession or use of firearms on District-controlled property except as stated in College Procedure 5.01.07.10.
3. Threatening or causing physical harm or abuse to one's self or another person. Physical abuse includes, but is not limited to, personal injury, physical restraint against a person's will, and holding or transporting an individual against the individual's will.
4. Verbal Abuse in the form of "fighting words," abusive messages either written, verbal or by email, or words directed at an individual, which tend to incite an immediate breach of peace.
5. Harassing conduct of any kind including acts based on race, color, national origin, religion, gender,
6. Stalking, that is, the repeated following or harassing of another person accompanied by the making of a credible threat with the intent to place that person in reasonable fear of death or serious injury.
7. Possessing or using weapons, ammunition, explosives, flammable substances, or other dangerous devices. "Weapons" means any object or substance designed or used to inflict a wound, cause injury, or incapacitate, including, but not limited to, all firearms, pellet guns, air pistols, air rifles, any dirk, bowie knife,

switchblade knife, ballistic knife, or any other knife having a blade of three or more inches, black-jacks, metal knuckles, nunchaku, fireworks, explosives and biological agents. Replicas and facsimiles of weapons are also considered weapons and are therefore prohibited. The use of implements or substances not commonly used as a weapon or not expressly prohibited by this section may be a violation of this code if used as a weapon. The use of mace or tear gas will not be a violation of this code if used solely for self-defense.

8. Bullying, that is, severe or repeated use by one or more individuals of written, verbal or electronic communication, or a physical act or gesture or exclusion directed at another individual. Bullying may cause physical or emotional harm, may create a hostile environment, and may infringe on a person's rights, and/or may disrupt the campus environment.
9. Gambling, this includes bookmaking, pool setting for profit, promoting or setting up a lottery for money or property, or winning or losing money or other valuables by play or hazard at any game.
10. Unauthorized or illegal possession, use, distribution, sale or transportation of narcotics, stimulants, depressants, hallucinogenic drugs, marijuana, intoxicating beverage or any other illegal drug(s) not prescribed by a physician on campus or while on a College-sponsored event or trip is a violation of this code.
11. Interference with teaching, research, administration, or the District's subsidiary responsibilities through "disorderly conduct" or "disruptive behavior."
12. Hazing with or without the consent of a student. A violation renders both the person inflicting the hazing and the person submitting to the hazing subject to appropriate discipline.
13. Endangering the health or safety of members of the District, community or visitors to the College's facilities.
14. Classroom Disruption Offenses. Students who engage in behavior that disrupts a classroom, laboratory, or other environment in which educational or research activity takes place may be subject to action under this *Code*. Disruptive classroom conduct means engaging in behavior that substantially or repeatedly interrupts either the instructor's ability to teach or student learning. For purposes of this provision, the classroom extends to any setting where a student is involved in work or is involved in work toward satisfaction of academic credit or continuing education course/program-based requirements or related activities.

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C. Property Offenses:

1. Violation of traffic regulations: All individuals will comply with the Texas Motor Vehicle Laws and any other regulations established by the El Paso County Community College District.
2. Vandalism, malicious destruction, damage, defacing, misuse, or abuse of College's public, or private, property, including library materials, computer equipment, software, vending machines and vehicles.
3. Destroying or vandalizing property, or intending to destroy or vandalize property, including but not limited to, EPCC owned or leased property, fire alarms, extinguishers, and other safety devices.
4. Trespassing upon, forcibly entering, or otherwise proceeding into unauthorized areas of EPCC owned or leased buildings, facilities or their roofs.
5. Unauthorized or inappropriate use of EPCC property or the property of others.
6. Unauthorized or inappropriate use, duplication, or possession of keys, computer access codes, long distance caller identity codes, or other security mechanisms.
7. Theft or unauthorized possession of property or services.
8. Embezzling, defrauding, or using false pretenses to procure money, property, or services.
9. Knowingly purchasing or possessing stolen or embezzled property, money, or services.
10. Any willful or malicious burning of any property of another.

D. Public/College Order Offenses

1. Creating a fire, safety, or health hazard.
2. Falsely reporting a fire or other emergency situation by actions such as activating a fire alarm or pre- alarm cover when there is no reasonably perceived emergency.
3. Impeding or obstructing an investigation, or failing to identify oneself or to comply with the directions of EPCC officials, their authorized agents, EPCC or local police agencies acting in the performance and scope of their duties.
4. Having an animal on campus, except as permitted by EPCC policies and procedures.

VN NEW STUDENT ORIENTATION

5. Littering.
 6. Causing any object to be ejected from windows, roofs, or balconies of EPCC owned or leased buildings.
 7. Conveying information that the student knows or should know to be false, by actions such as lying or being dishonest, forging, altering, or causing any false information to be entered into an EPCC record or to be presented at an EPCC proceeding or to an EPCC official.
 8. Possessing, providing, distributing, selling, or manufacturing any form of false EPCC, federal, or state-issued identification.
 9. Impersonating any EPCC official.
 10. Elimination of bodily fluids or waste, such as urine or feces in places or receptacles not designed for receipt of such substances.
 11. Indecent exposure, including but not limited to “flashing.” Indecent exposure is defined as, revealing one's genitals under circumstances likely to offend or shock others or in a public place.
 12. Tampering with or misuse of any fire safety equipment, such as fire extinguishers, smoke detectors, carbon monoxide detectors, and fire alarms.
 13. Failure to evacuate any building during a fire alarm.
- E. Misuse of Computing Resources and Technology:
- Unauthorized access or entry into a computer, computer system, networks, software, or data.
1. Unauthorized alteration of computer equipment, software, network, or data.
 2. Unauthorized copying or distribution of computer software or data.
 3. Use of computing facilities and resources that interferes with the work of another student, faculty member, or College official.
 4. Viewing, downloading, or printing pornographic materials, photographs or video are strictly prohibited on College premises.
 5. Use of computing facilities and resources to send obscene or defamatory messages.
 6. Unauthorized accessing of College telephones to change a voice mail greeting.

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7. Sending an email or text message using an email address or phone number belonging to another person with the intent to cause a recipient to reasonably believe that the other person sent or authorized the communication.
8. Cyber stalking, that is, use in electronic mail or electronic communication any words or language threatening to inflict bodily harm, physical injury to the property of, or extortion of money or other things of value to any person or the person's family or dependents; use of electronic mail or electronic communication for the purpose of threatening, terrifying, or harassing any person; or use of electronic mail or electronic communication to make false statements to any person or the person's family or dependents with the intent to threaten, terrify, or harass.

III. Emergency Suspension

If a student's actions pose an immediate danger to any member of the EPCC community, the appropriate Vice President or a designee may immediately suspend the student pending a meeting. Except in extraordinary circumstances, that meeting will be scheduled within two academic calendar days. At this meeting, the student will be informed of the nature of the alleged violation, presented with available evidence, and given the opportunity to make a statement and present evidence. If the emergency suspension is continued, the student will be offered a hearing option. If the student elects this option, the appropriate Vice President shall notify the student concerned by certified letter or personal delivery of the date, time and place of the hearing, which shall take place no fewer than ten class days after the date of notification.

IV. Disciplinary Sanctions

Sanctions serve to promote safety or to deter students from behavior which harms or threatens people or property. Some behavior is so harmful to the El Paso Community College community or so detrimental to the educational process that it may require more serious sanctions, such as removal from specific courses or activities, suspension from El Paso Community College, or expulsion.

Disciplinary sanctions will be based upon the seriousness of the offense, the student's attitude, the impact of the misconduct on the College environment, the student's overall record at the College (including prior discipline, if any) and the statutory or other legal requirements, if any.

1. Written warning: A formal notice that the Code has been violated and that future violations will be dealt with more severely.
2. Disciplinary probation: A sanction that indicates that the individual's standing with the College is in jeopardy and that further violations may result in suspension or expulsion.

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3. Restitution: A sanction that requires the student to compensate an injured party for loss, damage or injury in the form of money, service, or material replacement.
4. Community service: Performance of a specified number of hours or tasks designed to benefit the College community and/or to help the student understand why his or her behavior was inappropriate.
5. Class or workshop attendance: Enrollment and completion of a class or workshop designed to help the student understand why his or her behavior was inappropriate.
6. Educational project: Completion of a project specifically designed to help the student understand why his or her behavior was inappropriate.
7. Suspension of privileges: Loss of privileges, such as loss of library privileges, or the privilege to attend athletic or other extracurricular events.
8. Removal from courses or activities: Removal from specific courses or activities, including revocation of eligibility to represent the College in athletic or other extracurricular activities.
9. Counseling referral to pursue assistance in helping the student understand why his/her behavior is inappropriate and to obtain the skills necessary to avoid repeated offenses.
10. Failing grade for a test, assignment, or course.
11. Restrictions on access: Restriction from entering specific College areas and/or all forms of contact with certain persons.
12. Suspension: Separation from the College for a specified period of time or until certain conditions are met.
13. Expulsion: Permanent separation from the College whereby the student is not eligible for re-admission.
14. Revocation of Degree and withdrawal of diploma.

These sanctions do not diminish or replace the penalties available under generally applicable civil or criminal laws. Students are reminded that many violations of the *Code*, including harassment and other discriminatory behavior, also may violate local, state and federal laws and may subject the student to additional penalties.

V. Records

A. Records of Disciplinary Actions:

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Records of present or former students of El Paso Community College are confidential and are not public information. Therefore, the following regulations regarding student disciplinary records shall apply.

1. Disciplinary records are considered educational records under the Family Educational Rights and Privacy Act (FERPA). As a result, these records are kept confidential in accordance with this law.
2. Disciplinary records will be filed in the student's or student organization's disciplinary file in the office of the appropriate Vice President. The file will consist of the following: a statement of charges, summary of the information presented at the disciplinary hearing as outlined in College Procedure 7.0 body, records of appeals and rationale for the decisions.
3. Student disciplinary records are normally maintained in the office of the appropriate Vice President for a period of seven years, after which the file records may be purged. Records may be maintained for a longer time at the discretion of El Paso Community College except that the tape recording of any discipline hearings as per College Procedure 7.05.01.10, may be destroyed one semester following exhaustion of all appeals. Records of students who were suspended or expelled from El Paso Community College are retained permanently.
4. If a student is suspended or expelled, a notation will be made on the student's academic record. The notation of suspension will be removed at the time the student is readmitted to El Paso Community College.
5. Student disciplinary records are normally maintained in the office of the appropriate Vice President for a period of seven years, after which the file records may be purged. Records may be maintained for a longer time at the discretion of El Paso Community College except that the tape recording of any discipline hearings as per College Procedure 7.05.01.10, may be destroyed one semester following exhaustion of all appeals. Records of students who were suspended or expelled from El Paso Community College are retained permanently.
6. If a student is suspended or expelled, a notation will be made on the student's academic record. The notation of suspension will be removed at the time the student is readmitted to El Paso Community College.
7. Individual student disciplinary records are confidential; nothing from them appears on a student's academic transcript.

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B. Request to Review a Disciplinary Record:

Because the Family Educational Rights and Privacy Act (FERPA) defines the records of a student engaged in a disciplinary process as confidential, information about the disciplinary process may only be shared with the student found responsible, his/her parents if a dependent, his/her academic College dean or adviser and school officials with a legitimate educational interest.

Other persons desiring access to disciplinary records may do so by securing a written waiver from the student whose record is requested unless otherwise permitted by federal or state law.

C. Other College Records:

A disciplinary file is only one form of information maintained by El Paso Community College related to student records. The College Catalog contains more information related to student records and other confidential information.

D. Obtaining a copy of your Student Records:

The office of the Vice President of Student and Enrollment Services does not give copies of student files. Students can view their file by scheduling an appointment to do so, under the supervision of the Vice President of Student and Enrollment Services or his/her designee.

STUDENT RIGHTS AND RESPONSIBILITIES AND CODE OF CONDUCT

PREFACE

The Board of Trustees of the El Paso County Community College District is authorized to establish a system of rights and responsibilities for students of the El Paso Community College. This system includes disciplinary procedures for students concerning their actions on College property or College-sponsored activities.

The Board of Trustees recognizes that students have the right to know the circumstances and manner in which this disciplinary action will be exercised and advises students through this publication of rules governing student conduct

I. STUDENT RIGHTS

- A. **Generally** - All students of the El Paso Community College are entitled to enjoy the basic rights of citizenship which are recognized and protected by the laws of this country and state. Each student is obligated to respect the rights of others. Such environment will enhance the educational purpose for which the College exists and the educational programs designed to achieve that purpose.
- B. **Equal Educational Opportunity** - No student or prospective student of the College shall be discriminated against on the basis of race, color, national origin, religion, gender, age, disability, veteran status, sexual orientation, or gender identity. Students who feel aggrieved on the discriminate on the basis of race, color, national origin, religion, gender, age, disability, veteran status, sexual orientation, or gender identity, may file a written grievance with the Associate Vice President of Employee Relations.
- C. **Academic-Related Grievances** - Academic-related grievances should be submitted in writing beginning with the faculty member and then to the Instructional Dean/Director. Appeals may then be directed to the appropriate Vice President.
- D. **Student Grade Appeals** - The responsibility for determining all grades and for judging the quality of academic performance in a course rests with the instructor assigned to the course. A grade can be formally appealed only when there is demonstrable evidence that discriminatory, arbitrary, or capricious action on the part of the instructor has influenced the grade.

The burden of proof that such an unfair influence has affected a grade rests with the student who appeals the grade. Only final course grades may be formally appealed to the appropriate Instructional Dean/Director.

The processing of formal grade appeals is the responsibility of the Instructional Dean/Director which administers the course. The decision on a grade appeal is the responsibility of the Vice President that is responsible for the course: Vice President of Instruction or Vice President of Workforce Development, Lifelong Learning and Technical Education (hereafter referred to as "Vice President").

Student Grade Appeal Process - To appropriately address the grade appeal, the following process will be followed:

Step 1 A student who believes that the grade received is incorrect should first discuss the grade with his/her instructor. The instructor and student should make every effort to resolve the issue.

Step 2 The student who is not satisfied with the outcome of the discussions with the instructor may contact the Instructional Dean/Director who is responsible for the course. This contact, like the discussion with the

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instructor, is informal. The Instructional Dean/Director may take what action is deemed necessary to resolve the issue at this level.

Step 3 If the student is not satisfied with the decision rendered by the Instructional Dean/Director, he/she may make a formal grade appeal to the office of the Vice President of the division administering the course. This appeal must be filed with the office of the Vice President using the Grade Appeal Petition Form. The student has 45 days from the end of the semester, term, or quarter, in which the action occurred, to present his/her appeal. The appeal must include supporting information. After the appeal is filed, a copy will be sent to the student, the instructor, and the Instructional Dean/Director.

Step 4 The Vice President will request written information about the case from the instructor involved and will present the grade appeal and this information to the campus Grade Appeals Committee, the student, the instructor, and the Instructional Dean.

Step 5 The Grade Appeals Committee will examine the evidence and conduct the necessary hearings and meetings to make a recommendation in the case. It is not necessary for the parties to appear unless requested by the Grade Appeals Committee. Parties have the right to appear if they wish to do so.

Step 6 The Grade Appeals Committee will give the Vice President a written recommendation as follows:

- a. Whether or not the grade should be changed. If so, what should the final grade be.
- b. Make other recommendations that it deems advisable in the disposition of each specific case.
- c. Committee members who voted in favor of the Committee's decision must sign the recommendation. The dissenting members may also sign and state the reason for their dissenting vote.

Step 7 Taking into account the recommendation(s) of the Grade Appeals Committee, the Vice President over the division administering the course will make a final decision on the grade appeal and send it in writing to the student, the instructor, the Instructional Dean/Director, and the College President. If the decision is that the grade should be changed, the Vice President will take appropriate action to revise the student's record and notify the instructor.

Step 8 Either the student or the instructor may appeal the Vice President's decision to the President. The President's review shall be limited to whether the review procedures described herein were properly observed.

Step 9 A District Grade Appeals Committee consisting of a voting faculty chairperson, two other faculty members, and two voting students will be appointed by the Vice President to consider all grade appeals occurring during the academic year.

- a. Any member of the committee who believes that the professional or personal relationship with either party in a grade dispute would create a hindrance to objective judgement, or a conflict of interest must be disqualified and a replacement for that party will be chosen by the Vice President.
- b. The Vice President or a designee may attend meetings of the appeals committee. The Vice President may request presentation of evidence, but must not be present during the committee's deliberation on its final recommendation.

E. Student Program and Student Activity-Related Grievances - Student-related grievances should be submitted in writing to the Director of Student Leadership and Campus Life. Appeals may be directed to the Vice President of Student Services for final disposition.

F. Non-Academic Student Grievance -To resolve issues and actions of a non-academic nature, the following process will be followed.

Step 1 The student will seek resolution of the action by contacting the supervisor of the department that initiated the action. Initial contact may be verbal or written. The supervisor has ten (10) working days from the date of initial contact to respond to the student's request/inquiry. If resolution is not reached, the student has ten (10) working days in which to appeal and proceed to the next step.

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Step 2 The student will submit in writing to the administrator (Instructional Dean/Director) in charge of the division/ department that initiated the action in question. The administrator has ten (10) working days from receipt of the request inquiry in which to respond. If resolution is not reached, the student has ten (10) working days in which to proceed to the next step.

Step 3 The student's request/inquiry with comments and back-up documentation from the appropriate administrator, as outlined in Step 2, will be forwarded to the administrator's direct supervisor (Associate Vice President or Vice President). The administrator has ten (10) working days from receipt of the petition in which to respond. If resolution is not reached, the student has ten (10) working days in which to appeal and proceed as follows:

- a. If the administrator's direct supervisor is an Associate Vice President, proceed to Step 4.
- b. If the administrator's direct supervisor is a Vice President, proceed to the Appellate Review Committee Process.

Step 4 The Student's appeal with comments and back-up documentation from the Associate Vice President will be forwarded to the appropriate Vice President. The Vice President will respond within 10 working days of receipt of request/inquiry.

Step 5 The Student may appeal the Vice Presidents decision to the President.

II. STUDENT RESPONSIBILITIES

All students shall obey the law, show respect for properly constituted authority, and observe correct standards of conduct.

Types of Prohibited Behaviors. The following types of behavior shall be prohibited:

1. Harassment of students or employees on the basis of race, gender, color, national origin, disability, creed, or age.
2. Stalking of students or employees.
3. Gambling.
4. Possession, consumption, distribution, and sale of intoxicating beverages and controlled substances as defined by the state to include, but not limited to, illegal drugs, narcotics, and hallucinatory drugs.
5. Academic dishonesty shall constitute a violation of rules and regulations and is punishable as prescribed by Board policies. Academic dishonesty shall include, but not be limited to, cheating on a test, plagiarism, and collusion.

"Cheating on a test" shall include:

- a. Copying from another student's test paper.
- b. Using test materials not authorized by the person administering the test.
- c. Collaborating with or seeking aid from another student during a test without permission from the test administrator.
- d. Knowingly using, buying, selling, stealing, or soliciting, in whole or in part, the contents of an unadministered test.
- e. The unauthorized transporting or removal, in whole or in part, of the contents of the unadministered test.
- f. Substituting for another student or permitting another student to substitute for one's self to take a test.
- g. Bribing another person to obtain an unadministered test.

"Plagiarism" shall be defined as the appropriating, buying, receiving as a gift, or obtaining by any means another's work and the unacknowledged submission or incorporation of it in one's own written work.

"Collusion" shall be defined as the unauthorized collaboration with another person in preparing written work for fulfillment of course requirements.

6. A student who owes a debt to the District or who writes an "insufficient funds" check to the District may be denied admission or readmission until the debt is paid or the check is redeemed. In case of an "insufficient funds" check for registration fees, a student's registration may be canceled.

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7. Violations of the penal Statutes of Texas or of the United States occurring on district property, or in connection with District-sponsored activities constitute violations of the District's rules and regulations when such violations interfere with the educational process and goals of the District.
8. Possession or use of firearms on District-controlled property except for educational purposes that have the prior approval of the President.
9. Interference with teaching, research, administration, or the District's subsidiary responsibilities through "disorderly conduct" or "disruptive behavior."
10. Use of alcoholic or intoxicating beverages and use of drugs not prescribed by a physician.
11. Hazing with or without the consent of a student; a violation renders both the person inflicting the hazing and the person submitting to the hazing subject to appropriate discipline.
12. Initiations by organizations must include no feature that is dangerous, harmful, or degrading to the student; a violation of this prohibition renders the organization subject to appropriate discipline as set out in Types of Penalties.
13. Endangering the health or safety of members of the district, community, or visitors to the campus.
14. Damaging or destroying District property.
15. Violation of posted motor vehicle speed limits.
16. Violation of traffic regulations (Texas Motor Vehicle Laws: All individuals will comply with the Texas Motor Vehicle Laws and any other regulations established by EPCCCD).

III. CODE OF CONDUCT

Any student found in violation of the Student Responsibilities Section shall be subject to disciplinary action to include suspension.

A. **Disorderly Conduct** - Disorderly conduct shall include any of the following activities occurring on property owned or controlled by the District, or at District-sponsored functions:

1. Behavior of a boisterous and tumultuous character such that there is a clear and present danger of alarming persons where no legitimate reason for alarm exists.
2. Interference with the peaceful and lawful conduct of persons under circumstances in which there is reason to believe that such conduct will cause or provoke a disturbance.
3. Violent and forceful behavior at any time, such that free movement of other persons will be impaired.
4. Behavior involving personal abuse or assault when such behavior creates a clear and present danger of causing assaults or fights.
5. Violent, abusive, indecent, profane, boisterous, unreasonably loud, or disorderly conduct under circumstances in which there is reason to believe that such conduct will cause or provoke a disturbance.
6. Willful and malicious behavior that interrupts the speaker of any lawful assembly, or impairs the right of others to participate effectively in such assembly or meeting when there is reason to believe that such conduct will provoke a disturbance.
7. Willful and malicious behavior that obstructs or causes the obstruction of any doorway, hall, or any other passageway in a District building to such an extent that the employees, officers, and other persons, including visitors, having business with the District are denied entrance into, exit from, or free passage in such building.

B. **Disruptive Activity** - Disruptive activity shall include any of the following activities occurring on property owned or controlled by the District, or at District-sponsored functions:

1. Obstructing or restraining the passage of persons in an exit, entrance, or hallway of any building without the authorization of the District administration.
2. Seizing control of any building, or portion of a building for the purpose of interfering with any administrative, educational, social, research, or other authorized sponsored activity.
3. Preventing, or attempting to prevent by force or violence, or the threat of force or violence, any lawful assembly authorized by the District administration.

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4. Disrupting by force or violence, or the threat of force or violence, a lawful assembly in progress; a lawful assembly is disrupted when any person in attendance is rendered incapable of participating in the assembly because of the use of force or violence, or a reasonable fear that force or violence is likely to occur.
 5. Obstructing or restricting the passage of any person at an exit or entrance to said campus or property, or preventing, or attempting to prevent by force of violence, or by threats thereof, the ingress or egress of any person to or from the property or campus without the authorization of the District administration.
- C. **Investigations** - Investigations, including searches and interrogations, should be governed by the constitution and the laws of Texas and the United States.
- D. **Discipline and Penalties** - The District has statutory authority to maintain order and discipline students. It may discipline students for failing to abide by its standards of conduct. Students who cause disorder and disrupt the school's educational environment may be disciplined. Students attending the District are subject to reasonable rules and regulations of the Board of Trustees.
- E. **Suspension** - The District may define offenses for which suspension may be imposed and determine whether the offense has been committed. Students shall be given a fair opportunity to demonstrate innocence in a hearing before school officials. Students are entitled to a disciplinary hearing, including being given adequate notice of the hearing and definite charges in advance.
- F. **Expulsion of Certain Foreign Students** - The Institution may expel from the District any student who is a citizen of a country other than the United States attending the District under a non-immigrant visa issued by the Immigration and Naturalization Service and who is finally convicted of an offense defined by law.
- G. **Hazing** - No student in the District shall engage in hazing or encourage, aid, or assist any other person involved in hazing. For the purposes of this policy, "hazing" shall be defined as follows:
1. Any willful act by one student alone or acting with others, directed against another student of the District done for the purpose of submitting the victim to indignity or humiliation without the victim's consent.
 2. Any willful act of one student alone or acting with others, directed against another student of the District done for the purpose of intimidating the student by threatening the student with social or other ostracism, or of submitting the student to ignominy, shame, or disgrace among his or her fellow students, and acts calculated to produce such results.
 3. Any willful act of any student alone or acting with others, directed against another student of the District, done for the purpose of humbling, or that is reasonably calculated to humble the pride, stifle the ambition, or blight the courage of the student, or to discourage any student from remaining in the District, or reasonably to cause the student to leave the District rather than to submit to such an act.
 4. Any willful act by any student alone or acting with others, in striking, beating, bruising, or maiming, or seriously offering, threatening, or attempting to strike, beat, bruise, or maim, or to seriously offer, threaten, or attempt to do physical violence to another student of the District, or any assault upon any such student made for the purpose of committing any of the acts, or producing any of the results to such student as defined herein.

Any teacher, instructor, faculty member, officer, or administrator who knowingly permits, encourages, aids, or assists any student in hazing, or willfully acquiesces in the commission of such offense, or fails to report promptly the knowledge, or any reasonable information within his or her knowledge of the presence and practice of hazing in the District. Any act of omission or commission shall be deemed "hazing" under the provision of this Policy. Any student of the District who commits the offense of hazing shall be fined or jailed as allowed by law.

Any teacher, instructor, faculty member, officer, or administrator who commits the offense of hazing shall be subject to the criminal laws of the State of Texas. Persons guilty of hazing may be subject to any law of this state regarding homicide, murder, manslaughter, assault with intent to murder, or aggravated assault.

- H. **Discipline and Penalties** - when the Vice President receives information that a student has allegedly violated a District policy or procedure, they shall investigate the alleged violation.

After completing a preliminary investigation, the Vice President may:

1. **DISMISS THE ALLEGATION.**
2. **Summon the student for a conference.** After conferring with the student, the Vice President shall:
 - a. Dismiss the allegation.
 - b. Proceed with the disposition of the violation described herein.
 - c. Impose the appropriate penalty(ies) as prescribed in Types of Penalties in cases where students do not dispute the facts of the charge(s).
 - d. Prepare a complaint and proceed as outlined in the Discipline Hearing Procedure when the facts of the charge(s) are disputed.
3. **Summary Suspension** - The Vice President may take immediate disciplinary action including suspension, pending a hearing, against a student for policy violations if the continuing presence of the student poses a danger to persons or property, or an on-going threat of disrupting the academic process.
4. **Administrative Disposition of Violation** - In any case where the accused student does not dispute the facts upon which the charges are based and that student executes a written waiver of the hearing procedure, the Vice President shall assess a penalty appropriate to the charges as defined in Types of Penalties, and shall inform the student of such action in writing.

The decision of the Vice President shall be final.

No former student who has been suspended from the District for disciplinary reasons shall be permitted on any of the College properties, or other facilities of the District during the period of suspension without the prior written approval of the Vice President

I. **Discipline Hearings Procedure**

1. **Hearing Committee** - In cases in which the accused student disputes the facts upon which the charge(s) are based such charge(s) shall be heard and determined by a hearing committee that is coordinated by the Dean of Students. The hearing committee shall be composed of six members who are not directly or indirectly involved with the charge(s) against the student:
 - a. Three students recommended by the Student Government Association (when a SGA member is the “accused” student, the Vice President shall recommend the students).
 - b. A counselor (recommended by a Dean who supervises counselors).
 - c. A faculty member (recommended by the Vice President of Instruction).
 - d. An administrative officer, non-voting hearing officer, (recommended by the Vice President).Hearings will not be conducted, however, for debt cases which involve federal, state or institutional funds. In such instances where these debts relate to grades received in the classroom, the appeal is directed through the normal instructional process beginning with the faculty member and subsequently through the instructional administrator.
2. **Notice** - The Vice President shall notify the student concerned, by certified letter or personal delivery, of the date, time, and place for the hearing, which shall take place no fewer than ten class days after the date of notification. An extension of time by the hearing officer may be granted “upon request for reasonable cause.” If however, the student has been suspended, the hearing shall take place as soon as possible, after which time the student has the right to return to class if no hearing has taken place. The ten-day notice requirement may be altered by mutual agreement of the hearing officer and the student.
3. **Contents of Notice** - The notice shall:
 - a. Direct the student, by certified letter or personal delivery, to appear on the date, time, and place specified.
 - b. Advise the student of his or her rights as outlined below:
 - (1) To a private hearing.
 - (2) To appear in person and/or with a representative at the hearing.
 - (3) To know the identity of each witness who will testify for the District.
 - (4) To call witnesses, ask for copies of evidence in the District’s possession offer evidence, and to

- argue in his or her own behalf.
- (5) To have the hearing electronically recorded verbatim and receive a copy of the tape.
- (6) To cross-examine each witness who testifies against the student.
- (7) The right of appeal.
- c. Contain the names of witnesses who will testify against the student and a description of documentary and other evidence that will be offered against the student.
- d. Include a copy of the complaint.
- e. Notify the student that the District may be represented by counsel who may cross-examine any student witness testifying on the student defendant's behalf, or the student defendant, if the student testifies in his or her own behalf.
- 4. Failure to Comply with Notice** - The Vice President may suspend or impose other appropriate penalties upon a student who fails without good cause to comply with a letter of notice; or, at the discretion of the Vice President, may proceed with the hearing in the student's absence.
- 5. Hearing Procedures** - A hearing shall be held according to the following:
 - a. The non-voting administrator shall serve as chairperson of the hearing committee.
 - b. The hearing shall be informal and the hearing committee shall provide reasonable opportunities for witnesses to be heard. The hearing shall be closed unless the student requests an open hearing.
 - c. The hearing shall proceed as follows:
 - (1) The Vice President shall read the complaint.
 - (2) The administrator shall inform the student of his or her rights.
 - (3) The Vice President shall present the District's case.
 - (4) The student or representative shall present his or her defense.
 - (5) The Vice President shall summarize and argue the District's case.
 - (6) The student or representative shall summarize and argue his or her case.
 - (7) The hearing committee may take the matter under advisement for three working days before rendering a decision.
 - (8) On the questions of guilt and punishment, the hearing committee shall decide by majority vote.
 - (9) If the hearing committee finds the student guilty, the Vice President and the student defendant may present evidence and argument for an appropriate penalty.
 - (10) The hearing committee shall inform the Vice President and the student in writing of the decision and penalty, if any.
 - (11) If less than a majority finds the student guilty, the complaint shall be dismissed with no further action taken against the student.
- 6. Evidence** - Evidence shall be handled according to the following:
 - a. The hearing officer may admit evidence that is commonly accepted by reasonable people in the conduct of their affairs. The hearing officer shall exclude irrelevant, immaterial, and unduly repetitious evidence. The hearing officer shall give effect to the rules of privilege recognized by law and custom.
 - b. At the hearing, the District shall prove that the evidence supports the charges.
 - c. A student may not be compelled to testify.
 - d. The hearing committee shall decide the issue of guilt or innocence and an appropriate penalty solely on the basis of admitted evidence.
 - e. A student defendant, or his or her representative may listen to the tape recording under the supervision of the Vice President and compare it with the digest. A student defendant may have a stenographer present at the hearing to make a stenographic transcript of the hearing at the student's expense.
- 7. Decision** - The hearing committee shall render a written decision as to the accused student's guilt or innocence of the charge(s) and shall set forth findings of the facts in support of the charge(s). The penalty shall also be stated in the decision. The Dean of Students shall administer the penalty, if any.
- 8. Appeal** - The decision of the hearing committee may be appealed to the President only on the basis that procedures described herein were not properly observed
- 9. Hearing Records** - The disciplinary records and proceedings shall be kept separate from the student's academic record and shall be treated as confidential.

10. **Types of Penalties** - The Vice President and/or hearing officer may impose one or more of the following penalties for offenses listed above, or for violation of District rules and regulations:
- Reprimand.
 - Warning probation.
 - Disciplinary probation.
 - Barring readmission, or dropping current enrollment and barring readmission.
 - Restitution.
 - Suspension of rights and privileges.
 - Assignment of failing grade.
 - Denial of degree.
 - Suspension from the District for less than one (1) calendar year.
 - Permanent Expulsion. Permanent expulsion from the District prohibits the student from entering a District campus or facilities under control or jurisdiction of the District without prior written approval of the Dean of Students (charges of criminal trespass may be filed)
11. **Nature of Disciplinary Action** - The penalties above shall be defined as follows:
- A written reprimand from the Vice President shall be sent to the student.
 - Warning probation shall indicate that further violations of regulations will result in more severe disciplinary action. The Vice President shall impose warning probation for a period of not more than one (1) calendar year, and the student shall be removed automatically from probation when the imposed period expires.
 - Disciplinary probation shall indicate that further violations may result in suspension. Disciplinary probation may not be imposed for more than one (1) calendar year.
 - Barring readmission shall be imposed on a student who fails to pay a debt owed the District, dropping from current enrollment, and failing to pay registration fees. The penalty terminates on payment of the debt. A hold also may be placed against a student who fails to respond to a violation of District rule(s) and regulation(s). The penalty shall be lifted when the student responds to the summons as requested.
 - Restitution shall be reimbursement for damages to or misappropriation of property. Reimbursement may take the form of appropriate service to repair, or otherwise compensate for damage.
 - Suspension of rights and privileges is an elastic penalty. The Vice President may impose limitations on rights and privileges to fit the particular case.
 - A failing grade, or a grade of W (withdrawal) may be assigned to a student for a course in which the student was found guilty of academic dishonesty provided state and federal regulations are not violated.
 - A student found guilty of academic dishonesty may be denied the student's degree or certificate.
 - Suspension from the District prohibits, during the period of suspension, the suspended student from entering a District campus or facilities under control or jurisdiction of the District without **prior written** approval of the Vice President (charges of criminal trespass may be filed), from being initiated into an honorary or service organization; and from receiving credit at a component of the District system for academic work done in residence or by correspondence or extension. Except when suspension is imposed for academic dishonesty, the Vice President may permit the receipt of credit for academic work done during the period of suspension.
 - Permanent expulsion from the District prohibits the student from entering a District campus or facilities under control or jurisdiction of the District without **prior written** approval of the Vice President (charges of criminal trespass may be filed), from being initiated into an honorary or service organization; and from receiving credit at a component of the District system for academic work done in residence or by correspondence or extension. Except when suspension is imposed for academic dishonesty, the Vice President may permit the receipt of credit for academic work done during the period of suspension.

DEGREE PLAN

- A. Mandatory courses required prior to entering the first Vocational Nursing courses:

BIOL 2401- Anatomy and Physiology I (MNS)
BIOL 2402 - Anatomy and Physiology II (MNS)
MATH 1314 – Precalculus I College Algebra and Geometry OR
MATH 1324 – Introductory Mathematics for Business and Social Science OR
MATH 1342 - Fundamentals of Statistics OR
Higher Level Math
RNSG 1301 – Pharmacology

Students who had not received credit for these courses are not allowed into the ranking for the vocational nurse program.

- B. Courses Recommended to have been completed **prior** to VNSG 1227 Essentials of Medication Administration, VNSG 1323 – Basic Skills, VNSG 1160 Clinical, VNSG 1402 Applied Skills I, VNSG 1260 Clinical (the first semester nursing courses) are as follows:

ENGL 1301- Expository English Composition (Must be taken with or prior to Second Semester)
PSYC 2314 - Human Growth and Development (prereq to Pediatrics and Maternity 3rd semester)

The Board of Nursing and the degree plan does not allow ‘D’ for any cognate course in the Vocational Nurse Degree Plan.

HUMAN GROWTH AND DEVELOPMENT – PSYC 2314

This course must be taken prior to Pediatrics and Maternal-Neonatal Nursing (3rd semester). If not, the student will not be allowed to complete the courses and will be dropped from the program until PSYC 2314 is completed with a “C” or better. (If the student gets a “D” in PSYC 2314, the student will not be allowed to continue in the program and will have to stay out until the grade of “C” or better is achieved). When successfully completed, the student will be readmitted to the program on a space available basis.

ALL COURSES on the degree plan must be successfully completed as listed in the degree plan prior to graduation and taking the NCLEX-PN exam for licensure.

- C. Licensed Vocational Nurses (LVN) can apply for transfer credit for specified courses for the first year of the Associate Degree Nursing Program. If applicable to apply to the LVN-RN program. Please see the nursing counselor for available options on advanced placement.

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Note: Human Growth and Development PSYC 2314, and Health Assessment RNSG 1115 (Prereq to LVN to RN Transition)

These courses are require to be completed prior to advanced placement in the LVN Transition Course.

- D. With the exception of VNSG 1219 and the capstone courses VNSG 1230-1263, all nursing courses on the degree plan can be done by proficiency exam (if available). For details of the exam process, students must contact the nursing counselor and/or refer to the EPCC College Catalog for the policies and procedures regarding Proficiency Examinations.
- E. Post Ranking: Students **MUST** have a clearance slip from Patricia Chavez Montes prior to obtaining an advising form from the nursing counselor prior to registration **each** semester. The clearance slip states that you are current on all clinical requirements, i.e., physical exam, CPR, first aide, immunizations, background clearance, drug screen, and HIPAA training. (Must be completed by November 31, 2021). Program Group Registration will be January 5th & 7th, 2022.
- F. Students' files of all courses completed are kept in the nursing counselor office. Please check your files often, especially after each semester, to keep them updated and current to ensure you have taken all classes necessary as stated on the degree plan, to include pre- and co-requisites.
- G. Keep address and phone number(s) current with EPCC, Nursing Counselor, lab personnel and Program Coordinator.
- H. To sit for the NCLEX Licensing exam, all of your documents must have the exact same name;
 - 1. Transcripts, and all school records.
 - 2. NCLEX Application form
 - 3. Pearson Vue testing application
 - 4. Affidavit list
 - 5. Drivers license, passport and/or legal documents.
 - 6. Best to use legal names and no abbreviations or nicknames.
 - 7. If you marry, submit documented name changes to all of the above.

OPEN LAB AND PRACTICE HOURS WILL BE ABOVE AND BEYOND WHAT THE REQUIRED COURSE HOURS ARE PER WEEK.

Client/Patient selection and work-up for clinical practice is also above and beyond what the required course hours are per week.

Registration for classes for the VN Program: The VN Program is divided into 3 semesters. Due to scheduling, registration for credit hours will be done according to the academic college schedule:

Fall/Spring = 12 Credit Hours = VNSG 1323 - 1160
VNSG 1402 - 1260
VNSG 1227

Spring/Summer = 9 Credit Hours = VNSG 2413 - 1161
VNSG 2214 – 1163
VNSG 1166 (will be taken in the Spring and
1st part of Fall semester prior to 3rd semester
in Fall.)

Summer/Fall = 10 Credit Hours = VNSG 1234 - 1262
VNSG 1230 - 1263
VNSG 1219

Lecture, Lab and Clinical are typically – All day, every day, with clinical on Monday and Tuesday's usually, days or evenings and sometimes on weekends.

Lecture and lab are usually Wednesday, Thursday, Friday but vary depending on clinical sites. Clinical is usually Monday and Tuesday, days or evenings. However, there are sometimes weekend clinical. Hours vary from 8-12 hours depending on the clinical site.

****Clinical hours may extend beyond any course time frame in December and May for various reasons.**

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A schedule will be given the first day of class. If changes are made, they will be posted on the bulletin board outside the classroom, Room D 104 or announced on Blackboard. **Although the schedule may change, the number of hours per course will not change, there will be approximately the same number of hours per week.**

For the first weeks of clinical, students will be in an adult day care setting or long term care setting. Clinical skills will be taught on campus. There will be no Sunday client selection until directed to do so.

"OPEN LABS" will be scheduled and posted on the nursing bulletin board outside of D109 or on Blackboard. Lab instructors will be available during this time to assist students who desire/need assistance with skill performance. "Open lab" is practice time may or may not be planned into the schedule or incorporated into hours per week.

MALPRACTICE INSURANCE

Students enrolled in a course that requires the performance of patient care skills will be required to pay a Professional Practice Insurance fee. This fee provides the student with malpractice insurance while functioning in the student role as specified by the course objectives. The fee is automatically included on your receipt. Bring a copy of your Tuition receipt for your file to validate you paid the malpractice fee and give to Patricia Montes at RG Building H Room 221.

It does not provide malpractice insurance for students who work and provide client care outside of class or beyond the time constraints of the course.

UNIFORM REQUIREMENTS

It will be necessary for students to purchase the following items for clinical.

Approximate cost \$300.00 - \$350.00 depending on the cost of each item.

Uniform (2) teal/black	Name Tag (2)	Watch with second hand
Shoes (1-2) black or white	School Patch (3)	Stethoscope
Lab Coat (1) white	Hose/Socks	Bandage Scissors
Penlight	Blood Pressure Cuff	College Picture ID
Black shirts with collars (2)	Khaki pants (not wide cargo pants) (2)	
Belt (1)		

A copy of the "Clinical Affiliation Dress Code" as stated in the Nursing Student Handbook follows to help you in purchasing appropriate uniform items. (School patch is found in the RG Bookstore or in some uniform stores as well as some of the other items listed above).

**EL PASO COMMUNITY COLLEGE
NURSING PROGRAM
CLINICAL AFFILIATION UNIFORM CODE,
NURSING SKILLS LAB DRESS CODE AND CLASSROOM DRESS CODE**

The student is a representative of the EPCC Nursing Program and as such, his/her appearance reflects on the nursing program and the student as an individual. **A PROFESSIONAL APPEARANCE IS EXPECTED AT ALL TIMES.**

I. CLINICAL AFFILIATE UNIFORM CODE:

A. General:

Hospital uniforms are scrubs that will be worn during clinical rotations as the uniform. However, professional dress, scrubs, or black polo shirt and khakis with a lab coat may be worn on some rotations (clinics, day care, Mental Health, etc.). Other times, hospital issued scrubs may be necessary (labor and delivery, operating room, etc.), which are provided by the hospital. Check with the instructor as to whether the hospital scrubs or professional dress need to be worn to the facility. It is important that the student follow the specific hospital policy if it is more stringent. No partial uniforms allowed for any area.

II. UNIFORM STANDARDS FOR CLINICAL AND LAB

1. **Name Tags:** All students will wear a white and teal green name pin on uniform/scrubs and long sleeve lab jacket. Name tags should be worn by students when in the lab areas. In the hospital, the students will also wear the EPCC picture identification card.
2. **School Patch:** The EPCC school patch will be worn on the upper left sleeve of lab coats, and long sleeve long jacket and uniform/scrubs for all students approximately one (1) inch below the seam. Patches should also be worn on other types of scrubs used in the lab area. Patch should be permanently secured and not put on by safety pins, tape, velcro, staples or glue.
3. **Lab Coat:** A white lab coat $\frac{3}{4}$ length (preferred) is required by all students. Lab coats should be worn for warmth in place of sweaters or long sleeve lab jacket in the Lab areas.
4. **Hair:** Hair should be worn in a style to provide for safety and protection from infection of the patient in healthcare facilities/clinical area and all labs where skills are required. Hair must be up off the shoulders and secured for all students. Plain bobby pins or plain metal barrettes are permitted to fasten long hair securely. Head and facial hair must be trimmed in such a manner as to allow the proper fit of N-95 TB masks, and long hair must be tied back and up anytime the

student is in uniform/scrubs. (Covers of facial hair may be required by some facilities or some areas).

All hair must be of a “natural” color. Hair that is of an “unnatural” color such as blue, green, yellow, florescent, purple etc. and/or that is colored in patterns, streaks or cut in stencils will not be allowed. Hair styling must be conservative and professional in appearance. Haircuts should not have patterns. During Nursing Skills labs practice, check offs, and simulation lab, hair must be kept up and not hanging free. Students with beards or mustaches must keep their facial hair neat and trimmed.

5. **Body Art:** All students with body art (tattoos, brandings, or piercings) must have it completely covered with gloves or removed anytime they are in uniform/scrubs and/or in the healthcare facility/clinical area, i.e., If body art is on one arm, both arms should be covered. Body Art tattoos must be covered with make-up. No band aides or bandages allowed.
6. **Affiliates:** Students are required to adhere to all policies and procedures of the affiliate healthcare facilities/clinical areas.
7. **Nails:** Fingernails (natural) should be clean and short in length (1/4 inch). Subdued nail polish is permitted as long as it is not chipped or cracked if permitted by the health care facility. **NO ARTIFICIAL NAILS ARE ALLOWED, no nail wraps, decorations or other artificial additions to natural nails in the affiliate Healthcare facilities or Clinical areas.** No Gel polish. Follow affiliate policy for nails if different from EPCC.
8. **Make-Up/ Perfume/Aftershave:** Use of heavy make-up and perfume/cologne/aftershave for female and male students are not permitted.
9. **Watch:** A watch with a second hand must be worn whenever in uniform/scrubs in the healthcare facility or clinical area.
10. **Scissors:** Scissors are needed when in the healthcare facility /clinical area, in Lab practice, check offs and simulation.
11. **Jewelry:** Any visible jewelry will be conservative and in good taste.
 - 1 Plain ring without raised stones or designs will be allowed in moderation.
 - Earrings will meet these specifications: 6mm or ¼ in. in diameter or smaller; gold, silver, white, pearl, or diamond; unadorned and spherical; fit snugly against the ear lobe; maximum of two earrings per lobe. No large or dangle earrings.
 - No other jewelry or body piercing materials will be visible while in any healthcare facility /clinical area

- Fad devices, vogue medallions, personal talismans, or amulets will not be worn.
12. **Gum:** No chewing gum is allowed in the Nursing Skills Lab or when administering direct patient care.
 13. **Shoes:** White or black nursing shoes or all white or all black athletic shoes can be worn in the healthcare facility/clinical area. Shoes must be closed in toe and heel. No sandals, crocs, flip flops or toeless or backless shoes can be worn to the healthcare facility/clinical area. Shoes in the lab area when in uniform/scrubs or classroom attire will be closed in toe and heel. Closed heel and closed toe shoes will be worn at all times in the healthcare facilities/clinical areas to prevent foot injuries due to rolling or falling objects. (OSHA Standards and Texas Office of Risk Management Guidelines).
 14. **Hygiene and Body Grooming:**
 - All students are representatives of EPCC and the ADN and VN program at all times. Each student should be mindful of his/her appearance, especially when in the healthcare facility/clinical area or other times as an EPCC representative.
 - Uniforms and lab coats will be freshly laundered, neat, not wrinkled, and fit properly.
 - Shoes and socks/ hose will be clean and neat.
 - Excessive make-up or strong smelling perfumes/colognes/aftershave will not be permitted. Deodorant should be used.
 - Extreme shades of lipstick and nail polish such as bright colors, purple, gold, white, or combinations colors/designs will not be worn.

B. **Uniform for Clinical Patient(s) Selection:**

1. **The uniform** will be Khaki pants/slacks with a belt and a black polo shirt (with a collar). Shirts will be tucked into the pants.
2. **Name Tags** (see previous description)
3. **School Patch** (see previous description)
4. **Shoes** (see previous description)
5. **Lab Coat** (see previous description)
6. **Long Sleeves Scrub Jacket** Can be worn in clinical area or labs for warmth if cold.
7. **Students must be in full uniform** when selecting patients in the clinical area. No partial uniform allowed.

C. **Uniform for Clinical:**

1. **Uniform/ scrubs:** The teal and black, (teal colored tops and black pants) uniform/scrubs should be clean and neat. They should be pressed as needed to keep them wrinkle free. Nylon/transparent/translucent material may not be used for the uniform/scrubs.
2. **Uniform/ scrubs Sleeves:** Teal Sleeves may be short sleeves, long sleeved or $\frac{3}{4}$ length. If a shirt is worn under a scrub top, it must be of nontransparent/nontranslucent material. It can be white or black. It must be plain and void of any visible decorations or pattern.
3. **Uniform/ scrubs:** The uniform/scrubs that is used should be free of decorations or belts, pleats, ribbing, ruffles, lace, embroidery, etc. Scrub tops and pants must be of the same fabric.
4. **Uniform/ scrubs:** Uniform/ scrubs should have pockets on the scrub shirt, and/or scrub slacks (pants).
5. **Uniform/scrubs:** The uniform should fit loosely enough to allow adequate movement, and should not be too tight or baggy. Uniform Scrubs tops should be long enough to cover the torso completely and should be 8-10 inches below the waist to prevent any skin at the waist, midriff and hips from showing when bending or lifting while working. Tops should not be low cut in the front and not tight.
Pants should be worn comfortably around the waist and not low on the hips. Pant hemlines should touch the top of the shoes. They should not be short, capri length, or drag on the floor.
6. **Shoes:** (see previous description)
7. **No sandals:** crocs, flip flops or toeless or backless shoes can be worn to the healthcare facility/clinical area. Shoes in the lab area when in uniform/scrubs or classroom attire will be closed in toe and heel.
8. **School Patch:** (see previous description)
9. **Name Tag:** (see previous description)
10. **School Pin:** After completion of program requirements for the associate degree or vocational certificate, the graduate may wear the EPCC pin.
11. **Lab Coat:** (see previous description)
12. **Long Sleeve Scrub Jacket:** (see previous description)

13. **Students must be in full uniform for clinical and lab:** No partial uniform allowed.

III. NURSING SKILLS LAB DRESS CODE:

1. Professional dress is expected at all times.
2. All EPCC Students must wear scrubs and closed toe and closed heel shoes in the nursing Skills Lab for practice, check-offs, and simulations, not for classes where no lab skills are performed. The scrubs in the lab do not have to be EPCC teal/black scrubs unless required by instructor.
3. Dress requirements for lab will be the same as for clinical requirements. Hair must be secured from falling across face when in lab, and must be up off the shoulders and secure for all students. Tattoos will be covered with make-up. If tattoos are on hands the tattoos must be covered with waterproof make-up at all times or gloves will be worn with all patient care and in lab. No body piercing materials will be visible while in lab when in uniform/scrubs, with the exception of two small stud earrings or two small earrings. No large or dangle earrings.
4. **NAILS** (see previous description)

IV. NURSING CLASSROOM DRESS CODE:

The following Nursing classroom dress code applies in ALL classroom areas at all times if not wearing uniform/scrubs: The uniform can also be Khaki pants/slacks with a belt and a black polo shirt (with a collar). Shirts will be tucked into the pants.

1. **Business casual** can be used in the classroom or complete uniforms can be worn.
2. **Classroom Attire:** No halter tops, no strapless shirts, no skimpy or short shirts or tops, no tube tops, low cut tank tops, spaghetti straps or no mesh tops. No short shorts, jogging suits, no leggings/yoga pants, or sweats. No underwear should be showing. Only full blouses/shirts and tops that are conservative/modest are allowed.
3. No translucent/ transparent tops or bottoms shirts, blouses or garments for females and males.
4. No underwear for outer wear for any student.
5. No sleeveless clothes or halter tops that allow bras straps to show for females.
6. No jeans with holes anywhere on them; No jeans that ride low on the hips, no jean cut offs.

7. Shorts for any student (male and female) must be mid-thigh.
8. No short dresses or skirts, must be mid-thigh.
9. No sandals, flip flops, backless shoes, high heels shoes. Shoes must be flat or moderate height and must be closed toe and closed heel for safety especially when going to nursing lab area. (OSHA Standards; Texas Office of Risk Management Guidelines.)
10. Pants/skirts and tops must fit correctly with no gap of skin showing at the waist, when bending or moving.

V. DRESS CODE WHEN NOT IN HOSPITAL UNIFORM BUT REPRESENTING EPCC PROGRAM (For example Sunday selection of patients, Mental Health rotation, community visits etc.)

1. **Lab coat**, name tag (EPCC teal and white and EPCC picture identification card) and school patch is required.
2. **Clothes underneath lab coat** must be professional dress (see description under section IV: № 2)
3. **Uniform** (see description under section B: № 1)
4. **Name Tags** (see previous description)
5. **EPCC School Patch** (see previous description)
6. **Shoes** (see previous description)
7. **Lab Coat** or Long Sleeves Scrub Jacket (see previous description)
8. **Students must be in full uniform** when selecting patients in the clinical area. No partial uniform allowed.

Reviewed: October, 2006; Reviewed: October, 2007; Revised: June, 2008; Reviewed: August, 2009;
Reviewed: June, 2012; Revised: August 2013; Revised: August 2014; Reviewed: December, 2015;
Revised: April 27, 2018; Revised: May, 2018

Reviewed: October, 2006
Reviewed: October, 2007
Revised: June, 2008
Reviewed: August, 2009
Reviewed: June, 2012

VN NEW STUDENT ORIENTATION

Revised: August 2013
Revised: August 2014
Reviewed: October, 2015
Reviewed: June, 2016
Reviewed: October, 2016
Reviewed: June, 2017
Reviewed: October, 2017
Revised: May. 2018
Reviewed: June, 2019
Reviewed: October, 2021
Reviewed: June, 2022

VNSG 1227 ESSENTIALS OF MEDICATION ADMINISTRATION

A. **Required:** See booklist provided

- | | | |
|----|--|----------|
| 1. | Nursing Course Packet: VNSG 1227
(Available MDP ISC) | \$6.00 |
| 1. | Current Pharmacology Text. (from RNSG 1301 class) | \$120.00 |
| 3. | Nursing Student Handbook CD to be given out | |
| 4. | Student Nurse Supply Kit for Medication Administration
(Order blanks available - TBA) Price approx. | \$75.00 |

See current text book list.

Students need to know their College email. They will be asked for it, the first week of class.

TEXTS AND APPROXIMATE COSTS 2022-2023

1. **VNSG 1323 – BASIC SKILLS**
VNSG 1160 - CLINICAL **See textbook list in packet**
 1. Nursing Course Packets
 VNSG 1323 – Basic Skills \$6.00
 VNSG 1160 Clinical \$6.00
 (Available MDP ISC)
 2. Student Nurse Supply Kit for VNSG 1323/1402
 (Order forms available - TBA) Price approx. \$75.00
2. **VNSG 1402 – APPLIED SKILLS I**
VNSG 1260 - CLINICAL
 - A. **Required:**
 1. Nursing Student Handbook (to be given out) TBA
 2. Nursing Course Packet:
 VNSG 1402 – Applied skills I \$6.00
 VNSG 1260 – Clinical \$6.00
 (Available MDP ISC)
 - B. **Recommended:**
 1. Current pharmacology text. (from RNSG 1301 class) \$120.00

**EL PASO COMMUNITY COLLEGE
NURSING DIVISION
LICENSED VOCATIONAL NURSING PROGRAM**

NURSING PROGRAM COSTS: APPROXIMATE COSTS:

(ESTIMATED COSTS FOR NURSING COURSES ONLY and FOR IN-STATE TUITION) See

See current text book list.

See handout for estimated total cost

COMMITTEES WITH STUDENT REPRESENTATIVES

Students Committee – 1 student from ADN Program, 1 VN Program from MDP

Resources - 1 ADN student from RG, 1 Student VN from MDP

VN & RN Pinning Committee – all who desire to be on the Committee

STUDENTS ORGANIZATIONS

A. Nursing Student Association

A few of the NSA functions are:

1. Promote and encourage recruitment and retention of nursing students.
2. Influence health care, nursing education and practice through legislative activities.
3. Promote and encourage participation in community affairs and activities geared toward improved health care.

ADDITIONAL STUDENT RESPONSIBILITIES

A. Current record of Address and Telephone

Your address and phone number must be current with the EPCC Registrar's Office, the counseling office, and with the VN Lab assistant in D109.

B. Nursing Bulletin Board

Students are responsible for information posted under the Nursing Headings First Semester on the bulletin board located outside the classroom (Room D104 and D109) at the Mission del Paso Campus or Posted on Facebook

Check the Bulletin board for course related information or Blackboard at least twice during the day when classes are at the MDP campus.

SOME USEFUL PHONE NUMBERS

1. Job Placement (MDP) 831-7008
(RG) 831-4033
2. Financial Aid (VV) 831-2784
(RG) 831-3134
(MDP) 831-7019
3. Nursing Lab (MDP) 831-7133
4. Nursing Lab (RG) 831-4010/4212
5. College Police Department (831-2200 VV)..... (MDP) 831-7006
(RG) 831-4742
6. Career Center (Information about other colleges) (VV) 831-2417
7. Tutorial Support Services (A250) (RG) 831-4136
E108 (MDP) 831-7048
8. Student Services (When you don't know where else to go)..... (MDP) 831-7017
(RG) 831-4035
9. Bookstore (VV) 831-2629
(MDP) 831-7161
10. RAP A1401 (VV) 831-2601
A250 (RG) 831-4121
E108 (MDP) 831-7140
11. Nursing Office(RG) (H222) 831-4529, 831-4220
12. Nursing Counselor VN (MDP) 831-7092
VN (MDP) 831-7094
ADN (RG) 831-4447
ADN (RG) 831-4123, 831-4064
13. Day Care (Next to Student Services) (VV) 831-2123
14. Specialized Admissions (Denise Schirmer) (VV) 831-2588
15. Library (MDP) 831-7042
(RG) 831-4018
16. Nursing Coordinator (VN) (W) 831-7093
Laura Jimenez MDP D109/D108 - lsalaza1@epcc.edu – e-mail
Nursing Coordinator ADN 831-4093
Pauline Ballesteros RG A226B - Pballes1@epcc.edu – e-mail

TO DO LIST

1. If you have to work, work overtime now so you can cut back when school starts on **August 22, 2022.**
2. **Now! Contact RAP** and/or **Tutorial Support Services regarding online workshops** on Study Skills, Multiple Choice Test Taking for Nursing and Time Management, Math Skills, and Critical Thinking. (RG A250, VV or at MDP E108)
3. **Between August 15-19, 2022** the first assignments for the VNSG 1227 Essentials of Medication Administration class will be posted on Remind for those who want an **early start**. Information on how to sign up for Remind will be on the VN Facebook page. The course packet for VNSG 1323-1160, VNSG 1402-1260, VNSG 1227 can be purchased at **ISC- MDP \$6.00 each**. (Pay online and bring receipt for proof of purchase) EPCC-TouchNet. Call ahead to make arrangement for pick up (915) 831-7051.
4. **Now, obtain an appointment book/calendar** and **plan your life** from now until the end of the first semester. (Include: class time, lab time, clinical time, clinical prep time, study time (**3 hours of study to 1 hour of class**), skill practice time, sleep, travel, nourishment, appointments, children's after school activities and/or homework, family time, and relaxation (if there is any time left).
5. **The following must be completed:**
 - A. Nursing Student Information Form – (Completed by **August 22, 2022**)
 - B. **Disclosure Form** (to be filled out when clearing to register)
 - C. Professional Practice Insurance Receipt copy Registration Receipt received on payment and make a copy and submit to **Joe Gomez–D 109, MDP campus building D by July 27, 2022.**
 - D. HIPAA TRAINING - ON LINE (Completed by **July 27, 2022**)
 - E. Background Checks: First back ground check; **American Data Bank** must be **completed with results to EPCC by July 27, 2022. Second background check through the Texas Board of Nursing** should be completed before the end of the first semester of the nursing program. You will receive either a **Blue Card** or letter from the TBON, if you receive a letter you **MUST** set up an appointment with Paline Ballesteros the ADN Program Coordinator.
 - F. Drug substance Abuse Screening **completed, and results received by July 27, 2022.** **Please use the transmittal form and send your Post Admission requirements to Joe Gomez at jgomez87@epcc.edu**

All of the above must be completed with the exception of the Professional Practice Insurance receipt in order to register for the program. Copy of BON receipt when fingerprinted for BON.

6. **By August 15-19, 2022, check the Bulletin Board** outside the classroom at (D104) MDP Campus regarding instructions for the first day of class, or EPCC Nursing Facebook page.
7. **By August 15-19, 2022, purchase lab coat, name pin, school patch.**
8. **By August 15-19, 2022, purchase textbooks and obtain course packets.** Books are available at Valle Verde bookstore. Textbooks and packets probably will not be available until early August. Faculty do request that you bring your course packets to the first day of class.
9. Also check Facebook Pages for information.
10. **Make sure adequate arrangements are made for anyone in your care due to the hours spent in the nursing program.**

If we continue online make sure you are checking the Nursing Facebook page or Remind app.

This information is if we go back to campus:

EVERY DAY THAT YOU ARE ON THE MISSION DEL PASO CAMPUS, CHECK THE BULLETIN BOARD OUTSIDE THE CLASSROOM D104 FOR NOTICES REGARDING FIRST SEMESTER NURSING CLASSES.

**EL PASO COMMUNITY COLLEGE
NURSING PROGRAM
VN NEW STUDENT ORIENTATION - EVALUATION (Fall 2022)**

1. Do you feel overall that your time was well-spent at this orientation?
_____ Yes _____ No

If your answer was "No", please comment:

2. What do you feel was the most beneficial aspect of this orientation?

3. What do you feel was the least beneficial aspect of this orientation?

4. What would you like to see added to this orientation?

5. What do you think should be deleted from this orientation?

6. Did you feel as though the orientation presenters were knowledgeable and friendly?

7. Other comments:
