

Canseco School of Nursing  
Texas A&M International University

Criminal Background and Drug Screening Policy and Procedure

Texas A&M International University (TAMIU) Canseco School of Nursing (SON) adheres to the policies of all clinical facilities with which the SON is affiliated for student clinical learning experiences. Many clinical facilities and school districts require criminal background and drug screening.

Purpose

Clinical agencies used by the SON stipulate in clinical affiliation agreements that criminal background and drug screening be performed before students are permitted into the clinical facilities. This screening requirement is the same as that required of employees of public and private clinical agencies. This policy governs the drug and criminal background screening for nursing students. The rationale for this requirement for clinical students is based on the concept of due diligence and competency assessment of all individuals whose assignments bring them in contact with patients and employees. This approach ensures uniform compliance with Joint Commission standards pertaining to human resource management. Successful completion of criminal background and drug screening does not guarantee licensure or employment after graduation. Full acceptance into the nursing program is contingent upon satisfactory results. Students will be notified in their letter of admission for the procedure to follow for the screenings. Admission acceptance will be withdrawn for any student with a positive drug or criminal background screening and for those that refuse to have screening done.

Timing

All drug and criminal background screening will be conducted as a condition of full acceptance into the SON. Verification must be received from the designated company (ies) and/or agency (ies) prior to being fully admitted into the nursing program. The results will be accepted for the duration of the student's enrollment in the nursing program unless there is a change in the clinical facility requirements or if the participating student has not had a break in the nursing program and if the student has had no convictions while enrolled. A break in enrollment is defined as nonattendance of one full semester or more. Attendance must be verifiable through the university. The SON does reserve the right to request random drug or background screenings at any time with the student responsible for all costs.

The SON will designate the company (ies) and/or agency (ies) selected to do the drug and criminal background screening and will not accept results from any other company or agency. The student is responsible for the cost of the criminal and drug screening at the time of screening. The cost is non-refundable.

### Process Criminal Background Screening

Criminal background screening will be performed by a SON designated external vendor and the student is responsible for all costs. The check will review the student's criminal history and should include the cities and counties of all known residences. Criminal background checks must include a person's criminal history for seven years prior to date of application. The following histories will disqualify an individual from consideration from admission in the nursing program:

- Misdemeanor convictions/deferred adjudications or felony convictions/deferred adjudications involving crimes against persons
- Misdemeanor convictions/deferred adjudications related to moral turpitude
- Misdemeanor/felony convictions/deferred adjudications for the sale, possession, distribution, or transfer of narcotics or controlled substances
- Registered sex offenders

Individuals with any of the above histories or who refuse to have a criminal background screen will not be eligible to enroll in the nursing program, and if the history is discovered or conviction occurs after enrollment, the student will be required to immediately withdraw from the program. A student who is convicted of a criminal offense while enrolled in the program must report the conviction to the SON Director within three days of conviction. The term conviction for these purposes includes probated sentences and deferred adjudications.

A student may be considered for readmission to the SON if the Board of Nurse Examiners for the State of Texas issues a Declaratory Order stating the individual is eligible for initial licensure or license renewal or determines that the individual is eligible to return to practice.

Note:

1. The student should be aware that the disqualifications listed above are used for employment eligibility by most hospitals in Texas.
2. Completion of a specific program will be determined by the student's ability to successfully complete all required clinical rotations.
3. Clinical rotations are completed at sites specified by and contracted with Texas A&M International University. The university will not locate or provide alternative sites for clinical rotations for a student ineligible to attend clinical rotations at specified sites.
4. All costs for background screening will be paid by the student.

### Process Drug Screening

If the student has a positive drug screen or refuses to have a drug screen he/she will not be eligible to enroll in the nursing program. If there is a positive drug screen or the student refuses to have a drug screen after enrollment the student will be required to immediately withdraw from the SON. The student will then be required to complete, at

the student's cost, chemical dependency evaluation and treatment, if recommended by the drug assessment. The chemical dependency evaluation must be by a provider approved by the SON. Any student in the program with a positive drug screen shall be suspended for a minimum of one calendar year from all coursework with the stipulation that the student receive and show proof of treatment to the Director of the SON. Random drug screening will be required as a component of the recovering process by the agency providing treatment with results conveyed to the Director of the SON. Only with documentation of successful treatment after the minimum one calendar year suspension will the student be considered for readmission on a space available basis. Prior to readmission to the SON the student must be retested by a SON approved laboratory and have a negative drug screen. Testing is done at student expense. If the drug screen is positive this will result in permanent ineligibility for readmission. After readmission the student must submit to random drug screens as request by the SON. A positive drug screen will result in permanent dismissal and ineligibility for readmission into the SON.

School of Nursing and Clinical Agency Duty to Report to the Board of Nurse Examiners

The following are excerpts are from The State of Texas Nursing Practice Act, Nursing Peer Review and Nurse Licensure Compact. For entire document and/or section requirements please see: <ftp://www.bne.state.tx.us/npa2005.pdf>

Except as provided by Subsection (b) the following are grounds for reporting a nurse under Section 301.402, 301.403, 301.405, or 301.407.

Sec. 301.401 Grounds for Reporting nurse

- (1) likely exposure by the nurse of a patient or other person to an unnecessary risk of harm
- (2) unprofessional conduct by the nurse
- (3) failure by the nurse to adequately care for a patient
- (4) failure by the nurse to conform to the minimum standards of acceptable nursing practice; or
- (5) impairment or likely impairment of the nurse's practice by chemical dependency

Section 301.402 Duty of Nurse to report (see actual section for entire reporting requirements)

(a) In this section:

- (1) 'Nursing educational program' means a board approved educational program leading to initial licensure as a registered nurse or vocational nurse
- (2) 'Nursing student' means an individual who is enrolled in a professional nursing or vocational nursing education program.

(b) A nurse shall report to the board in the manner prescribed under Subsection (d) if the nurse has reasonable cause to suspect that:

- (1) another nurse is subject to a ground for reporting under Section 301.401; or
- (2) the ability of a nursing student to perform the services of the nursing profession would be, or would reasonable be expected to be, impaired by chemical dependency

Sec. 301.403. Duty of Peer Review Committee to Report

A nursing peer review committee operating under Chapter 303 that has a ground for reporting a nurse under Section 301.401 shall file with the Board a written, signed report. (see actual section for full reporting requirements)

Sec. 301.404 Duty of Nursing Educational Program to Report

- (a) In this section, “nursing educational program” and “nursing student” have the meanings assigned by Section 301.402(a)
- (b) A nursing educational program that has reasonable cause to suspect that the ability of a nursing student to perform the services of the nursing profession would be, or would reasonable be expected to be, impaired by chemical dependency shall file with the Board a written, signed report that includes the identity of the student and any additional information the Board requires.

Compliance and Record Keeping

The designated company will notify TAMIU (SON) Director of all individuals who fail drug or criminal background checks. All records will be kept separate and confidential.

The SON will send verification on adherence to the policy to the clinical affiliate prior to the clinical rotation start date. Verification is accomplished by sending a letter from the SON on letterhead stating that these standards have been met by the student, listing the student’s full name and clinical rotation start date. If more than one student is attending a clinical rotation, a comprehensive list with all of the student’s names may be submitted.

Texas A&M International University  
Canseco School of Nursing

Criminal and Drug Screening Waiver Agreement

I understand that as a requirement for admission to Texas A&M International University, Canseco School of Nursing, I must submit to criminal background and drug screening from a designated company (ies) and or agency (ies). These companies and/or agencies will provide the results to the Director of the School of Nursing (SON). I understand that either refusal to submit to screenings or positive results will result in denial of admission to the SON.

I further understand that I may be subject to repeated drug and background screenings while enrolled in the SON. A positive result or refusal to submit to screenings will result in immediate dismissal from the SON.

By signing this document, I indicate that I have read, I understand, and I agree to the Canseco School of Nursing Drug and Criminal Background Screening Policy. I understand that a negative drug and criminal background screen is required for admission and for progression in the school of nursing. I also understand that all costs associated with the screening process are the responsibility of the student.

This notarized document constitutes my consent for drug and criminal background screening by a school of nursing designated company and/or agency. It also constitutes consent for results of my laboratory drug and criminal background screening to be released to Director of the School of Nursing.

\_\_\_\_\_  
Student Printed Name

\_\_\_\_\_  
Student Signature

Sworn to me this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

(seal) Notary: \_\_\_\_\_

My commission expires: \_\_\_\_\_

in and for the County/State of: \_\_\_\_\_