

Q&A ON LICENSURE/REGISTRATION

EFFECT OF CRIMINAL OFFENSES

QUESTION: Will a criminal offense **prevent** me from becoming licensed/registered?
ANSWER: A conviction for a felony or misdemeanor involving moral turpitude is a violation of the Texas Pharmacy Act for which you could be denied a license or could be granted a license with disciplinary action. Whether you are granted a license is determined on a case-by-case basis. If you have further concerns, you may want to consult with your private attorney to assist you in obtaining a license/registration.

TYPES OF CRIMINAL OFFENSES TO DISCLOSE

QUESTION: Would a **class C misdemeanor** be considered an offense that must be disclosed on the application?

ANSWER: Yes. Any and all offenses must be disclosed on the application.

QUESTION: I received a Deferred Adjudication for a **speeding ticket**. Must I check “yes” to the offense questions on the application?

ANSWER: Yes. Speeding tickets are offenses, and must be disclosed. If you have several speeding tickets, you can check “yes” to the appropriate attest question and provide the following statement in the comment/description section of the application: “subject to several speeding tickets.” (Note: Driving While License Suspended, Reckless Driving, and Obstruction of a Highway are Not considered “speeding tickets” and each must be separately described.)

QUESTION: My probation officer said that my offense would **drop off my record** in 7 years. Do I need to disclose the offense?

ANSWER: Yes. Any and all offenses must be disclosed on the application, whether or not you (or anyone advising you) believe they are “on your record.” TSBP has access to all criminal history information, even that which is dismissed. If the offense occurred, you must disclose the offense.

QUESTION: I have been arrested and/or convicted in the past. However, I have checked my record with DPS and my **record is clear**. Should I disclose this information on my application since my record is “clean”?

ANSWER: Yes. The questions on the application do not ask you if your record is clear.

QUESTION: I wrote a **hot check** and the case was dismissed when I paid restitution. Am I required to disclose that offense?

ANSWER: Yes. Even though your court case may have been dismissed, you were the subject of a criminal offense, and this information must be disclosed on the application.

QUESTION: My offense was settled with **deferred prosecution** or **pre-trial diversion**. Since I was never convicted of an offense, do I have to answer “yes” to the attest questions on the application and describe the offense?

ANSWER: Yes.

QUESTION: My conviction occurred **20 years ago**. Am I required to disclose this conviction on my application?

ANSWER: Yes. You must disclose all offenses regardless of how long ago they occurred.

- QUESTION:** I was arrested when I was a **juvenile**. Will I be required to disclose this information on the application?
- ANSWER:** If your arrest occurred before your 17th birthday, you are not required to disclose this information.
- QUESTION:** A person who was arrested **used my identity**, so my criminal history record reflects that I have an arrest record. However, I was never arrested. Am I required to disclose this information on my application?
- ANSWER:** If you were never arrested for any offense, you may check “no” to the question regarding arrests. However, TSBP encourages you to include an explanation with your application.

EFFECT OF COURT ACTIONS ON REQUIRED DISCLOSURE

- QUESTION:** The court has entered a **Non-Disclosure Order** or an **Expunction Order** with regard to my conviction. Do I have to disclose this conviction on my application?
- ANSWER:** No. You do not have to list any criminal offenses on your application that are subject to a Non-Disclosure Order or an Expunction Order. Such an order essentially means that the court records are sealed and will not be disclosed by the court. If you have questions about how to complete the application in regard to a Non-Disclosure Order or an Expunction Order, please contact your attorney.

FILLING OUT THE APPLICATION

- QUESTION:** Do I have to attach copies of **court documents** to the application?
- ANSWER:** No. However, you may send court documents to supplement your statement on the application, which may expedite the processing of your application.
- QUESTION:** I have multiple offenses that I need to disclose, but when submitting the information on-line, there is **not enough space** to type all the information regarding the offenses. What should I do?
- ANSWER:** You should not submit your application on-line. Contact TSBP for a paper application. If you fail to disclose information about all of your offenses, you will be falsifying your application.
- QUESTION:** Can my employer or **another person complete my application for me**?
- ANSWER:** The best answer is “no.” If you are required to submit a hard-copy (paper) application, you must sign the application and attest that all the information in the application is true and correct. If you file an on-line application and allow another person to submit the application on your behalf, you are responsible for ensuring that the answers to all questions are truthful. If any information on the application is false because the person who is submitting the on-line application for you did not know the correct answer, TSBP will still hold you responsible for the accuracy of the information for the application. Falsification of the application may result in disciplinary action to deny or discipline a license or registration. In other words, you may not use this excuse as a defense to avoid disciplinary action. An application for a license or a registration is a government document and falsification of a government document is a criminal offense. Accordingly, TSBP encourages YOU to complete your own application.