

**Q&A ON LICENSURE/REGISTRATION
FOR PHARMACISTS/TECHS AND
TRAINEES**

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

QUESTION: Would a **class C misdemeanor** be considered an offense that will be included on the background check?

ANSWER: Yes. We will have access to the full range of your background information.

QUESTION: I received a Deferred Adjudication for a **speeding ticket**. Will this information be included on the background check?

ANSWER: Yes. Speeding tickets are offenses. 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. Will this information still be included on the background check?

ANSWER: Yes. Any and all offenses will be disclosed on the background check. 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, we will have access to that information.

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 expect that you will still have access to this offense?

ANSWER: Yes. We will have access to the information.

QUESTION: I wrote a **hot check** and the case was dismissed when I paid restitution. Will you have access to that information?

ANSWER: Yes. Even though your court case may have been dismissed, you were the subject of a criminal offense, and this information will be included on the background check.

QUESTION: My offense was settled with **deferred prosecution** or **pre-trial diversion**. Since I was never convicted of an offense, will this be included on the background check?

ANSWER: Yes.

QUESTION: My conviction occurred **20 years ago**. Will this still be included on the background check?

ANSWER: Yes. We will have access to all offenses regardless of how long ago they occurred.

QUESTION: I was arrested when I was a **juvenile**. Will that be included on the background check?

ANSWER: If your arrest occurred before your 17th birthday, we will not have access to that 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. Will this be included on the background check?

ANSWER: If you were never arrested for any offense, then it will not be included on the background check. If you were charged by information or indictment for the offense, then it may still be included on the background check. 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** with regard to my conviction. Will this be included on my background check?

ANSWER: Yes. Information that is subject to a Non-Disclosure Order may be disclosed to governmental regulatory agencies. Such an order essentially means that the court records are sealed and will not be disclosed to the general public by the court. If you have questions about how to complete the application in regard to a Non-Disclosure Order, please contact your attorney.

QUESTION: The court has entered an **Expunction Order** with regard to my conviction. Will this be included on my background check?

ANSWER: No. Information that is subject to an Expunction Order is no longer included in a background check. Such an order essentially means that the court records have been destroyed. If you have questions about how to complete the application in regard to 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: 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.