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Division of Health Professions Licensure
BOARD OF REGISTRATION IN NURSING
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Licensure Policy 00-01¹ Determination of Good Moral Character Compliance
Questions and Answers Information Sheet

I. What is Good Moral Character?

Good Moral Character (GMC) is defined for practical purposes as the ability to practice nursing in a safe and competent manner and without risk to the public health, safety or welfare. Because it is not scientifically determinable, the Massachusetts Board of Registration in Nursing (Board) uses evidence of past and present conduct as described below to assess GMC. Licensed nurses are required by law and regulation to be of Good Moral Character.²

II. When does the Board Review a person's Good Moral Character?³

Because GMC is a *prerequisite* for licensure and for advanced practice authorization, GMC is reviewed by the Board:

- a. During initial application by examination and by reciprocity.
- b. During application for authorization to practice as an Advanced Practice Nurse (also known as Nurse Practicing in the Expanded Role) (APRN).
- c. When it is raised as an issue in a complaint or potential complaint against a nurse's license and/or against his/her APRN authorization.

GMC evaluation for purpose of initial licensure and/or authorization will occur only after all criminal and disciplinary matters involving the applicant or licensee are closed.⁴

III. How does the Board assess Good Moral Character?

1. GMC must be demonstrated by an applicant or nurse through reliable evidence of good conduct;
2. Examples of such conduct include:
 - a. honesty;
 - b. trustworthiness;
 - c. integrity;
 - d. accountability;
 - e. reliability;
 - f. distinguishing between right and wrong;
 - g. avoidance of aggression to self and others;
 - h. taking responsibility for one's own actions and other similar attributes found relevant by the Board.
3. The absence of GMC may be demonstrated through reliable evidence of poor or bad or illegal conduct;
4. Such conduct includes:
 - a. hostile or destructive conduct to another or to self;
 - b. conduct that demonstrates disregard for the welfare, safety or rights of another;
 - c. conduct that demonstrates disregard for honesty, integrity or trustworthiness.

owing the absence of GMC include the conduct underlying certain criminal convictions and disciplinary actions taken by a licensure/certification body in another jurisdiction.⁵

The burden of demonstrating GMC is always on the applicant or licensee or person seeking APRN authorization.⁶

IV. Can a person be permanently excluded from licensure? In what circumstances?

Yes, conduct underlying certain felony convictions will result in mandatory permanent exclusion from the practice of nursing in Massachusetts.⁷

Examples of such conduct are:

- 1) the conduct underlying the crimes listed on Attachment A of Licensure Policy 00-01;
- 2) the conduct underlying any other violent crime against any person(s) that involves extreme disregard of human life;
- 3) trafficking in, or illegally manufacturing, any controlled substance; and
- 4) exploitation or criminal mistreatment of a vulnerable individual.⁸

V. Can a person be temporarily excluded from licensure? In what circumstances?

Yes, there will be a Five Year (also referred to as Temporary) Exclusion in certain circumstances.

When the applicant has engaged in any of the following conduct within the five (5) year period immediately before the date of an application s/he shall be temporarily excluded from the practice of nursing in Massachusetts (unless s/he meets one of the exceptions in section VI.)⁹:

- 1) conduct for which there is a criminal conviction that does not result in permanent exclusion;
- 2) knowingly falsifying or attempting to falsify, any documentation or information submitted on an application for examination or licensure or for APRN authorization, that is related to the qualifications for such examination or licensure, or authorization; or
- 3) cheating on the National Council Licensure Examination (NCLEX), or on any other licensure or certification examination.

VI. Are there Certain Cases Where Temporary Exclusion Does Not Apply?

Yes, an applicant with a criminal conviction who would otherwise be temporarily excluded may be found to be of Good Moral Character, but only in the following circumstances:

- 1) the applicant makes a written request for a determination of his/her GMC compliance presents substantiating documentation satisfactory to the Board; *and*
- 2) the applicant:
 - a) during the five (5) years immediately preceding the date of the application, has only one criminal conviction for a single misdemeanor or multiple criminal convictions for misdemeanor offenses that are all based on the same one (1) incident or episode;
 - b) was not sentenced to any period of incarceration;¹⁰
 - c) successfully completed all court-ordered requirements, if any, including probation;
- 3) the applicant's criminal conduct, if outside Massachusetts, would be a misdemeanor if it occurred in Massachusetts;
- 4) the applicant's criminal conduct was victimless and nonviolent; *and*
- 5) the applicant has no open criminal case(s) against him or her.

If the Board finds that an applicant meets all of the above requirements, then GMC compliance will be determined by the Board using the case by case evaluation process.

If an applicant is not permanently or temporarily excluded from licensure or authorization under this Policy, the Board will evaluate any conduct demonstrating an absence of the attributes of GMC to determine whether the conduct:

- 1) poses a threat to the public health, safety or welfare;
- 2) is of significance to the provision of safe and competent nursing care; and
- 3) is characteristic of the applicant's conduct.¹¹

VIII. How Long Does GMC Evaluation Take?

The amount of time that is needed for the Board to determine an initial applicant's compliance with the GMC requirement varies. However, an initial applicant should expect that the process will take at least eight (8) weeks.

IX. What Happens if there is a Determination of Non-Compliance with GMC?

An applicant for APRN authorization, who is not in compliance with the GMC requirement, will not be eligible for such authorization. In addition, the Board will open a complaint against any license or authorization of the applicant granted by the Board based on noncompliance with the GMC requirement.

X. Will I be Notified if I am found to be Noncompliant with GMC Requirement?

Do I have a Right to Review of the Decision?

The Board will notify any ineligible applicant of its decision to deny licensure or APRN authorization, the reason(s) for the denial, and the opportunity for review of the denial. The Board may also inform the applicant of the requirements, if any, that the applicant must satisfy before the applicant may reapply. The Board shall afford the applicant an opportunity for a hearing where the applicant alleges, and can reasonably substantiate, the existence of specific areas of factual dispute relevant to the determination of his or her Good Moral Character ineligibility under this Policy.

If there are no areas of factual dispute, the Board may rely on written submissions in rendering a final decision on review. Judicial review of a Board final decision to deny licensure or authorization may be sought as provided by G.L. c. 30A, §14.

Endnotes

¹Date Adopted/Revised: September 8, 1999; effective January 1, 2000; revised January 9, 2002; clarified April 4, 2002, May 22, 2002, November 6, 2002; revised February 14, 2007; September 9, 2009.

²As required by Massachusetts General Laws (G.L.) Chapter 112, sections 74 (RN licensure by examination), 74A (LPN licensure by examination), 76 (licensure by reciprocity), 80B (Advanced Practice authorization) and the Board's regulations at 244 CMR 4.00, 8.02(1)(a), 8.03(1)(a), 8.04(1)(a), 8.04(2)(a), 8.04(3)(a), and 9.03.

³Application of Then-Current Policy: The Board will evaluate each application for initial nurse licensure and for APRN authorization under the policy governing the determination of GMC in effect on the date the Board receives the application.

⁴An application for GMC compliance will not be evaluated if the applicant has any conviction(s) or disciplinary action(s) until the applicant documents that:

- 1) s/he has met all court-ordered requirements and that all criminal matters involving the applicant have been closed for at least one (1) year; and
- 2) all requirements imposed by a licensure/certification body in connection with disciplinary action (including probation) are completed.

⁵ "Conviction" Defined: For the purpose of this Policy, "conviction" means the final judgment on a verdict or finding of guilty, a plea of guilty, a plea of *nolo contendere* (no contest), or a plea treated by the court as a guilty plea, regardless of the jurisdiction in which the conviction was entered.

⁶The individual must meet this burden by providing the Board with reliable documentation of all available pertinent information as to the applicant's present and past conduct, disciplinary history, and criminal history.

⁷Or within five (5) years of a written request for a determination of GMC compliance.

⁸Including a minor, elder, or disabled individual.

⁹Timing of the Period of *Temporary* Exclusion: The period of temporary exclusion shall be for:

- 1) at least five (5) years from the date of the most recent conviction or the date the conduct at issue last occurred (whichever is later), and
- 2) at least one (1) year from the date of the applicant's successful completion of all court-ordered requirements.

¹⁰Even if the period of incarceration was suspended or stayed, the applicant who was sentenced to incarceration is not eligible for this exception.

¹¹In doing so, the Board will evaluate factors including: 1) the nature and seriousness of all conduct at issue, including any criminal conviction(s) or disciplinary action(s) by a licensure/certification body; 2) the sufficiency of the applicant's sustained rehabilitation; 3) the applicant's age at the time the conduct at issue occurred; 4) the frequency of occurrence of the conduct at issue; 5) how recent the conduct was; 6) any mitigating or aggravating circumstances related to the conduct; and 7) the applicant's acknowledgment of her or his accountability for her or his conduct and recognition of its significance to nursing licensure and/or APRN authorization.