

115 CMR 12.00: NATIONAL CRIMINAL BACKGROUND CHECKS

Section

- 12.01: Purpose
- 12.02: Policy
- 12.03: Scope
- 12.04: Definitions
- 12.05: Fingerprint-based Check of the State and National Criminal History
- 12.06: Hiring Authority Responsibilities
- 12.07: DDS Background Record Check Investigations
- 12.08: Findings from Fingerprint-based Checks - No Further Review - Outstanding Warrants
- 12.09: Findings from Fingerprint-based Checks - Crimes Subject to Review
- 12.10: Conditional Employees
- 12.11: Post Audit and Compliance Reviews
- 12.12: Dissemination
- 12.13: Incidents
- 12.14: Severability
- 12.15: Table of Offenses

12.01: Purpose

The purpose of 115 CMR 12.00 is to establish standardized policy and procedures for the Department of Developmental Services (DDS) to conduct fingerprint-based checks of the state and national criminal history databases for all current and prospective employees of DDS and DDS-contracted vendor programs licensed, approved, or funded by the Department, or any other individual required by M.G.L. c. 19B, §§ 19 and 20 to undergo such fingerprint-based checks of the state and national criminal history databases.

12.02: Policy

In order to ensure that employees or other persons regularly on the premises of or providing services or supports, including transportation services, in any facility or program licensed, certified, funded, or approved by DDS who have the potential for unsupervised contact with persons with an intellectual or developmental disability are appropriate for serving in their respective capacities, a fingerprint-based check of the state and national criminal history databases shall be performed. It is the policy of DDS that an individual's background, including any Criminal Offender Record Information (CORI), the results of fingerprint-based checks of the state and national criminal history databases, and any other relevant information, be carefully considered so that the vulnerable populations served by DDS are protected.

12.03: Scope

115 CMR 12.00 applies to all applicants seeking a license for a facility offering DDS clients residential, day, or any other service licensed or funded by DDS; any household member or person 15 years of age or older regularly on the premises of such applicants for licensure; all current and prospective employees in any DDS licensed, contracted, funded, or approved program who have the potential for unsupervised contact with Department clients; any individual who provides transportation services on behalf of any DDS licensed, funded, or approved program; any person providing residential or support services in any DDS or contracted vendor program with the potential for unsupervised contact with Department clients; any household member or person 15 years of age or older regularly on the premises of such programs; and any other individual required by M.G.L. c. 19B, §§ 19 and 20 to undergo a fingerprint-based check of the state and national criminal history databases.

12.04: Definitions

Applicant for Employment. Any person seeking employment from DDS or a DDS vendor program, including current employees seeking new positions.

Applicant for Licensure. Any person seeking a license from DDS for a facility offering residential or day services, or any other service licensed by DDS.

12.04: continued

Candidate. Any person required by M.G.L. c. 19B, §§ 19 and 20 to submit to a scan of their fingerprints and undergo a fingerprint-based check of the state and national criminal history databases as a condition of employment, licensing, funding, or approval.

Client. Any individual applying for or receiving DDS licensed, funded, or approved intellectual or developmental disability services from DDS or a DDS vendor agency or DDS licensed, funded, or approved program.

Conditional Employee. A CORI-cleared employee who has the potential for unsupervised contact with Department clients, who is hired prior to obtaining the results of a fingerprint-based check of the state and national criminal history databases. For the purposes of 115 CMR 12.00, current employees hired prior to the requirement of a fingerprint-based check of the state and national criminal databases are not conditional employees.

CORI Cleared Employee. Any candidate for hiring whose hiring authority has completed all requirements of 101 CMR 15.00: *Criminal Offender Record Checks*.

Criminal Justice Official. Either a candidate's probation officer, parole officer, or correctional facility superintendent (or designee), depending upon whomever had the most recent responsibility for supervision of the candidate. Candidates last supervised in a correctional facility may advise the hiring authority of any employee of the correctional facility who may have specific information about the candidate that would assist the superintendent in his or her assessment process.

DDS Criminal Background Check. A review by the Department of Developmental Services of the results of fingerprint-based checks of the state and national criminal history databases to determine suitability for employment, licensure, funding, or approval in position(s) and/or programs that entail the potential for unsupervised contact with clients.

DDS Criminal Background Check Unit (CBCU). The designated unit within the Department of Developmental Services responsible for the review and evaluation of the results of fingerprint-based checks of state and national criminal history databases and the determination of suitability for employment, licensure, funding, or approval in position(s) and/or programs that entail the potential for unsupervised contact with clients.

Department of Criminal Justice Information Services (DCJIS). An Executive Office of Public Safety and Security agency, DCJIS maintains and provides information from the Commonwealth's criminal information systems.

Department of Early Education and Care (EEC). An agency within the Executive Office of Education established by M.G.L. c. 15D, § 2.

Employee. An individual holding a full or part-time position, including state employees, contract employees, individual consultants or contractors, temporary employees, volunteers, trainees and students, apprentice, intern, transportation provider or subcontractor regardless of whether the individual receives compensation and the source of funding for the position. For the purposes of 115 CMR 12.00, a current client of a facility or program who provides services at that facility or program will not be considered an employee at that facility or program.

EOHHS. The Executive Office of Health and Human Services.

Fingerprint-based Check. A scan of a candidate's fingerprints submitted to the Massachusetts State Police and the Federal Bureau of Investigation for matching against state and national criminal history databases. The results of a fingerprint scan are then returned to the Massachusetts State Police and forwarded to DDS for consideration and review.

Hiring Authority. The person or persons legally authorized or designated to make hiring decisions within an agency, department, office, program, or facility. Different persons may be authorized or designated as responsible for specific parts of the process in making a hiring decision. For the purposes of 115 CMR 12.00, the Hiring Authority may also be the individual or entity seeking licensure of a program or approval of a candidate as part of a licensing or approval determination not related to a hiring decision.

12.04: continued

No Record. The conclusion from a fingerprint-based check of the state and national criminal history databases that convictions or pending charges relating to the candidate have not been found. A finding of "no record" does not necessarily mean, however, that criminal information is not present in the state and national criminal history databases.

Pending. A criminal matter is considered pending if the results from the state and national criminal history databases report indicates that the matter remains open and without final resolution, including that the case has been continued without a finding.

Potential for Unsupervised Contact. Potential for contact with a client when no other CORI cleared employee or person who has been determined suitable following a fingerprint-based check of the state and national criminal history is present. A person having only the potential for incidental unsupervised contact with clients in commonly used areas such as elevators, hallways, waiting rooms, or other common living spaces will not be considered to have the potential for unsupervised contact for the purposes of 115 CMR 12.00. The term Commonly Used Areas does not include bathrooms or other isolated areas that are separated by sight and sound from other persons.

Qualified Mental Health Professional. A psychiatrist licensed to practice medicine under M.G.L. c. 112, § 2, a psychologist licensed under M.G.L. c. 112, § 118 through 121, or an independent clinical social worker licensed under M.G.L. c. 112, § 130 through 132; provided that he or she has at least 1,000 hours of experience over a minimum of two years involving assessment, treatment, and consultation concerning individuals with behaviors that presents a risk of harm to others in the community, in the workplace, in treatment settings, or in correctional facilities; provided further that he or she has not provided treatment to the candidate.

Regularly on the Premises. Usual or common presence in a location, surpassing access by invitation-only, in which the person has authorization to enter and remain in the location unmonitored on an ordinary basis. For the purposes of 115 CMR 12.00, family member or social contacts visiting with DDS clients at a location where they receive supports are not considered to be regularly on the premises.

Transportation Providers. Any person who provides transportation services to DDS clients on behalf of any DDS licensed, funded, or approved program, whether employed directly by or subcontracted with the licensed, funded, or approved program.

Vendor. An individual, agency or other legal entity licensed, approved or funded by DDS that has day-to-day responsibility for the operation of services or supports or facilities regulated by the Department.

Volunteer. Any person who works in an unpaid capacity on a regular basis for a DDS licensed, funded, and/or approved program. For the purposes of 115 CMR 12.00, a current client of a facility or program who provides unpaid services at that facility or program will not be considered a volunteer at that facility or program.

12.05: Fingerprint-based Check of the State and National Criminal History

(1) In accordance with M.G.L. c. 19B, §§ 19 and 20, the following persons shall be required to undergo a fingerprint-based check of the state and national criminal history databases to determine suitability for initial or continued employment, licensure, certification, funding or approval:

(a) All applicants for licensure, certification or approval, for any facility or program offering residential or day services to a person with intellectual disability or any other applicant licensed or regulated by the Department under M.G.L. c. 19B, § 15 whose applications are submitted on or after January 1, 2016.

Fingerprint-based checks shall also be required for any household member or other person(s) 15 years of age or older regularly on the premises of such applicants for residential care licensure.

12.05: continued

(b) All prospective employees in any Department or vendor licensed, funded, or approved program who have the potential for unsupervised contact hired to begin employment on or after January 1, 2016.

(c) All person(s) providing residential or support services who have the potential for unsupervised contact in any Department or vendor program, whose application was submitted or who was hired to begin employment on or after January 1, 2016.

Fingerprint-based checks shall also be required for any household member or other person(s) 15 years of age or older regularly on the premises of such residential facilities.

(d) Current employees in any Department or vendor licensed, funded, or approved program who have the potential for unsupervised contact hired prior to January 1, 2016, shall submit fingerprints for state and national criminal history checks no later than January 1, 2019.

(e) Programs, agencies, or persons currently licensed, certified or approved by the Department, licensed or regulated by M.G.L. c. 19B, § 15 whose current license or approval was issued prior to January 1, 2016, shall comply with the requirement 115 CMR 12.00 upon renewal of licensure, certification, approval or funding, on or before January 1, 2019.

Fingerprint-based checks shall also be required for any household member or other person(s) 15 years of age or older regularly on the premises of such currently licensed, certified or approved residential care providers.

(f) Notwithstanding anything in 115 CMR 12.00, a fingerprint-based check of the state and national criminal history databases may be required for any person determined in the Department's discretion to be subject to such check in accordance with M.G.L. c. 19B, §§ 19 and 20.

(2) The Department may conduct or review the results of fingerprint-based checks of the state and national criminal history databases of any person subject to M.G.L. c. 19B, §§ 19 and 20 to evaluate suitability for continued employment, licensure, certification or approval at other times subject to its discretion. Notwithstanding the foregoing, the Department shall not take any action based on said review unless it reveals criminal activity since the prior check was conducted.

(3) Any person determined in the Department's discretion to require a fingerprint-based check of the state and national criminal history databases pursuant to M.G.L. c. 19B, §§ 19 and 20 to evaluate suitability for employment, licensure, certification, funding or approval shall undergo a fingerprint scan and DDS Criminal Background Check in accordance with such timelines as established by the Department.

(4) Notwithstanding the provisions of 115 CMR 12.00, a person approved for hire by EEC following a fingerprint-based check of state and national criminal history databases in accordance with 606 CMR 14.00: *Criminal Offender and Other Background Record Checks*, shall not be subject to another fingerprint check under 115 CMR 12.00 for employment with the same hiring authority within three years of the EEC approval for hire.

12.06: Hiring Authority Responsibilities

(1) The hiring authority shall ensure that all requirements of 101 CMR 15.00: *Criminal Offender Record Checks*, and EOHHS policies and procedures for review of CORI have been met, as applicable. No candidate for whom a CORI investigation is required, shall be referred for a fingerprint scan until the candidate has been CORI cleared.

(2) In addition to applicable requirements of 101 CMR 15.00: *Criminal Offender Record Checks* and EOHHS CORI policies, the hiring authority shall require as a condition of employment the satisfactory completion of a DDS Criminal Background Check. The hiring authority shall confirm employment only after it receives written confirmation from the DDS Criminal Background Check Unit (CBCU) that the results of a fingerprint-based check of the state and national criminal history databases have not found the candidate unsuitable for working in a position with the potential for unsupervised contact with clients.

(3) The Department's written confirmation to the hiring authority that the results of a fingerprint-based check have not found the candidate unsuitable shall be valid for a period of 60 days.

12.06: continued

- (4) The hiring authority shall ensure each candidate signs a written consent to a DDS Criminal Background Check and to the periodic conduct of further Background Record Checks. The hiring authority shall inform the candidate that his or her background information and CORI will be used to check the criminal history records of the Massachusetts State Police and the FBI and that such information may require review by a criminal justice official, qualified mental health professional, or CBCU personnel conducting themselves in conformance with 115 CMR 12.00. Such consent and notification shall be included in the hiring authority's employment application materials.
- (5) The hiring authority shall maintain the candidate's written consent in a secure file separate from the candidate's personnel file, as applicable.
- (6) The hiring authority shall refer candidates eligible for a fingerprint scan by completing the prescribed DDS Criminal Background Check Request Form or its electronic equivalent and forwarding such to the CBCU.
- (7) The hiring authority shall ensure that any information requested by the CBCU that will assist in making a determination of a candidate's suitability is forwarded to the CBCU.
- (8) The hiring authority shall ensure that any individual required by M.G.L. c. 19B, §§ 19 and 20 and 115 CMR 12.00 to undergo a fingerprint-based check of the state and national criminal history databases is identified to the Department.
- (9) The hiring authority shall notify the CBCU of the date that any candidate terminates employment, or is otherwise no longer required by M.G.L. c. 19B, §§ 19 and 20 and 115 CMR 12.00 to undergo fingerprint-based checks of the state and national criminal history databases in accordance with such timelines established by the Department.
- (10) For all candidates required by M.G.L. c. 19B, §§ 19 and 20 to undergo a DDS Criminal Background Check as part of a licensing or approval determination not related to a hiring decision, the responsibilities of the hiring authority shall be performed by the individual or entity seeking licensure of the program or approval of the candidate.

12.07: DDS Background Record Check Investigations

- (1) After a candidate has been CORI cleared, as applicable, the hiring authority shall forward the completed DDS Criminal Background Check Request Form or electronic equivalent to the CBCU.
- (2) The CBCU shall review the results of fingerprint-based checks it receives and notify the hiring authority whether a candidate has been determined suitable or unsuitable for employment, licensure, funding or approval. The report or findings of the fingerprint-based checks shall not be disclosed to the hiring authority.
- (3) In reviewing the results of a fingerprint-based background check, the CBCU may, at its expense, consult other available information to verify or confirm the results of a fingerprint-based background check.
- (4) If the results of an employee's or candidate's fingerprint-based check disclose a disqualifying conviction(s), pending matter(s), or warrant(s), the CBCU shall notify the hiring authority who shall immediately remove the employee or candidate from any position that entails the potential for unsupervised contact until such time as a final suitability determination is made.
- (5) Notwithstanding anything in 115 CMR 12.00, fingerprint-based checks shall be conducted on the following individuals prior to new or continued employment:
 - (a) Candidates for whom the hiring authority or the CBCU has reason to believe have had criminal charges filed against him/her since the most recent fingerprint-based check; and
 - (b) Candidates who have had a break or separation (not a termination) of one year or more from working in their DDS licensed, approved and/or funded employment, or any other candidate who has had a break or separation of one year or more in their status of having to undergo fingerprint-based checks in accordance with M.G.L. c. 19B, §§ 19 and 20.

12.07: continued

(6) Hiring authorities shall develop procedures that ensure the Department can perform audits of its compliance with 115 CMR 12.00.

12.08: Findings from Fingerprint-Based Checks - No Further Review - Outstanding Warrants

(1) If the fingerprint-based check reveals a conviction of an offense from any jurisdiction the same or similar to a 101 CMR 15.15: *Tables of Offenses: Table B* crime that is a felony more than ten years old, or the same or similar to a 101 CMR 15.15: *Tables of Offenses: Table B* crime that is a misdemeanor more than five years old, and there are no subsequent convictions or pending cases of any kind, the CBCU will not consider such crime. For the purposes of computing the five and ten-year time periods, the time period will run from the date any court supervision, probation, or sentence was terminated.

(2) If the fingerprint-based check reveals a finding of "no record," the CBCU shall notify the hiring authority of the candidate's suitability determination. The hiring authority may then confirm employment or hiring of the candidate, or may proceed with the application for licensing, funding, or approval. The hiring authority shall maintain DDS's determination in a secure file separate from the candidate's personnel file, as applicable.

(3) If the fingerprint-based check of the state and national criminal history databases reveals an outstanding warrant for any offense, the CBCU will notify the candidate that he or she is not suitable for employment, licensure, funding or approval unless the warrant is removed.

(4) The CBCU shall notify the hiring authority whether a candidate has been approved as suitable or unsuitable for employment, licensing, funding, or approval. The report or the findings of the fingerprint-based checks shall not be disclosed to the hiring authority.

(5) All reports of findings of fingerprint-based checks of the state and national criminal history databases, including those with a finding of "no record," shall be filed in a secure location.

12.09: Findings from Fingerprint-based Checks - Crimes Subject to Review

(1) Before any determination is made regarding a candidate's suitability for employment, licensing, funding, or approval on the basis of a fingerprint-based check of the state and national criminal history databases, the Department shall:

- (a) provide the candidate with a copy of the report with the findings of the fingerprint-based check, DDS's National Criminal Background Check regulations, and the DCJIS's information concerning the process for correcting a criminal record;
- (b) inform the candidate of the potential for an adverse decision based on the findings of the fingerprint-based check;
- (c) inform the candidate what part of the criminal record appears to make him or her unsuitable for employment, licensing, funding, or approval;
- (d) provide the candidate with an opportunity to submit additional information relevant to the review of his/her criminal history;
- (e) provide the candidate with an opportunity to dispute the accuracy and relevancy of the fingerprint-based check; and
- (e) upon receipt of any additional documentation, review the information with the candidate and inform him or her of the decision.

(2) If the fingerprint-based check reveals a conviction of an offense from any jurisdiction that is the same or similar offense to a 101 CMR 15.15: *Tables of Offenses: Table A* crime, regardless of when it occurred, or a pending 101 CMR 15.15: *Tables of Offenses: Table A* crime, or a conviction of an offense from any jurisdiction that is the same or similar to a 101 CMR 15.15: *Tables of Offenses: Table B* crime within the five and ten-year periods referenced in 115 CMR 12.08, or a pending 101 CMR 15.15: *Tables of Offenses: Table B* crime, the CBCU will give careful consideration to the following factors in its determination of suitability for hiring, licensing, funding, or approval:

- (a) time since the conviction or pending offense;
- (b) age of the candidate at the time of the offense;
- (c) nature and specific circumstances of the offense;

12.09: continued

- (d) sentence imposed and length of any period of incarceration;
- (e) relationship of the criminal act to the nature of the work to be performed;
- (f) number of offenses;
- (g) whether the offenses were committed in association with a dependence on drugs or alcohol, from which the candidate has since recovered;
- (h) any relevant evidence of rehabilitation or lack thereof, such as information about compliance with conditions of parole or probation, including orders of no contact with victims and witnesses; and the individual's conduct and experience since the time of the offense, including but not limited to educational or professional certifications obtained; and
- (i) any other relevant information, including information submitted by the candidate, or requested by the hiring authority.

(3) As part of its consideration of a candidate's suitability for hiring, licensure, funding or approval, the CBCU may:

- (a) rely upon the hiring authority's certification that it conducted a CORI background investigation of the candidate and complied with all applicable requirements of 101 CMR 15.00: *Criminal Offender Record Checks* for any offense that was reviewed as part of the 101 CMR 15.00: *Criminal Offender Record Checks* CORI investigation, and
- (b) require the candidate obtain and submit any documentation that will assist the CBCU in giving careful consideration to the candidate's suitability for hiring, licensure, funding or approval in accordance with 115 CMR 12.09.

(4) The CBCU, using a standardized form prescribed by the Department, will make a written determination of its decision regarding consideration of the candidate's suitability for hiring, licensing, funding, or approval. A copy of the written determination will be maintained by the CBCU in a secure location, together with any additional information regarding the candidate obtained during the background investigation.

(5) If the CBCU approves as suitable for hiring, licensing, funding, or approval a candidate whose fingerprint-based check show a conviction of, or pending offense that is the same or similar to a 101 CMR 15.15: *Tables of Offenses: Table A* crime, the CBCU shall:

- (a) submit its written determination to the Commissioner or designee(s) and not proceed to give their approval for five business days from the date the Commissioner or designee(s) receives the written determination. During such time the Commissioner or designee(s) may disapprove the candidate's approval or request additional information. Notwithstanding the foregoing, the CBCU may proceed with their approval before the expiration of the five-day period if the Commissioner or designee(s), after receiving the written determination, informs the CBCU that he or she does not intend to disapprove the candidate's approval or request additional information.
- (b) the CBCU may, as part of the background investigation require a candidate submit:
 1. a review by the candidate's criminal justice official, including a determination in writing that the candidate, under the circumstances or within the position sought, does not pose an unacceptable risk of harm to Department clients; or
 2. if the criminal justice official is unavailable or has indicated he or she has insufficient information to render an assessment, a written determination from a qualified mental-health professional that the candidate, under the circumstances or within the position sought, does not pose an unacceptable risk of harm to Department clients. If the Department makes such a request, DDS will bear the cost of an assessment by a qualified mental-health professional of the candidate's risk of harm.
 3. if a candidate obtained a written determination from a qualified mental-health professional or criminal justice official as part of the CORI background investigation pursuant to 101 CMR 15.00: *Criminal Offender Record Checks*, the CBCU may rely on such written determination for crimes reviewed as part of the 101 CMR 15.00: *Criminal Offender Record Checks* CORI investigation.
 4. the CBCU will include any written determinations from a criminal justice official or mental-health professional among the factors considered in its rationale for assessing a candidate's suitability for employment, licensing, funding, or approval.

12.09: continued

(6) If the Department does not wish to approve a candidate with a conviction or pending offense that is the same or similar to a 101 CMR 15.15: *Tables of Offenses: Table A* crime, regardless of when it occurred, or a conviction or pending offense that is the same or similar to a 101 CMR 15.15: *Tables of Offenses: Table B* crime within the five and ten-year periods referenced in 115 CMR 12.08, the prescribed form documenting the rationale will be completed as outlined in 115 CMR 12.09(4) and will be maintained on file in a secure location.

12.10: Conditional Employees

(1) Notwithstanding 115 CMR 12.00, Department-licensed, funded or approved programs and transportation providers on behalf of such programs may conditionally hire a candidate prior to obtaining the results of a fingerprint-based check provided:

- (a) The hiring authority has complied with 101 CMR 15.00: *Criminal Offender Record Checks* and the candidate has been CORI-cleared;
- (b) The candidate has been scheduled for fingerprinting and the results of the fingerprint-based check are pending; and
- (c) The hiring is necessary to ensure the immediate provision of necessary services to DDS client(s).

(2) When the results of a conditional employee's fingerprint-based check are returned to the CBCU, it shall proceed with the review of the conditional employee's suitability in accordance with 115 CMR 12.00.

(3) If the CBCU determines a conditional employee is not suitable for employment, based upon the findings of the fingerprint-based check, the CBCU will notify the hiring authority who shall immediately remove the conditional employee from any position with the potential for unsupervised contact until such time as a final suitability determination is made in accordance with 115 CMR 12.00.

(4) No person hired as a conditional employee shall be retained in such capacity for longer than 60 days.

12.11: Post Audit and Compliance Review

(1) The Department may conduct periodic reviews of a hiring authority's documentation of compliance with 115 CMR 12.00.

(2) If such review or other relevant information obtained by the Department raises concerns about the hiring authority's compliance, the Department may require the hiring authority submit any such documentation demonstrating its compliance with 115 CMR 12.00.

(3) In the event of noncompliance by a hiring authority with any provision(s) of 115 CMR 12.00, the Department may terminate a hiring authority's contract or revoke its license, funding, or approval, or take such other action(s) it determines appropriate.

12.12: Dissemination

The results of fingerprint-based checks of the state and national criminal history databases from DCJIS shall be treated according to EOHHS's regulations regarding criminal offender record information, 101 CMR 15.00: *Criminal Offender Record Checks* and M.G.L. c. 6, §§ 167 through 178. The report or findings of fingerprint-based checks may be disseminated only to Department personnel certified by DCJIS to receive such information, to the candidate, or to other person(s) legally authorized to receive such information. The Department will maintain a listing of personnel so certified by DCJIS. Dissemination of the results of fingerprint-based checks, except as authorized by M.G.L. c. 6, §§ 168 through 178 and 115 CMR 12.00, and DCJIS policies is prohibited.

115 CMR: DEPARTMENT OF DEVELOPMENTAL SERVICES

12.13: Incidents

If the CBCU receives notice that an individual with a positive fingerprint-based state or national criminal history has harmed a client, the CBCU shall notify the General Counsel's Office. Notification shall include documentation of the CBCU's suitability determination.

12.14: Severability

If any provisions of 115 CMR 12.00, or the applications of such provisions to any person or circumstance are held invalid or unconstitutional, the other provisions of said 115 CMR 12.00, or the application of such provisions to any person or circumstance other than that as to which it is held invalid or unconstitutional, shall not be affected thereby.

12.15: Tables of Offenses

The CBCU shall utilize the Tables of Offenses at 101 CMR 15.15: *Tables of Offenses* for the purposes of evaluating offenses subject to review under 115 CMR 12.00. The offenses included in 101 CMR 15.15: *Tables of Offenses* are to be construed as including similar violations of the law of Massachusetts, another state, the United States, or a military, territorial, or Native American tribal authority. To the extent an offense is determined to be similar to the violation of the law of Massachusetts, the offense will be considered as if it were on the same table as the offense set forth at 101 CMR 15.15: *Tables of Offenses*.

REGULATORY AUTHORITY

115 CMR 12.00: M.G.L. c. 19B, §§ 1 and 14; and c. 19B, §§ 19 and 20.