

Board of Registration for Hearing Instrument Specialists  
Procedure for Review of CORI  
Criminal Offender Record Information  
Approved April 22, 2020

To assist applicants in understanding when a crime may lead to a license denial, the Board of Registration of Hearing Instrument Specialists (“Board”) has created this policy, which explains when a conviction rises to the level where it could lead to a license denial. Pursuant to Chapter 69 of the Acts of 2018 (An Act Relative to Criminal Justice Reform), the Board is required to provide "a list of the specific criminal convictions that are directly related to the duties and responsibilities for the licensed occupation that would disqualify an applicant from eligibility for a license." The Board has determined that no single conviction, on its own, would disqualify an applicant from being eligible for a license. However, other factors, such as a conviction being very recent, the applicant having a history of other criminal convictions, or the conviction involving aggravating factors (such as a crime being caused by substance abuse issues, the crime being part of a pattern of violence, the matter leading to a level 3 Sex Offender designation, etc.) might justify denying a license to an otherwise eligible candidate. As a result any conviction could lead to a license denial. This includes ALL the crimes listed on the Master Crime List issued by the Massachusetts Sentencing Commission and found at this link:

<https://www.mass.gov/doc/master-crime-list>

The Executive Director is authorized, in conjunction with Board Counsel, to review the records of criminal convictions and pending criminal cases received from the Department of Criminal Justice Information Services to determine whether review or an appearance before the Board is necessary for an applicant for the Board’s professions who has answered positively in response to an application question regarding the existence of past convictions. For the purposes of this procedure, ‘conviction’ means any of the following:

- (a) a final judgment entered after a jury verdict of guilty or a judicial finding of guilty;
- (b) a plea of guilty;
- (c) a plea of *nolo contendere* (no contest); or
- (d) any other plea or finding which is treated by the court as a plea or finding of guilty.

The above standards (a) through (d) shall apply regardless of the law of the jurisdiction in which the disposition occurred.

In determining who must appear before the Board, the Executive Director and Board Counsel shall act in a manner consistent with the following guidelines.

An applicant must be reviewed and/or appear at a Board meeting where:

1. The applicant has been convicted of any felony;
2. The applicant has been convicted of any motor vehicle offense involving the loss of life;

3. The applicant has been convicted of two (2) or more misdemeanors within the past ten (10) years;
4. The applicant has a pending criminal case concerning an open felony criminal charge for which a disposition has not yet been entered;
5. The applicant has been convicted or has a pending criminal case that involves sexual misconduct or physical harm; and
6. The applicant has been convicted or has a pending criminal case that related to fraudulent activities.

In addition to the above, the Executive Director or Board Counsel is authorized to require Board review and/or an appearance before the Board related to any applicant whose record contains any conviction or pending charge that the Executive Director or Board Counsel believe the Board should review. In evaluating whether an appearance is necessary, the Executive Director and Board Counsel will consider multiple factors, including but not limited to: whether the applicant has been convicted of or charged with an offense that involves sexual misconduct, fraud, dishonesty or deceit or an offense that calls into question the applicant's ability to practice the Board's professions in accordance with accepted standards of sound professional practice.

Applicants who fail to disclose their complete and accurate conviction information in response to the application question or the renewal process shall be notified by the Executive Director or Board Counsel and may be allowed the opportunity to amend their application or renewal response. In the case of an applicant's or licensee's failure or refusal to amend, or where there is concern regarding an applicant's or licensee's misrepresentation or lack of candor in a response, the Board will require an appearance before the Board and may deny an application or renewal.