

COMMONWEALTH OF MASSACHUSETTS

BOARD OF RESPIRATORY CARE

POLICY No. 07-01

[Adopted April 18, 2007]

CORI POLICY

The Massachusetts Board of Respiratory Care (Board) adopts this Criminal Offender Record Information (CORI) Policy in compliance with the requirements of the Criminal History Systems Board (CHSB). The Board is an agency certified by the CHSB for access to CORI for licensing purposes and the Board will generally adhere to the following practices and procedures in connection therewith:

- I. CORI checks will only be conducted as authorized by the CHSB. All applicants will be notified that a CORI check will be conducted. If requested, the applicant will be provided with a copy of this CORI Policy.
- II. An informed review of a criminal record requires adequate training. Accordingly, all personnel authorized to review CORI in the decision-making process will be thoroughly familiar with the educational materials made available by the CHSB.
- III. Unless otherwise provided by law, a criminal record will not automatically disqualify an applicant. Rather, determinations of suitability based on CORI checks will be made consistent with this Policy and any applicable law or regulations, or both.
- IV. If the Board receives a criminal record from the CHSB, the authorized individual will closely compare the record provided by the CHSB with the information on the CORI request form and any other identifying information provided by the applicant, to ensure the criminal record relates to the applicant.
- V. If the Board is inclined to make an adverse decision based on the results of the CORI check, the applicant will be notified immediately. The applicant shall be provided with a copy of the criminal record and the Board's CORI Policy, advised of the part(s) of the record that make the applicant unsuitable for licensure, and given an opportunity to dispute the accuracy and relevance of the CORI record.
- VI. Applicants challenging the accuracy of the CORI record shall be provided a copy of the CHSB's ***Information Concerning the Process in Correcting a Criminal Record*** (see page 3). If the CORI record provided does not exactly match the identification information provided by the applicant, the Board will make a determination based on a comparison of the CORI record and documents

provided by the applicant. The Board may contact the CHSB and request a detailed search consistent with CHSB policy.

- VII. If the Board reasonably believes the CORI record belongs to the applicant and is accurate, based on the information as provided in Section IV of this Policy, then the Board will make a determination of suitability for licensure. Unless otherwise provided by law, factors considered in determining suitability for licensure may include, but not be limited to, the following:
- (a) Relevance of the criminal offense to licensure;
 - (b) time that has elapsed since the criminal conviction;
 - (c) age of the applicant at the time of the criminal offense;
 - (d) seriousness and specific circumstances of the criminal offense;
 - (e) the number of criminal offenses;
 - (f) whether the applicant has pending criminal charges;
 - (g) any relevant evidence of rehabilitation or lack thereof;
 - (h) any other relevant information, including information submitted by the applicant or obtained by the Board.
- VIII. The Board will notify the applicant of its decision and the basis of the decision in a timely manner.

INFORMATION CONCERNING THE PROCESS IN CORRECTING A CRIMINAL RECORD

1. If you have undergone a background check by an agency that has received a criminal record from the Criminal History Systems Board (CHSB), you may ask the agency to provide you with a copy of the criminal record. You may also request a copy of your adult criminal record from the Criminal History Systems Board, 200 Arlington Street, Suite 2200, Chelsea, MA 02150 by calling (617) 660-4640 or go to www.mass.gov/chsb/cori/cori_forms.html#pers.
2. The CHSB charges a \$25.00 fee to provide an individual with a copy of his/her criminal record. You may complete an affidavit of indigency and request that the CHSB waive the fee.
3. Upon receipt, review the criminal record. If you need assistance in interpreting the entries or dispositions, please review the disposition code and "how to read a BOP" on the CHSB's website, www.mass.gov/chsb/cori/cori_bop.html. The CHSB does not offer "walk- in" service, but you may call our Legal Division at (617) 660-4760 for assistance or the CARI Unit of the Office of the Commissioner of Probation at (617) 727-5300.
4. If you believe that a case is open on your record that should be marked closed, you may contact the Office of the Commissioner of Probation CARI Unit at (617) 727-5300 for assistance, or you may go to the Probation Department at the court where the charges were brought and request that the case(s) be updated.
5. If you believe that a disposition is incorrect, contact the Chief Probation Officer at the court where the charges were brought or the CARI Unit at the Office of the Commissioner of Probation and report that the court incorrectly entered a disposition on your criminal record.
6. If you believe that someone has stolen or improperly used your identity and was arraigned on criminal charges under your name, you may contact the Office of the Commissioner of Probation CARI Unit or the Chief Probation Officer in the court where the charges were brought. For a listing of courthouses and telephone numbers, please see www.mass.gov/chsb/cori/cori_codes_court.html.
7. In some situations of identity theft, you may need to contact the CHSB to arrange to have a fingerprint analysis conducted.
8. If there is a warrant currently outstanding against you, you need to appear at the court and ask that the warrant be recalled. You cannot do this over the telephone.
9. If you believe that an employer, municipality, volunteer agency, housing agency, or other agency has been provided with a criminal record that does not pertain to you, the agency should contact the CORI Unit for assistance at (617) 660-4640.