

COMMONWEALTH OF MASSACHUSETTS
BOARD OF REGISTRATION OF NURSING HOME ADMINISTRATORS

DETERMINATION OF GOOD MORAL CHARACTER

Policy No. NH-09-01

[Adopted January 21, 2010]

I. Purpose

The Board of Registration of Nursing Home Administrators ("Board") is responsible for licensing qualified applicants as Nursing Home Administrators. Each applicant seeking approval of an Administrator in Training ("AIT") program and each applicant for a license to practice as a Nursing Home Administrator, in addition to meeting specified education and professional certification requirements, must possess the "good moral character" ("GMC") required for licensure by Massachusetts General Laws ("M.G.L.") Chapter 112, section 109(b), and Board regulations at 245 CMR 2.05 and 2.07(3) ("GMC licensure requirement" or "GMC requirement"). Board Policy No. 09-01, *Determination of Good Moral Character*, identifies the criteria the Board uses to determine whether an applicant seeking approval of an AIT program and an applicant for a Nursing Home Administrator license meets the "good moral character" prerequisite for licensure. Board Policy No. 09-01 applies to all applicants for AIT program approval, applicants for a license, applicants for license renewal, applicants for license reactivation, and applicants for license reinstatement. Each applicant has the burden of establishing his or her present good moral character.

II. Good Moral Character

Qualities evidencing an applicant's present good moral character for purposes of licensure include candor, honesty, integrity, a respect for the law, regard for the welfare, safety, and rights of another, and fidelity and trustworthiness in the practice of the professions for which he or she may be licensed. Conversely, an applicant whose conduct reflects the absence of one or more of these qualities may be said to lack the good moral character required for licensure.

III. Conduct Demonstrating Absence of Good Moral Character

Any conduct that calls into question an applicant's fitness or suitability to engage in licensed practice, or that is antithetical to the promotion of the public health, safety, and welfare, as determined by the Board, constitutes a lack of good moral character. The conduct subject to the Board's evaluation for good moral character may or may not arise in the context of professional practice.

A. Criminal Conduct

The Board may consider the following criminal dispositions and underlying conduct in determining an applicant's compliance with the GMC licensure requirement:

- conviction of a crime whether by a verdict or finding of guilty, entering a plea of guilty to any crime, entering a plea of *nolo contendere* to any crime, or by entering any other plea treated by a court as a guilty plea regardless of the jurisdiction in which the conviction was entered;
- admitting to sufficient facts to warrant a finding of guilty of a crime.

Unless otherwise provided by law, factors that the Board may consider in evaluating the good moral character of an applicant who is the subject of one of the criminal dispositions, above, may include, but is not limited to, the following:

- the nature and seriousness of the offense(s) and underlying conduct;
- the existence of aggravating or mitigating circumstances;
- relevance of the offense(s) and underlying conduct to licensure;
- the amount of time that has elapsed since the last offense and disposition;
- the age, maturity, and experience of the applicant at the time of the last offense;
- the number of offenses;
- whether all terms of a sentence have been served, including compliance with conditions of any probation;
- whether the applicant has pending criminal charges;
- whether the applicant has open criminal cases;
- the applicant's conduct and occupation since the time of the last offense;
- the applicant's ability to appreciate the moral and legal consequences of his or her actions;
- the informed opinions of others as to the applicant's present moral character;
- the nature and extent of voluntary rehabilitative activities or absence thereof;
- the applicant's current professional competency;
- any other relevant information, including information submitted by the applicant or obtained by the Board.

B. Other Conduct

The Board may also consider the following in determining an applicant's compliance with the good moral character licensure requirement:

- denial of, or discipline against, a license or other authorization to practice any trade, occupation, or profession by another governmental authority in Massachusetts;
- denial of, or discipline against, a license or other authorization to practice any trade, occupation, or profession by a governmental authority in another state or jurisdiction;

- denial of, or adverse action against, professional certification or recertification by a non-governmental body;
- discharge other than honorable from the Armed Forces of the United States;
- delinquency in complying with child support laws or state tax laws as determined by the Massachusetts Department of Revenue;
- default on an educational loan as determined by the Massachusetts Education Financing Authority, the Massachusetts Higher Education Assistance Corporation, or the U.S. Department of Health and Human Services for Health Education Assistance Loans;
- engaging in any misconduct in connection with application for, and administration of, a certification or licensure examination, or with application for certification or licensure.

An applicant's failure to fully and candidly disclose information relevant to the Board's good moral character determination is extremely important. An applicant's lack of candid disclosure may alone be the basis to deny licensure on moral character grounds.

The Board may consider any other conduct that demonstrates a lack of good moral character or otherwise reflects adversely on an applicant's present suitability and fitness to practice as a Nursing Home Administrator.

Determinations as to an applicant's present good moral character are made on a case by case basis.

IV. Preliminary Denial of Licensure

Where the Board determines that an applicant does not presently possess the requisite good moral character for licensure and that the applicant's licensure is not in the best interest of the public, the applicant shall be notified in writing of the Board's preliminary denial of licensure, the specific grounds for such preliminary denial, and the opportunity for review of such preliminary denial, in accordance with Board Policy No. NH-08-01, *Preliminary Denial of Licensure*.

Where the grounds for license denial include criminal conduct in Massachusetts, the Board shall follow Policy No. NH-07-01 governing the use of Massachusetts *Criminal Offender Record Information* ("CORI").

Authority: M.G.L. c. 13, § 73; M.G.L. c. 112, § 109(b); M.G.L. c. 119A, § 16; M.G.L. c. 62C, § 47A; M.G.L. c. 112, § 61; M.G.L. c. 30A, § 13.