



The Commonwealth of Massachusetts
Division of Professional Licensure
1000 Washington Street, Suite 710
Boston, MA 02118

Board of Registration in Allied Health Professionals
617- 727- 3071

GUIDELINES REGARDING APPLICANTS/LICENSEES WITH CRIMINAL RECORDS

Basis of Review and Process

All applicants for licensure by examination, reciprocity or renewal must be of “good moral character” as required by the statutes and/or regulations of the Board. Among the means used by the Board in determining whether an applicant meets this standard is an examination of an applicant’s demonstrated avoidance of unlawful conduct, such as deceitful or violent behavior, through review of the applicant’s criminal record, if any. The Board will evaluate for good moral character an applicant whose conduct is evidenced as unlawful by one or more criminal convictions, e.g., a guilty plea, a verdict of guilty, or a plea of *nolo contendere*.

Once the Board learns of the existence of a criminal record, the Board will notify the applicant in writing that it will seek a more complete record of his or her criminal activity.¹ The written notice will be accompanied by a release for the applicant to sign so that the Board can obtain the licensee’s complete criminal record from the Criminal History Systems Board.

An applicant for either initial licensure or license renewal should have had no criminal convictions for a minimum number of X years (amount in the Board’s discretion) prior to the date of submission of the license application. Further, depending on the nature of the crime committed and the length of the probation period, if any, the applicant should have successfully completed all court-ordered conditions a minimum of one (1) year before the applicant will be considered for licensure by the Board.

In addition, the Board will evaluate the criminal record to determine whether the conduct:

- poses a threat to public safety;
- has a relationship to the provision of the service for which the license is issued such that issuance of the license is not in the public interest; and
- has been mitigated by subsequent actions by the applicant or licensee that may remedy the conduct.

The answer to these questions will determine the Board’s response in either denying or approving the license or renewal as set forth below.

¹ By law, a board may not require applicants for licensure or renewal to provide a copy of or access to their criminal record, if any. However, applicants may be asked to provide such information voluntarily. Boards may also learn of criminal convictions through other means, such as investigations.

Denial, Suspension or Revocation of a License

The Board may consider the conduct listed below as posing an unacceptable risk to public safety. An applicant who has engaged in such conduct may be found to lack the “good moral character” required for licensure and be excluded from licensure. The Board may consider including among such conduct the following:

1. Submission of false information on an application for licensure which is directly related to the qualifications for licensure;
2. Cheating on any licensing examination;
3. Certain underlying felony convictions, including, but not limited to:
 - any crime involving a homicide;
 - any violent crime against a person(s) exhibiting intentional or deliberate disregard for human life;
 - any sexual crime;
 - trafficking in, or illegally manufacturing, controlled substances;
4. Conduct which is likely to infringe on the applicant’s ability to safely practice the profession to which the license relates; or
5. Illegal activity that is so related in nature or has a direct bearing on the duties, actions and responsibilities of the profession that issuance of a license is inadvisable.

Applicants whom a Board determines do not meet the “good moral character” requirement may not be eligible for licensure or renewal. The Board will specify in writing the circumstances, if any, under which an applicant denied licensure or renewal may be considered sufficiently rehabilitated and of “good moral character” and thus eligible for reconsideration of the licensure or renewal application.

Where the Board intends to deny an applicant initial licensure or renewal on the basis of reasons 1-5 noted above, the applicant will be advised of her or his right to a limited hearing regarding the Board’s proposed action [within reasonable number of days – specifics set by board. At that limited hearing, the applicant has a right to be represented by counsel and heard on any facts that are determined to be in dispute.

Possible Denial, Probation, Suspension or other Sanction of a License

The Board may consider that certain other conduct by an applicant may pose a potential risk to public safety and/or to the provision of safe, effective services to the public. Such conduct may include:

- underlying convictions of any other felony or misdemeanor involving crimes against persons or property which demonstrate a risk to public safety and/or welfare, or
- two (2) or more separate convictions, regardless of the nature of the crimes.

The Board will examine this conduct on a case-by-case basis and will determine if the licensee may pose a potential risk to public safety and/or to the provision of safe, effective services to the public. Specific issues the Board may examine include:

1. The requirements of public protection, as determined by the Board;
2. Relationship between activity which license authorizes and public protection;
3. Date of the criminal conviction(s);
4. Age of the applicant at the time of the conviction(s);
5. Nature of the crime(s)
6. Outcome of criminal case(s);
7. Number of convictions; and

8. Evidence of rehabilitation, e.g., timely compliance with or successful completion of court-ordered probation.

Following its review, the Board may decide that the applicant or licensee has demonstrated, through a combination of factors such as passage of time, remorse, restitution, community service and compliance with court-ordered probation that it is in the interest of the individual and the public that the license may issue. Conversely, the Board may decide that the public interest will be best served through the denial, probation, suspension, revocation or other sanction of the license at initial licensure or renewal. Where the Board decides to take action against the license or denies an applicant initial licensure on the basis of the foregoing, the applicant will be advised of her or his right to a limited hearing regarding the proposed action. At that hearing, the licensee or applicant has a right to be heard on any facts that are determined to be in dispute. The Board must make its decision within a reasonable time.