

BOARD OF REGISTRATION IN MEDICINE CORI POLICY FOR LICENSING PURPOSES

Where Criminal Offender Record Information (CORI) and other criminal history information may be part of a general background check for licensing purposes, the following practices and procedures will be followed.

I. CONDUCTING CORI SCREENING

CORI checks will only be conducted as authorized by the DCJIS and MGL c. 6, §172, and only after a CORI Acknowledgement Form has been completed (Tab 1).

If a new CORI check is to be made on an applicant within a year of his/her signing of the CORI Acknowledgement Form, the applicant shall be given seventy-two (72) hours' notice that a new CORI check will be conducted.

II. ACCESS TO CORI

All CORI obtained from the DCJIS is confidential, and access to the information must be limited to those individuals who have a "need to know". The Director of Licensing must maintain and keep a current list of each individual authorized to have access to, or view, CORI. This list must be updated every six (6) months and is subject to inspection upon request by the DCJIS at any time.

III. CORI TRAINING

An informed review of a criminal record requires training. Accordingly, all personnel authorized to review or access CORI for licensing purposes at the Board of Registration in Medicine (BORIM) will review, and will be thoroughly familiar with, the educational and relevant training materials regarding CORI laws and regulations made available by the DCJIS and will attest to completion of CORI training.

IV. USE OF CRIMINAL HISTORY IN BACKGROUND SCREENING

Unless otherwise provided by law, a criminal record will not automatically disqualify an applicant. Rather, determinations of eligibility based on background checks will be made consistent with this policy and any applicable law and/or regulations.

V. VERIFYING AN APPLICANT'S IDENTITY

An individual who is authorized to review CORI received from the DCJIS will closely compare the information on the CORI Acknowledgement Form and any other identifying information provided by the applicant to ensure the record belongs to the applicant.

VI. INQUIRING ABOUT CRIMINAL HISTORY

The applicant shall be provided with a copy of the criminal history record, whether obtained from the DCJIS or from any other source, prior to questioning the applicant about his or her criminal history. The source(s) of the criminal history record is also to be disclosed to the applicant.

VII. DETERMINING ELIGIBILITY

If a determination is made, based on the information as provided in Section V of this policy, that the criminal record belongs to the applicant, and the applicant does not dispute the record's accuracy, then the determination of eligibility for the license will be made. Unless otherwise provided by law, factors considered in reviewing an applicant's criminal history may include, but not be limited to, the following:

- (a) Relevance of the record to the license sought;
- (b) Time since the conviction;
- (c) Age of the applicant at the time of the offense;
- (d) Seriousness and specific circumstances of the offense;
- (e) The number of offenses;
- (f) Whether the applicant has pending charges;
- (g) Any relevant evidence of rehabilitation or lack thereof; and
- (h) Any other relevant information, including information submitted by the applicant or requested by BORIM.

The applicant is to be notified of the decision and the basis for it in a timely manner.

VIII. CORI DISPUTES

If criminal history information provided by an applicant and the results of a criminal history background check do not match, the applicant will be notified immediately. The applicant shall be provided with a copy of BORIM's CORI policy and a copy of the criminal history. The source(s) of the criminal history will also be revealed. The applicant will then be provided with an opportunity to dispute the accuracy of the CORI record. Applicants shall also be provided a copy of DCJIS's ***Information Concerning the Process for Correcting a Criminal Record*** (<http://www.mass.gov/eopss/crime-prev-personal-sfty/bkgd-check/cori/cori-forms-and-applications.html>).

IX. SECONDARY DISSEMINATION LOGS

All CORI obtained from the DCJIS is confidential and can only be disseminated as authorized by law and regulation. A central secondary dissemination log shall be used to record any dissemination of CORI outside BORIM, including dissemination at the request of the applicant.

X. PENALTIES FOR KNOWING UNAUTHORIZED DISCLOSURE OF CORI

The penalty for each violation of the CORI Law includes imprisonment in a jail or house of correction for not more than 1 year or by a fine of not more than \$5,000 or by both such fine and imprisonment, and in the case of an entity that is not a natural person, the amount of the fine may not be more than \$50,000 for each violation.