

Ethics Training for  
Sales Representatives,  
Admissions Representatives, and  
Administrators of Licensed Private  
Occupational Schools

Massachusetts Division of Professional Licensure  
2017

# The Purpose of This Ethics Training

This training will enable sales representatives, admissions representatives, and administrators to understand Massachusetts laws and regulations related to schools' and sales representatives' ethical responsibilities to current and prospective students.

# Why is This Necessary?

- An individual who acts as a sales representative shall be licensed by Division of Professional Licensure (DPL).  
230 CMR 13.04(1)
- As a condition of being able to be employed as sales representative, schools must provide DPL with evidence that the applicant has completed a division-approved training in ethics upon application for licensure (initial and renewal).  
230 CMR 13.04(2)(c)

# Who is a Sales Representative?

Any person who engages in solicitation within the Commonwealth of Massachusetts regardless of the location of the school, provided however that Administrators and Admissions Representatives are not considered Sales Representatives.

230 CMR 12.00

# Who Else Must Take This Training?

## The Law

A school must require and document evidence that admissions representatives and administrators have completed a division-approved training in ethics required of sales representatives, upon application for school licensure and every two years upon the school's license renewal.

230 CMR15.01(7)

# Who is an Admissions Representative?

Any person: (1) who assists in the process of admitting and enrolling students in a school; and (2) whose job responsibilities do not include solicitation.

230 CMR 12.00

# Who is an Administrator?

An individual: (1) who directs or manages the day-to-day operation of a school; and (2) whose job responsibilities do not include solicitation.

230 CMR 12.00

# What Are My Responsibilities As a Sales Representative, Admissions Representative, or Administrator?

- Be of good moral character.
- Be in compliance with relevant laws.
- Understand the implications of non-compliance.



# What Are My Responsibilities As a Sales Representative, Admissions Representative, or Administrator?

- It is important to understand that you are acting on behalf of your school.
- Therefore, you should be aware that your school can be held responsible for your failing to comply with laws and regulations.

# Disclosures

## What's Ahead in this Section?

The following section will focus on disclosures sales representatives must make to prospective students prior to enrollment. This section contains the following slides:

Introduction	(1 slide)
The Law	(5 slides)
Quiz and Answers	(2 slides)

# Disclosures

## Introduction

Massachusetts laws require schools to disclose specific information to prospective students *prior* to enrollment. These disclosures are mandated by the state to ensure consumers are being provided with information that is:

- 1) Clear and concise;
- 2) Transparent about the educational product;
- 3) Comparable across institutions; and,
- 4) Sufficient to allow consumers to make informed enrollment decisions.

# Disclosures

## The Law

Prior to enrollment, a school must provide prospective students with a written outline of each program offered by the school. The outline shall contain:

- (a) Course descriptions;
- (b) Entrance requirements;
- (c) The total number of instructional hours required to obtain a certificate or diploma;
- (d) The earliest possible completion date;
- (e) A list of occupations for which each program will prepare students;
- (f) The costs of the program, which includes financial education disclosures as prescribed by the division for programs exceeding \$2,000 in total cost;
- (g) All prerequisites for program completion and employment in the occupation, including but not limited to whether credentialing is required and the conditions to obtain such credential; and,
- (h) A copy of the school's refund and withdrawal policy, specifically referencing all costs that may not be refundable upon withdrawal.

230 CMR 15.05(1)

# Disclosures

## The Law

**After January 1, 2018:** A school must provide current student and prospective students (prior to enrollment) with certain disclosures (sales reps should speak with their schools about what disclosures are required):

- (a) Completion or graduation rates for each program;
- (b) Success rates of graduates in obtaining a professional license (if applicable);
- (c) Relevant employment statistics, if the school is required to maintain such information; and,
- (d) Student loan default rates (if applicable).

230 CMR 15.05(2)

# Disclosures

## The Law

**For programs beginning after April 1, 2017:** Prior to enrollment, a school must inform prospective students that if the student begins a program while an initial award for financial aid, including student loans, is pending, and the student subsequently is denied some or all of that student loan or financial aid amount, the school shall offer that student in writing an opportunity to terminate the enrollment agreement with a full refund of all monies paid, less actual reasonable administrative costs as defined under M.G.L. c. 255, § 13k.

230 CMR 15.04(5)

# Disclosures

## The Law

**For programs beginning after April 1, 2017:** Prior to enrollment, a school must disclose to prospective students that they have the right to cancel this enrollment contract before the completion of five school days or five percent of this program, whichever occurs first, and to receive a full refund of all monies paid, less actual reasonable administrative costs up to \$50 and actual reasonable costs of non-reusable supplies or equipment where a school reasonably provided the student with the supplies or equipment.

230 CMR 15.04(6)

# Disclosures

## The Law

Prior to enrollment, a school must also disclose to prospective students that certain non-occupational or exempt courses or programs are not required to be approved by DPL and are not approved by DPL. (Sales reps should speak with their schools about which courses or programs this disclosure must be made.)

230 CMR 15.05(3)



# Disclosures

## Quiz

For each statement below, mark whether it is Yes (“Y”) or No (“N”)

The school must disclose the following:

- \_\_\_\_\_ A list of the jobs for which the training program prepares students.
- \_\_\_\_\_ The cost of books and necessary supplies.
- \_\_\_\_\_ The typical grade point average of last year’s students in the program.
- \_\_\_\_\_ Whether graduates need an additional credential to be employed in the occupation.
- \_\_\_\_\_ The course in which the student is enrolling is not approved by DPL.
- \_\_\_\_\_ Students starting programs prior to the award of pending financial aid may not withdraw if the financial aid is denied.
- \_\_\_\_\_ If a student withdraws from a program, for any reason, they may do so within 10 days or 10% and only be responsible for up to \$50 and cost of non-reusable supplies or equipment.

# Disclosures

## Quiz Answers

For each statement below, mark whether it is Yes (“Y”) or No (“N”)

Schools must disclose the following:

- Y      A list of the jobs for which the training program prepares students.  
***This statement is correct.** 230 CMR 15.05(1) requires schools to provide prospective students with a written outline of each program offered by the school, which must include (e) a list of occupations for which each program will prepare students.*
- Y      The cost of books and necessary supplies.  
***This statement is correct.** 230 CMR 15.05(1) requires schools to provide prospective students with a written outline of each program offered by the school, which must include (f) the cost of the program.*
- N      The typical grade point average of last year’s students in the program.  
***This statement is incorrect.** While schools must provide the completion or graduation rates for each program in accordance with 230 CMR 15.05(2), schools are not required to provide information on grade point averages to prospective students.*
- Y      Whether graduates need an additional credential to be employed in the occupation.  
***This statement is correct.** 230 CMR 15.05(1) requires schools to provide prospective students with a written outline of each program offered by the school, which must include (g) all prerequisites for employment in the occupation.*
- Y      The course in which the student is enrolling is not approved by DPL.  
***This statement is correct.** 230 CMR 15.05(3) requires schools to disclose to prospective students if certain courses or programs are not required to be approved by DPL and are not approved by DPL.*
- N      Students starting programs prior to the award of pending financial aid may not withdraw if the financial aid is denied.  
***This statement is incorrect.** 230 CMR 15.04(5) requires schools to notify students whose financial aid is denied, if they have begun their programs, of the opportunity to terminate their enrollment agreement with a full refund of all monies paid, less actual reasonable administrative costs as defined under M.G.L. c. 255, § 13k.*
- Y      If a student withdraws from a program, for any reason, they may do so within 5 days or 5% of the program and only be responsible for up to \$50 and cost of non-reusable supplies or equipment.  
***This statement is correct.** 230 CMR 15.04(6) requires schools to allow students to withdraw from the school within 5 school days or 5% of the program, whichever occurs first, and to receive a full refund of all monies paid, less actual reasonable administrative costs up to \$50 and actual reasonable costs of non-reusable supplies or equipment.*

# Soliciting Student Enrollments

## What's Ahead in this Section?

The following section will focus on ethical practices schools, sales representatives, admissions representatives, and administrators must follow when soliciting students.

This section contains the following slides:

Introduction	(1 slide)
Disclaimer	(1 slide)
The Law	(6 slides)
Examples	(6 slides)
Quiz and Answers	(2 slides)

# Soliciting Student Enrollments

## Introduction

Massachusetts laws require schools and sales representatives, admissions representatives, and administrators to adhere to certain ethical practices when soliciting students. These practices are mandated by the state to ensure consumers:

- 1) Understand the individual with whom they are speaking is a sales person employed to solicit enrollments for the school;
- 2) Understand the terms and conditions to which they are subject should they enroll in the school;
- 3) Are not subject to practices that are unfair, deceptive, or abusive; and,
- 4) Receive sufficient information to make informed enrollment decisions.

# Disclaimer

The Examples used in this training are just a few illustrations of selected laws from 230 CMR 12.00-17.00. Sales representatives, admissions representatives, and administrators must be familiar with the laws as they apply in all situations.

# Soliciting Student Enrollments

## The Law

A school, sales representative, admissions representative, or administrator may not mislead an individual about the roles of sales representatives or other school employees who provide information about paying for or financing the cost of a course or program; such acts include but are not limited to referring to a sales representative or admissions representative as a “counselor” for the student.

230 CMR 12.00(c)

A sales representative shall not advertise, imply, or represent him or herself as anything other than a “sales representative” when engaged in solicitation.

230 CMR 15.06(13)

# Soliciting Student Enrollments

## Examples

Unacceptable:

Sales representative Trina introduces herself to a prospective student, “Hello Bob. I’m Trina, an admissions counselor with ABC School.”

**Why this is unacceptable:** By referring to herself as something other than a sales representative, Trina is in violation of 230 CMR 15.06(13), which states that sales representatives **shall not** advertise, **imply** or **represent him or herself as anything other than a “sales representative”** when soliciting enrollments.

Acceptable: “Hello Bob. I’m Trina, a sales representative with ABC School.”

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Unacceptable:

Sales Representative Trina introduces prospective student Bob to the school’s externship coordinator, Benita, stating, “Bob, this is Benita. Benita will help you with your financial questions.”

**Why this is unacceptable:** Benita is the school’s externship coordinator and not a financial aid staff person. By implying that Benita is with the school’s financial aid office, Trina is in violation of 230 CMR 12.00(c), which states that sales representatives **shall not mislead an individual about the roles of other school employees** who recruit or enroll prospective students or provide information about paying for or financing the cost of a course or program.

Acceptable:

Trina introduces Bob to Benita, the school’s externship coordinator, stating, “Bob, this is Benita. Benita assists students with externship placements. You’ll talk with her more as you are closer to the externship portion of your program. Let’s find Laurie who is the school’s financial aid staff person so she can answer your financial questions.”

# Soliciting Student Enrollments

## The Law

A school, sales representative, admissions representative, or administrator must not interfere with the ability of an individual to understand a term or condition of an enrollment contract or a financing agreement, or to understand information contained in a required disclosure.

230 CMR 12.00(a)



# Soliciting Student Enrollments

## Example

Prospective student Bob tells sales representative Trina that he cannot afford a down payment for his tuition at ABC School. Bob also asks how much it will cost to attend ABC School because he cannot afford to pay out-of-pocket. Bob will not be receiving any grants or scholarships.

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Unacceptable:

Trina reassures Bob, “It’s not going to you cost anything out-of-pocket to enroll.”

**Why this is unacceptable:** Trina is in violation of 230 CMR 12.00(a), which prohibits sales representatives from **interfering with the ability of an individual to understand a term or condition of an enrollment contract**. While Trina’s statement was partially true since Bob will not be paying anything out-of-pocket upon enrollment, it is still unacceptable because she did not provide Bob with a full accounting of what it will cost him to attend the school, which may include student loans, or credit card payments, or installment payments to the school.

Acceptable:

Trina explains to Bob, “While you aren’t required to pay any money at this time, you will be financing your education, which means that you will be required to repay the money once you complete your program. You can speak with the school’s financial aid office to discuss how much money you will be financing and how much your monthly repayment costs will be.”

# Soliciting Student Enrollments

## Example

Prospective student Bob asks sales representative Trina what the interest rate will be on his financing agreement.

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Unacceptable:

Trina shrugs off the question, telling Bob, “Don’t worry about this. It’s complicated; I can’t even understand it. Besides, once you get a job, you’ll be able to afford the payments.”

**Why this is unacceptable:** By not directly addressing Bob’s question about his interest rate, Trina is in violation of 230 CMR 12.00(a), which prohibits sales representatives from **interfering with the ability of an individual to understand a term or condition of financing.**

Acceptable:

Trina admits that she isn’t clear on the terms of the financing and recommends that Bob speak with the school’s financial aid office.

# Soliciting Student Enrollments

## The Law

A sales representative, admissions representative, or administrator must not make an affirmation, promise, description, or representation that is either false or fraudulent that would mislead the prospective student or family member.

230 CMR 12.00(b)

# Soliciting Student Enrollments

## Example

Sales representative Trina is meeting with prospective student Bob, who is interested in enrolling in a medical billing and coding program. Trina knows that her school doesn't have a medical billing and coding program. However, the school's medical assisting program has a single, 40-hour medical billing and coding course within the program.

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### Unacceptable:

Even though Bob is clear with Trina that he does not want to become a medical assistant, Trina assures him, "As a trained medical assistant, you will be able to find a job as a medical biller and coder."

**Why this is unacceptable:** Since a single, 40-hour course is insufficient training for employment as a medical biller and coder, Trina is in violation of 230 CMR 12.00(b), which **prohibits** sales representatives from **engaging in abusive practices that include false representations**.

### Acceptable:

Trina informs Bob, "The school does not have a program dedicated only to medical billing and coding." Bob asks about the medical billing and coding class that is part of the medical assisting program. Trina provides Bob with an outline of the medical assisting program and points out the careers for which the program prepares students. Trina then informs Bob, "Medical billing and coding is not on the list of occupations for which the medical assisting program will prepare you."

# Soliciting Student Enrollments

## The Law

A school shall maintain a “Do Not Contact List” of prospective students who have indicated in any way a desire not to be contacted for solicitation purposes by that school.

- When contacting a prospective student, a school must inform the prospective student of the opportunity to be placed on the school’s “Do Not Contact List.”
- If a prospective student’s name and contact information appears on the school’s “Do Not Contact List,” a school may not make unsolicited contact to that prospective student.

230 CMR 15.06(14)

# Soliciting Student Enrollments

## Example

Sales representative Trina is provided a list of prospective students to cold call about their interest in attending her school. She begins with prospective student Bob.

Unacceptable:

Although Bob's name appears on the school's Do Not Contact List, Trina does not consult this list before calling him.

### **Why this is unacceptable:**

Trina contacted Bob, who is on the Do Not Contact List. This is a violation of 230 CMR 15.06(14), which prohibits schools from making unsolicited contact with prospective students who are on the List.

Acceptable:

Trina consults the school's Do Not Contact List before calling Bob. Since Bob is on the list, Trina does not contact Bob and she moves on to another prospective student.

# Soliciting Student Enrollments

## The Law

A sales representative, admissions representative, or administrator may not make unsolicited contact on behalf of a school with an individual more than twice in a one-month period.

230 CMR 12.00(d)

# Soliciting Student Enrollments

## The Law

Unsolicited contact is defined as solicitation by telephone, email, text message or any other mode of communication with an individual who did not, prior to the contact, knowingly initiate communication with the school.

230 CMR 12.00



# Soliciting Student Enrollments

## Example

### Unacceptable:

Sales representative Trina is following up on a lead on prospective student Bob, who only viewed the school's electrical program webpage. Over the next week, the school's automated dialer calls the student five times and patches Bob through to Trina three times. Trina also mails the student a letter and sends him two emails.

**Why this is unacceptable:** While Bob viewed the program on the school's website, he did not contact the school. Therefore, any contact, or attempted contact, by Trina is considered unsolicited contact. As such, Trina is in violation of 230 CMR 12.00(d), which **prohibits unsolicited contact** with an individual exceeding two such contacts by or on behalf of a school in a one-month period.

### Acceptable:

Trina consults the school's Do Not Contact List before calling Bob as required by 15.06(14). Bob is not on the list so Trina calls him once, and then again one week later. Bob does not return Trina's phone calls so Trina waits another four weeks before contacting Bob again.

# Soliciting Student Enrollments

## Quiz

For each statement below, mark whether it is Unacceptable (“U”) or Acceptable (“A”)

Sales representative Trina informs a prospective student:

- \_\_\_\_\_ “My name is Trina. I am a career counselor with Hi Career School.”
- \_\_\_\_\_ “This is our enrollment contract. You can sign it now and read it later.”
- \_\_\_\_\_ “Once you complete this program, you will pass the Microsoft exam.”
- \_\_\_\_\_ “Thank you for speaking to me today about Hi Career School. Please note that if you do not wish to be contacted anymore about our school, you may be placed on our Do Not Contact List.”

# Soliciting Student Enrollments

## Quiz Answers

Unacceptable (“U”) or Acceptable (“A”)

Sales representative Trina informs a prospective student:

- U “My name is Trina. I am a career counselor with Hi Career School.”  
*This answer is **Unacceptable** because 230 CMR 15.06(13) prohibits sales representatives from implying or representing him or herself as anything other than a “sales representative.”*
- U “This is our enrollment contract. You can sign it now and read it later.”  
*This answer is **Unacceptable** as 230 CMR 12.00(a) prohibits sales representatives from engaging in abusive practices that interfere with the ability of an individual to understand a term or condition of an enrollment contract or financing agreement, or to understand information contained in a disclosure.*
- U “Once you complete this program, you will pass the Microsoft exam.”  
*This answer is **Unacceptable** because Trina cannot **promise** that the student will pass the Microsoft exam after completing the program. Therefore, she has committed an abusive practice under 230 CMR 12.00(b) by making a promise or representation that is either false, fraudulent, or that, in the light of all circumstances, would mislead the individual to whom the affirmation, promise, description or representation is made.*
- A “Thank you for speaking to me today about Hi Career School. Please note that if you do not wish to be contacted anymore about our school, you may be placed on our Do Not Contact List.”  
*This answer is Acceptable under 230 CMR 15.06(14) because Trina is informing the prospective student about his opportunity to be placed on Hi Career School’s Do Not Contact List.*

# Do Not's

## What's Ahead in this Section?

When soliciting student enrollments, schools, sales representatives, admissions representatives, and administrators must understand what practices are not allowed. This section contains the following slides:

Introduction	(1 slide)
The Law	(11 slides)
Examples	(15 slides)
Quiz and Answers	(2 slides)

# Do Not's Introduction

Massachusetts laws prohibits schools and sales representatives, admissions representatives, and administrators from engaging in certain practices with regard to prospective students. These prohibitions are mandated by the state to ensure consumers:

- 1) Are not provided information that is incomplete, false, deceptive, misleading, or unfair;
- 2) Receive accurate and documented/documentable information;
- 3) Receive accurate information about equipment, instructors, and programs;
- 4) Understand enrollment contingencies;
- 5) Who do not meet admissions standards are not enticed to enroll; and,
- 6) Receive accurate and sufficient information to make informed enrollment decisions.

# Do Not's The Law

A school shall not offer, advertise, imply, or represent courses, programs and services, including the availability of collateral services such as tutoring, translation, and childcare, in a way that is false, deceptive, misleading, or unfair.

230 CMR 15.06(1)

# Do Not's Example

Sales representative Trina is meeting with a prospective student who is a limited English speaker.

Unacceptable:

Trina informs the prospective student that a translator will be provided to him, but neglects to disclose that these services are not provided by the school and are only available for a fee through a third-party.

**Why this is unacceptable:** By not disclosing to the student that translation services are not available from the school, and by not disclosing that the translation services that are available are for a fee, Trina is in violation of 230 CMR 15.06(1), which states that a school **may not imply or represent services in a way that is false, deceptive, misleading or unfair.**

Acceptable:

Trina informs the prospective student, “While the school does not provide translation services, we can provide you with contact information for someone who can translate for you for an hourly fee. It is my understanding that these fees may cost you \$15-25 per hour.”

# Do Not's Example

A prospective student informs sales representative Trina that after enrolling he may need additional tutoring for some of his classes. However, tutoring is not available at this school.

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Unacceptable:

Trina tells the student, “No problem. Once you are enrolled, the school will provide you with any tutoring you need.”

**Why this is unacceptable:** By misleading the student about services the school does not provide, Trina is in violation of 230 CMR 15.06(1), which states that a school **may not** imply or **represent** services in a way that is **false**, deceptive, misleading or unfair.

Acceptable:

Trina informs the student, “The school does not have tutors, but there are options available to you: You could meet regularly with the instructor, join a study group, or hire your own tutor.”



# Do Not's Example

Sales representative Trina talks to a prospective student about childcare services. The school does not offer such services.

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## Unacceptable:

Trina tells the prospective student, “I wouldn’t worry about childcare. The school will help you with childcare.”

**Why this is unacceptable:** By misleading the student about services the school does not provide, Trina is in violation of 230 CMR 15.06(1), which states that a school **may not** imply or **represent** services in a way that is **false**, deceptive, misleading or unfair.

## Acceptable:

Trina informs the student, “The school cannot assist you with locating childcare. Do you have friends, neighbors, or family members that can help you? Is there a local church or community center that provides childcare?”

# Do Not's The Law

A school shall not advertise, imply, or represent itself as a “college” or “university.” If affiliated with another institution, a school must disclose the nature of the affiliation.

230 CMR 15.06(2)

# Do Not's Example

Sales representative Trina works for ABC School.

Unacceptable:

Sales representative Trina tells a prospective student, “When you complete your program, you will be a graduate of ‘ABC College.’ Throughout their discussion, Trina refers to the “college,” using phrases such as, “College students such as yourself...”; “Once you enroll in the college...”; “Similar types of colleges...”

**Why this is unacceptable:** By representing and implying that the school is a college, Trina is in violation of 230 CMR 15.06(2), which prohibits schools from advertising, implying, or representing that the school is a “college” or “university.”

Acceptable:

Trina tells the student, “When you complete your program, you will receive a certificate of completion and you will be a graduate of ABC School.”

# Do Not's The Law

A school shall not advertise, imply, or represent that DPL “supervises,” “recommends,” “endorses,” “accredits,” or “approves” the school.  
230 CMR 15.06(3)

# Do Not's Example

Sales representative Trina works for an occupational school licensed by the Division of Professional Licensure.

Unacceptable:

Sales representative Trina informs a prospective student, “This school is approved by the Massachusetts Division of Professional Licensure.”

**Why this is unacceptable:** By representing and implying that the school is approved by DPL, Trina is in violation of 230 CMR 15.06(3), which prohibits sales representatives from stating, representing, or implying that DPL “supervises,” “recommends,” “endorses,” “accredits,” or “**approves**” the school.

Acceptable:

Trina informs the student, “The school is “licensed” by the Commonwealth of Massachusetts Division of Professional Licensure.”

# Do Not's The Law

A school shall not advertise, imply, or represent that the school guarantees employment for those who complete a course or program unless:

- (1) the guarantee is actually offered by the school; and
- (2) the advertisement discloses the nature of the guaranteed employment including but not limited to all conditions and limitations of the guaranteed employment such as any pre-requisites needed to obtain the employment, any limitation on the duration of employment, and any pre-existing arrangements between the school and potential employers.

230 CMR 15.06(4)

# Do Not's

## Example

Prospective phlebotomy student Bob asks sales representative Trina whether he will find a job once he completes the program. Trina informs Bob that the school guarantees job placement.

Unacceptable:

Trina says, “All of our students get a job because the school has a program where they set you up with a job right after graduation.” Trina does not provide any further information about the job to Bob.

**Why this is unacceptable:** By not providing Bob with the nature, conditions, and limitations of the guaranteed employment, Trina is in violation of 230 CMR 15.06(4), which states that a school shall not advertise, imply, or **represent that the school guarantees employment** for those who complete a course or program unless: (1) the guarantee is actually offered by the school; and (2) the advertisement discloses the nature of the guaranteed employment including but not limited to all **conditions and limitations of the guaranteed employment** such as any pre-requisites needed to obtain the employment, any limitation on the duration of employment, and any pre-existing arrangements between the school and potential employers.

Acceptable:

Trina says, “The school guarantees employment once you complete the program.” Trina shows Bob a contract for employment stating, “Here is a sample contract for a phlebotomist, which states that if you accept this position, you must commit to six months of employment at this location, work four 10-hour days, and you will be paid \$18 per hour. At the end of the six months, both you and the employer can evaluate whether the position is right for you or whether you should move on.” The contract also specifies that Bob must satisfactorily pass the school’s phlebotomy program with at least an 80%; obtain certification in CPR and First Aid; and that the employment is with a healthcare placement agency run by the school’s owners.

# Do Not's Example

Sales representative Trina says, “The school guarantees employment once you complete the program.” Trina shows Bob a contract for employment stating, “Here is a sample contract for a phlebotomist, which states that if you accept this position, you must commit to six months of employment at this location, work four 10-hour days, and you will be paid \$18 per hour. At the end of the six months, both you and the employer can evaluate whether the position is right for you or whether you should move on.” The contract also specifies that Bob must satisfactorily pass the school’s phlebotomy program with at least an 80% and obtain certification in CPR and First Aid.

However, neither Trina nor the contract discloses that the employment is with a healthcare placement agency that is also owned and operated by the owner of the school.

Unacceptable:

Trina did not disclose to Bob the pre-existing arrangements between the school and the healthcare employer.

**Why this is unacceptable:** Trina is in violation of 230 CMR 15.06(4), which states that a school shall not advertise, imply, or represent that the school guarantees employment for those who complete a course or program unless the school discloses . . . **pre-existing arrangements between the school and potential employers.**



# Do Not's The Law

A school shall not shall not advertise, imply, or represent a specific wage per hour or gross salary for those who complete a course or program offered by the school or use the words “EARN \$...” or “EARN UP TO \$...” or words of similar import or meaning that represent that a person will earn the stated wage per hour or gross salary figure unless the school discloses the source and basis for the claim.

230 CMR 15.06(5)

# Do Not's

## Example

### Unacceptable:

Sales representative Trina is talking with prospective medical transcriptionist student Bob. Trina tells Bob, “Once you complete the program, you can earn \$25 an hour as a medical transcriptionist in a hospital.” Trina does not provide any more information to Bob about the stated wage.

**Why this is unacceptable:** By not providing Bob with the source of this information, Trina is in violation of 230 CMR 15.06(5), which states that a school shall not advertise, imply, or represent **a specific wage per hour or gross salary** for those who complete a course or program offered by the school unless the school discloses the source and basis for the calculation of the wage per hour or gross salary figure in accordance with 15.06(9).

### Acceptable:

Trina informs Bob, “The Mayor of Boston released information in March of this year that medical transcriptionists in Boston-area hospitals are earning an average of \$25 per hour.”

# Do Not's The Law

A school shall not advertise, imply or represent information that contains a misrepresentation of fact or false statements regarding the professional achievements, degrees, trained skills or qualifications of the school, its instructors, or any other employees or agents of the school.

230 CMR 15.06(6)

# Do Not's Example

## Unacceptable:

When talking to a prospective student about the school's early childhood education program, sales representative Trina refers to one of the instructors as "Dr." O'Brien. However, Mr. O'Brien does not hold a degree that would allow himself to be called a doctor.

**Why this is unacceptable:** By referring to Mr. O'Brien as "Dr.," Trina implies that Mr. O'Brien holds a degree that would allow him to call himself a "Dr." However, since Mr. O'Brien does not, Trina is in violation of 230 CMR 15.06(6), which prohibits schools from advertising, implying, or representing **misrepresentations of fact or false statements** regarding the professional achievements, **degrees**, trained skills or qualifications of the school, its instructors, or any other employees or agents of the school.

# Do Not's The Law

A school shall not advertise, imply or represent any information that is deceptive, misleading, or unfair because it represents only a partial disclosure of relevant facts, such as advertising a discounted course without identifying the usual price of the discounted course.

230 CMR 15.06(7)

# Do Not's Example

Sales representative Trina senses that prospective student Bob may be reluctant to enroll in the school that day. There is sufficient space in the class for Bob and the school's usual tuition cost is \$15,000.

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## Unacceptable:

Trina states, "It is obvious you want to enroll in the program. There are only two seats left in the next class so you'd better sign up today." Bob is still reluctant, so Trina adds, "For today only, the school is offering a discounted tuition price of \$15,000."

**Why this is unacceptable:** By not disclosing that this is the usual price, Trina is in violation of 230 CMR 15.06(7), which prohibits schools from advertising, implying, or representing any information that makes only a partial disclosure of relevant facts, such as advertising a discounted course without identifying the usual price of the discounted course. In addition, by implying that Bob will lose a space in the class if he doesn't enroll soon, Trina is in violation of 230 CMR 12.00(b), which prohibits sales representatives from including **false representations** that mislead the student.

## Acceptable:

Trina informs Bob that the school is also offering a \$500 scholarship. As such, the cost of the \$15,000 program with the \$500 scholarship will be \$14,500.

# Do Not's Example

Sales representative Trina is meeting with prospective graphic design student Bob. Bob informs Trina that he has visited a few other schools and isn't sure which one to go to. The only requirements the school has for admission are a high school diploma and the submission of a graphic design portfolio. The portfolio is not reviewed for quality.

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## Unacceptable:

In order to make her school appear to be more selective, Trina tells Bob, "I don't know about the other schools, but we are selective about who we admit into the graphic design program. Not just anyone gets in. You need to have a high school diploma and submit a quality portfolio, which will be reviewed, and if selected, you will be notified."

**Why this is unacceptable:** By implying that the portfolio will be reviewed for its quality, Trina is in violation of 230 CMR 15.06(7), which prohibits schools from advertising, implying, or representing **any information that makes only a partial disclosure of relevant facts.**

## Acceptable:

Trina informs Bob that all students who apply to the program with a high school diploma and a portfolio are admitted and he should consider this school because it has an excellent program.

# Do Not's The Law

A school shall not advertise, imply, or represent that the school is offering any programs or courses requiring DPL's approval unless it has been approved by DPL or unless it is otherwise specifically required by another state or federal authority.

230 CMR 15.06(8)



# Do Not's Example

Bob would like to enroll in a medical billing program and talks to sales representative Trina from ABC School. The school doesn't currently have a medical billing program, but it has applied to DPL for approval.

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Unacceptable:

Sales representative Trina informs Bob, "We can enroll you in our new medical billing program, which will begin in 6 weeks."

**Why this is unacceptable:** Because the program has not been approved by DPL, Trina is in violation of 230 CMR 15.06(8), which states that a school may not advertise, imply, or represent the offering of any programs or courses requiring DPL approval unless it has been approved by DPL or unless it is otherwise specifically required by another state or federal authority.

Acceptable:

Trina informs Bob that the school does not currently have a medical billing program.

# Do Not's The Law

A school, sales representative, admissions representative, or administrator may not state, represent, or imply or make promotional claims unless such claims are documented and have objectively verifiable information supporting the accuracy of the claims, and must describe that information in the claims and make it available to the public and to DPL upon request.

230 CMR 15.06(9)

# Do Not's

## Example

Sales representative Trina is meeting with Bob, a prospective nurse aide student. Bob would like to know whether the school's program meets the Department of Public Health's (DPH) requirements to become a registered nurse's aide and how many of the school's graduates have passed DPH's registration exam.

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### Unacceptable:

Trina informs Bob, "The school's nurse aide training program is approved by DPH; therefore, it meets all the requirements for you to become registered. As far as the exam, almost all of our students pass and become registered nurse aides." However, there is no documentation to support Trina's statements.

**Why this is unacceptable:** By not disclosing the information supporting her claim, Trina is in violation of 230 CMR 15.06(9), which prohibits sales representatives from making promotional claims **unless such claims are documented and made available to the public and to the division upon request.**

### Acceptable:

Trina shows Bob an approval letter from DPH for the school's nurse aide training program. Trina also informs Bob that 86% of the school's graduates from the nurse aide program have passed the exam: 68% passed the exam on the first try and 18% pass on the second attempt. Upon Bob's request, Trina provides Bob with the documentation for this claim.

# Do Not's The Law

A school shall not induce enrollment or retention of a student for any course or program for which the school knows, due to the student's criminal history or other material disqualification, the student will not meet the requirements for employment or licensure in the occupation to which the course or program is represented to lead. If the student has a disability, the determination shall be made based on the student's ability to complete the course or program or meet the requirements for employment with the provision of a reasonable accommodation for that disability. In no event shall 230 CMR 12.00 contravene the requirements of, or obligations of, a school to accommodate students in accordance with the Americans with Disabilities Act, the Rehabilitation Act, or any other applicable law concerning students with disabilities.

230 CMR 12.00(f)

# Do Not's Example

Sales representative Trina is speaking with a prospective student, Bob, who is interested in the dental assisting program. Bob asks Trina whether his conviction for felony assault will prohibit him from becoming employed as a dental assistant.

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## Unacceptable:

Trina dismisses the fact that Bob has a criminal records and assures Bob, “There is a high demand for dental assistants. You won’t have a problem getting a job.”

**Why this is unacceptable:** By encouraging Bob to enroll, despite his criminal conviction, Trina is in violation of 230 12.00(f), which prohibits sales representatives from **inducing the enrollment** of a student for any course or program for which the school knows or has reason to know that the student is unfit by reason of a criminal conviction.

## Acceptable:

Trina recommends that Bob obtain a copy of his CORI and speak with an attorney to determine whether he would be eligible to work as a dental assistant or in any allied health profession.

# Do Not's The Law

A school shall not provide any commission, bonus, or other incentive payment based in any part, directly or indirectly, upon success in securing enrollments or the award of financial aid. Commission, bonus, or other incentive payment means a sum of money or something of value, other than a fixed salary or wages, paid to or given to a person or an entity for services rendered.

230 CMR 15.01(5)

# Do Not's Example

## Unacceptable:

- A school is offering an all-expense paid vacation for the sales representative that enrolls the most students in a 12-month period.
- A school will give its sales representatives gift certificates if its representatives meet their monthly enrollment goals.
- A school offers its sales representatives a vacation voucher, or a leased car, if its representatives meets their enrollment goals.

**Why these are unacceptable:** In accordance with 230 CMR 15.01(5) the school shall not provide any commission, bonus, or other incentive payment based in any part, directly or indirectly, upon success in securing enrollments or the award of financial aid, to any person or entity who is engaged in any student recruitment or admission activity. Such persons include but are not limited to sales representatives, admissions representatives, and administrators. Commission, bonus, or other incentive payment means a sum of money or something of value, other than a fixed salary or wages, paid to or given to a person or an entity for services rendered.

# Do Not's Quiz

For each statement below, mark whether it is  
Unacceptable (“U”) or Acceptable (“A”)

A sales representative informs a prospective student:

\_\_\_\_\_ “In our program, you will be taught by instructors who each hold master electrician licenses and have at least 10 years on the job.” (This statement is true.)

\_\_\_\_\_ “Welcome to the college. We’re glad you stopped by to find out about our programs.”

\_\_\_\_\_ “We have an excellent dental assisting program. It is accredited by the state.”

\_\_\_\_\_ “It’s not unusual for our medical assisting graduates to earn up to \$25 per hour, particularly if they add on the phlebotomy certification program.” (No documentation exists to support this claim.)



# Do Not's

## Quiz Answers

Unacceptable (“U”) or Acceptable (“A”)

A sales representative informs a prospective student:

- A “In our program, you will be taught by instructors who each hold master electrician licenses and have at least 10 years on the job.”  
*This answer is Acceptable because the statement about the instructor is accurate. Schools are prohibited under 230 CMR 15.06(6) from advertising, implying, or representing information that contains misrepresentations of fact or false statements regarding the professional achievements, trained skills or qualifications of the school's instructors, the school, or any other employees or agents of the school.*
- U “Welcome to the college. We’re glad you stopped by to find out about our programs.”  
*This answer is Unacceptable as 230 CMR 15.06(2) prohibits schools licensed under M.G.L. c. 112, § 263 from advertising, implying, or representing that the school is a “college” or “university.”*
- U “We have an excellent dental assisting program. It is accredited by the state.”  
*This answer is Unacceptable because schools are prohibited under 230 CMR 15.06(3) from stating, representing, or implying that DPL “accredits” the school. In addition, 230 CMR 12.00(b) prohibits the school from engaging in abusive practices that includes representations that are false, fraudulent, or would mislead the individual to whom the representation is made—in this case, that DPL “accredits” schools.*
- U “It’s not unusual for our medical assisting graduates to earn up to \$25 per hour, particularly if they add on the phlebotomy certification program.” (No documentation exists to support this claim.)  
*This is a violation of 230 CMR 15.06(5) because schools are prohibited from using words such as “earn up to...” without supporting documentation.*

# Non-compliance

## What's Ahead in this Section?

The following section will focus on the implications and outcomes for non-compliance with M.G.L. c. 112, § 263 and 230 CMR 12.00-17.00.

Implications	(1 slide)
Investigation	(1 slide)
DPL's Review and Decision	(2 slides)
Outcomes and Resolution	(2 slides)

# Implications for Non-compliance

Discipline of sales representatives, admissions representatives, administrators, and schools for violations of these laws can include a range of sanctions, which are based on the severity of the violation(s):

- Administrative civil penalty/ Fine
- Formal Reprimand
- Probation
- Stayed Suspension
- Suspension
- Voluntary Surrender of License
- Revocation of License

# Investigation of Non-compliance

In response to complaints or as part of routine or unannounced site visits, if DPL suspects non-compliance, DPL's investigation may include:

- Visit to school
- Interviews with staff
- Interviews with students
- Review of documentation
- Any other info, at the discretion of the investigator

# DPL Review

- Results of investigation reviewed by Director, or designee
- DPL may hold informal investigative conference with school, sales representative, admissions representative, or administrator to obtain further information and/or request investigator to gather more information
- DPL determines if evidence of a violation is shown

# DPL's Decision

- If no evidence of a violation, DPL will dismiss the matter
- If insufficient evidence of a violation, but some issues are of concern, DPL may Dismiss with an Advisory (this is not discipline)
- If evidence of violation(s) is found, DPL may forward matter to DPL's Office of Prosecutions for formal disciplinary action
- DPL makes recommendation to Prosecutor on what sanction(s) should be sought

# Two Potential Outcomes

## **No violation found**

Either the case is dismissed due to:

- No violation
- Insufficient Evidence

Or, case is dismissed with an Advisory

- DPL is concerned, but no provable violation so a general advisory is issued

## **Evidence of a violation**

If evidence of a violation, Board will forward to DPL's Office of Prosecutions for formal disciplinary action

# Prosecution...

## Two Paths to Resolution

### Consent Agreement

What is a Consent Agreement?

- A legal document signed by both parties that agree to settlement terms for the case, which may include:
  - Admissions
  - Sanctions
  - Other terms (CE, Fines, etc.)
- An alternative to a hearing

### Adjudicatory Hearing

What is an adjudicatory hearing?

- Full “trial” overseen by an administrative law judge
- Final Decisions are based on evidence presented
- Terms of Decision are written by the “law judge” in conjunction with DPL
- No Negotiation incorporated



# References

We encourage you to contact your school with questions. You may also contact DPL at 617-727-5811, or email us at [Occupational.Schools@state.ma.us](mailto:Occupational.Schools@state.ma.us).

The following are important laws and regulations governing schools and sales representatives.

<a href="#">M.G.L. c. 112, § 263</a>	Statute governing the licensing of private occupational schools as well as enforcement provisions.
230 CMR 12.00-17.00	Regulations for schools and sales representatives.
<a href="#">M.G.L. c. 255, §13K</a>	Sets forth requirements for termination and refund provisions in contracts between schools and students.
940 CMR 31.00	Regulations promulgated by the Attorney General outline conduct, terminology, and representations constituting unfair methods of competition or unfair or deceptive acts or practices regarding occupational schools.

# Completion of Training

I hereby certify that I have completed the Division of Professional Licensure’s Ethics Training for Sales Representatives, Admissions Representatives, and Administrators of Licensed Private Occupational Schools.

I also certify that I have read and understood the following relevant statutes and regulations:

- [M.G.L. c. 112, § 263](#) Private Occupational Schools; Oversight by Division of Professional Licensure
- [230 CMR 12.00-17.00](#) Private Occupational Schools
- [M.G.L. c. 255, §13K](#) Personal Service Contracts Between Certain Schools and Students

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_

For sales representatives, schools must submit a copy of this completed certification with the Sales Representative Application form in accordance with 230 CMR 13.04(2)(c).

For admissions representatives and administrators, schools must submit a copy of this completed certification with the Staff Certification form in accordance with 230 CMR 14.05.

Schools must keep this original completed certification in the employee’s personnel records in accordance with 230 CMR 15.03(3).