

COMMONWEALTH OF MASSACHUSETTS
 Executive Office of Health and Human Services
 Department of Public Health
 Division of Health Professions Licensure
BOARD OF REGISTRATION IN NURSING
 239 Causeway Street, Suite 500, 5th Floor
 Boston, MA 02114
 (617) 973-0900
www.mass.gov/dph/boards/rn

Documentation Required For Determination of Good Moral Character
 Licensure Policy 00-01¹

Note: All initial applicants are advised to use U.S. Postal Service Registered Mail when submitting required documentation in order to receive a dated confirmation of receipt by the Board. Telephone confirmation of document receipt is *not* available. Fax transmissions are not accepted.

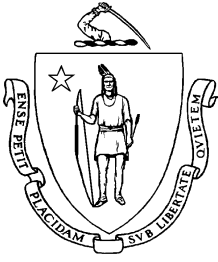
Where to send required documentation

Board of Registration in Nursing
 c/o GMC Administrative Assistant
 239 Causeway Street, Suite 500
 Boston, MA 02114

REQUIRED DOCUMENTATION	WHO MUST SUBMIT	<input checked="" type="checkbox"/>
Massachusetts Criminal Offender Record Information Form signed and completed by initial applicant (see attached).	All initial applicants with a criminal conviction or disciplinary action, or both.	
Certified court record of each criminal conviction, including conviction date, sentence imposed, verification of closure of criminal case with the closure date , sent directly to the Board by the official record depository. <i>(Initial applicant must arrange.)</i>	All initial applicants with criminal convictions outside of Massachusetts.	
Certified record of the final written determination of each disciplinary action, including closure issued by a licensure/certification body against the initial applicant's license. <i>(Initial applicant must arrange.)</i>	All initial applicants requiring GMC compliance evaluation due to disciplinary action.	
Certified record of all documentation related to the denial, voluntary resignation or voluntary surrender of a license issued by a licensure/certification body. <i>(Initial applicant must arrange.)</i>	All initial applicants denied a license by a licensure/certification body, or who resigned or surrendered a license.	
Initial applicant's signed written explanation about each criminal conviction or disciplinary action, or both , including: <ul style="list-style-type: none"> • a description, with dates, of the conviction(s) or disciplinary action(s), or both; • a description of the criminal sentence(s) and court-ordered requirement(s), and/or disciplinary sanction(s) imposed and served with the dates each criminal case or disciplinary action was closed; • a detailed description of the circumstances surrounding each criminal conviction, or disciplinary action, or both; 	All initial applicants.	

¹ Most recently revised 9/9/09.

<ul style="list-style-type: none"> actions taken by the applicant to prevent the recurrence of conduct underlying each criminal conviction, or disciplinary action, or both; if the application is for initial licensure <i>by examination</i>: a description of the applicant's participation in extracurricular activities during nursing program enrollment; professional and community activities and professional goals; and if a criminal conviction, or disciplinary action, or both, <i>involve(s) alcohol or drug use</i>: a detailed description of interventions and support systems currently used by applicant to maintain sustained recovery. <p>This explanation must be typed in business format, addressed to the Board, and include the date written, applicant's full name, address, email address, telephone number and the applicant's signature.</p>	<p>Note: Initial applicants are <i>strongly</i> advised to obtain and review a copy of their record of criminal conviction(s), or disciplinary action(s), or both, to assure that they fully address all matters in their written explanation to the Board.</p>	
<p>Initial applicant's current resume.</p>	<p>All initial applicants.</p>	
<p>Reference from nursing program instructor who has observed the applicant's conduct on a weekly basis. Each reference must be written on academic institution letterhead, be addressed to the Board, and include the date written, length of time and capacity in which the instructor has known the applicant, and the author's signature. <i>Note:</i> Clinical evaluations will not be accepted. <i>(Initial applicant must arrange.)</i></p>	<p>All initial applicants for licensure <i>by examination</i> only.</p>	
<p>Reference from recent or current employment supervisor. Each reference must be originally written on the employer's letterhead, be addressed to the Board, and include the date written, length of time and capacity in which the author has known the applicant, and the author's signature. <i>(Initial applicant must arrange.)</i></p>	<p>All initial applicants.</p>	
<p>Written verification(s) from Probation Officer(s) of the applicant's compliance with all court-ordered stipulations and closure of the applicant's criminal case(s). Each verification must be written on official court letterhead, be addressed to the Board, and include the date written, length of time the Probation Officer has known the applicant, and be signed by the Probation Officer. <i>Note:</i> The Board will not accept copies of the documentation. <i>(Initial applicant must arrange.)</i></p>	<p>All initial applicants with court-ordered probation.</p>	
<p>Certified discharge record(s) from drug and/or alcohol education or treatment program(s), or both. <i>(Initial applicant must arrange.)</i></p>	<p>All initial applicants discharged from drug and/or alcohol education and treatment programs, or both.</p>	
<p>Written verification from sponsor of the applicant's maintenance of sobriety and active participation in a Twelve-Step Program, including the frequency and duration of applicant's attendance. Each verification must be original, be addressed to the Board, and include the date written, and the author's signature. Sponsor may sign only his or her first name. <i>(Initial applicant must arrange.)</i></p>	<p>All initial applicants with a history related to or involving alcohol and/or drugs.</p>	



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GMABRN
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CRIMINAL OFFENDER RECORD INFORMATION REQUEST FORM

The Massachusetts Board of Registration in Nursing has been certified by the Criminal History Systems Board for access to conviction and pending criminal case data. As an applicant for initial nurse licensure by examination or by reciprocity or for Advance Practice Registered Nurse Authorization, I understand that a criminal record check will be conducted for conviction and pending criminal case information only and that it will not necessarily disqualify me. The information below is correct to the best of my knowledge.

Applicant Signature _____

Date _____

Applicant Information (Please Print)

Check type of application and licensure category (*check those that apply*):

- Initial Nurse Licensure by Examination (NCLEX) > select one: Registered Nurse
 Licensed Nurse
- Initial Nurse Licensure by Reciprocity (hold nurse licensure in another state) >
select one: Registered Nurse
 Licensed Nurse
- Initial Advanced Practice Registered Nurse Authorization

Last Name

First Name

Middle Name

Maiden Name or Alias (if applicable)

Place of Birth

____/____/____
Date of Birth

____-____-____
Social Security Number

Mother's Maiden Name

Current Address

Most Recent Previous Address

E-Mail Address _____

Telephone _____

Sex: ____ Height: ____ft. ____in. Weight: ____ Eye Color: _____

Signature of CORI Authorized Employee: _____

COMMONWEALTH OF MASSACHUSETTS
BOARD OF REGISTRATION IN NURSING

Licensure Policy 00-01¹

Title	Determination of Good Moral Character Compliance
Purpose	This policy is used by the Board to review the “Good Moral Character” (GMC) of applicants for initial nurse licensure and applicants for authorization as Advanced Practice Registered Nurses (APRN). This Policy is also used by the Board as a guide to determine the GMC of nurses and APRNS already licensed and/or authorized by the Board.
Date Adopted/Revised	September 8, 1999; effective January 1, 2000; revised January 9, 2002; clarified April 4, 2002, May 22, 2002, November 6, 2002; revised February 14, 2007; September 9, 2009; October 13, 2010
Application of Policy	The Board will evaluate each application for initial nurse licensure by examination and by reciprocity, and for APRN authorization under the policy governing the determination of GMC in effect on the date the Board receives the application.
Definitions	
Attributes of GMC	<ol style="list-style-type: none"> 1. GMC must be demonstrated by reliable evidence of good conduct; 2. Examples of such conduct include: <ol style="list-style-type: none"> a. honesty; b. trustworthiness; c. integrity; d. accountability; e. reliability; f. distinguishing between right and wrong; g. avoidance of aggression to self and others; h. taking responsibility for one’s own actions and similar attributes found relevant by the Board.
Conduct Showing the Absence of GMC	The absence of the attributes of GMC is most often demonstrated by certain conduct. Such conduct includes hostile or destructive conduct to another or to self and conduct that demonstrates a disregard for the welfare, safety or rights of another or disregard for honesty, integrity or trustworthiness. Examples of such conduct include the conduct underlying certain criminal convictions and disciplinary actions taken by a licensure/certification body in another jurisdiction.
Conviction	For the purpose of this Policy, “conviction” means the final judgment on a verdict or finding of guilty, a plea of guilty, a plea of <i>nolo contendere</i> (no contest), or a plea treated by the court as a guilty plea, regardless of the jurisdiction in which the conviction was entered.

Rules	
GMC is a Prerequisite for Initial Licensure by Exam, Licensure by Reciprocity, and for Initial APRN Authorization	An applicant must be “of good moral character” for the Board to find the individual to be safe and competent to practice nursing. The GMC standard is created by statute and it assists the Board in determining whether an individual’s character poses a risk to the public health, safety or welfare and/or to the likely provision by the individual of safe, competent nursing care.
Criminal Cases and Disciplinary Actions must be closed prior to GMC Evaluation	An application for GMC compliance will not be evaluated if the applicant has any conviction(s) or disciplinary action(s) until the applicant documents that: 1) s/he has met all court-ordered requirements and that all criminal matters involving the applicant have been closed for at least one (1) year; and 2) all requirements imposed by a licensure/certification body in connection with disciplinary action (including probation) are completed.
The burden of demonstrating GMC is on the applicant	The applicant must meet this burden by submitting to the Board reliable documentation of all available pertinent information as to the applicant’s present and past conduct, disciplinary history, and criminal history.
There are Permanent and Temporary Exclusions from Licensure and Authorization based upon GMC Determination	<p><u>Permanent Exclusion</u> Conduct underlying certain felony convictions will result in mandatory permanent exclusion from the practice of nursing in Massachusetts. <u>Examples of such conduct are:</u></p> <ol style="list-style-type: none"> 1) conduct underlying the crimes listed on Attachment A and any other violent crime against any person(s) that involves extreme disregard of human life; 2) trafficking in, or illegally manufacturing, any controlled substance; and 3) exploitation or criminal mistreatment of a vulnerable individual including, a minor, elder and/or disabled person. <p><u>Temporary (Five Year) Exclusion</u> When the applicant has engaged in any of the following conduct within the five (5) year period immediately before the date of an application s/he shall be temporarily excluded from the practice of nursing in Massachusetts (unless s/he meets one of the exceptions in the section on case-by-case analysis which appears below after this list):</p> <ol style="list-style-type: none"> 1) conduct for which there is a criminal conviction that does not result in permanent exclusion; 2) knowingly falsifying or attempting to falsify, any documentation or information submitted on an application for examination or licensure or for APRN authorization, that is related to the qualifications for such examination or licensure, or authorization; or 3) cheating on the National Council Licensure Examination (NCLEX), or on any other licensure or certification examination. <p><u>Timing of the Period of Temporary Exclusion</u> Temporary exclusion shall be for:</p> <ol style="list-style-type: none"> 1) at least five (5) years from the date of the most recent conviction

	<p>or the date the conduct at issue last occurred (whichever is later), and</p> <p>2) at least one (1) year from the date of the applicant's successful completion of all court-ordered requirements.</p>
<p>Case by Case Analysis in Certain Cases -- Temporary Exclusion Will Not Apply and the individual will be allowed to practice (Exception to Temporary Exclusion)</p>	<p>An applicant who falls under the Temporary Exclusion section of this Policy due to his or her criminal conviction may still ask the Board to evaluate his/her compliance with the GMC requirement, but <u>only</u> in the following circumstances:</p> <ol style="list-style-type: none"> 1) the applicant makes a written request (with substantiating documentation satisfactory to the Board) for a determination of his/her compliance with the GMC requirement; and 2) the applicant: <ol style="list-style-type: none"> a) during the five (5) years immediately preceding the date of the application, has only one criminal conviction for a single misdemeanor offense or multiple criminal convictions for misdemeanor offenses that are all based on the same one (1) incident or episode; b) was not sentenced to any period of incarceration (whether served, suspended, or stayed); c) successfully completed all related court-ordered requirements, if any, including probation; 3) the applicant's criminal conduct, if it occurred outside Massachusetts, would constitute a misdemeanor in Massachusetts; 4) the applicant's criminal conduct was victimless and nonviolent; and 5) the applicant has no open criminal case(s) against him or her. <p>An applicant who the Board finds meets all of these requirements will have his/her GMC compliance determined by the Board using the case by case evaluation process below.</p> <p><u>Case by Case GMC Evaluation</u></p> <p>If an applicant is not permanently or temporarily excluded from licensure or authorization under this Policy, the Board will evaluate any conduct demonstrating an absence of the attributes of GMC to determine whether the conduct:</p> <ol style="list-style-type: none"> 1) poses a risk or threat to the public health, safety or welfare; 2) is of significance to the provision of safe and competent nursing care; and 3) is characteristic of the applicant's conduct. <p><u>In doing so, the Board will evaluate factors including:</u></p> <ol style="list-style-type: none"> 1) the nature and seriousness of all conduct at issue, including any criminal conviction(s) or disciplinary action(s) by a licensure/certification body; 2) the sufficiency of the applicant's sustained rehabilitation; 3) the applicant's age at the time the conduct at issue occurred; 4) the frequency of occurrence of the conduct at issue; 5) how recent the conduct was; 6) any mitigating or aggravating circumstances related to the conduct; and 7) the applicant's acknowledgment of her or his accountability for her or his conduct and recognition of its significance to nursing licensure and/or APRN authorization.

<p>Ineligibility Based on Determination of Non-Compliance; Denial of Application for Initial Massachusetts Nurse Licensure by Exam, by Reciprocity, or Advanced Practice Authorization</p>	<p>An applicant who is not in compliance with the GMC requirement will be denied licensure and APRN authorization and a complaint will be opened and then closed for purposes of reporting as required and authorized by law, and of tracking by the Board.</p> <p><u>Complaint Opened Against RN License of APRN Applicant</u> An applicant for APRN authorization by the Board, who is not in compliance with the GMC requirement, will not be eligible for such authorization. In addition, the Board will open a complaint against any license or authorization of the applicant granted by the Board based on noncompliance with the GMC requirement.</p> <p><u>Notice and Review of Denial Based on Noncompliance with GMC Requirement</u> The Board will notify any ineligible applicant of its decision to deny licensure or APRN authorization, the reason(s) for the denial, and the opportunity for review of the denial. The Board may also inform the applicant of the requirements, if any, that the applicant must satisfy before the applicant may reapply. The Board shall afford the applicant an opportunity for a hearing where the applicant alleges, and can reasonably substantiate, the existence of specific areas of factual dispute relevant to the determination of his or her Good Moral Character ineligibility under this Policy.</p> <p>If there are no areas of factual dispute, the Board may rely on written submissions in rendering a final decision on review. Judicial review of a Board final decision to deny licensure or authorization may be sought as provided by G.L. c. 30A, § 14.</p>
<p>Timing of GMC Review</p>	<p>The amount of time that is needed for the Board to determine an initial applicant's compliance with the GMC requirement varies. However, an initial applicant should expect that the process will take at least eight (8) weeks.</p>

¹ **Enabling Authority:** Massachusetts General Laws (G.L.) Chapter 112, sections 74 (RN licensure by examination), 74A (LPN licensure by examination), 76 (licensure by reciprocity), 80B (Advanced Practice authorization) and the Board's regulations at 244 CMR 4.00, 8.02(1) (a), 8.03(1) (a), 8.04(1) (a), 8.04(2) (a), 8.04(3) (a), and 9.03.

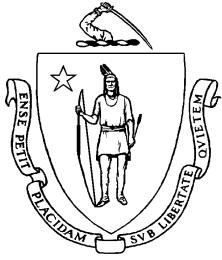
ATTACHMENT A

Criminal Convictions Excluding Individuals from Initial Licensure as a Registered Nurse or Practical Nurse by Examination or Endorsement, and from Advanced Practice Authorization by the Board

The felony convictions that will result in the mandatory *permanent* ineligibility for initial Massachusetts licensure as a Registered Nurse or Licensed Practical Nurse and for advanced practice authorization by the Board include, but are not limited to, convictions (as defined by Licensure Policy 00-01) for any of the following criminal offenses by any court in the Commonwealth of Massachusetts, or convictions for any similar criminal offenses by a court in another state or by a federal court:

CONVICTION	DEFINITION
Murder	First degree murder is the killing of a human being committed with deliberately premeditated malice aforethought (intentionally), or with extreme cruelty. All other murder, arising from reckless or negligent conduct, is second degree murder.
Rape	Sexual intercourse by a person with another person who is compelled to submit against their will by force or threat of bodily injury or sexual intercourse with a child under sixteen years of age.
Aggravated sexual assault	The unwanted touching of the genitals, mouth or anus of one person by the genitals of another person as the result of violence, force or the threat of force.
Assault with intent to rape	The use of force or the threat of force with intent to commit rape.
Armed assault with intent to murder with felony intent	Assaulting another with intent to commit murder or maim or disfigure that person.
Armed assault with intent to rob	While being armed with a dangerous weapon assaulting another and robbing, stealing or taking money or personal property from that person.
Burglary, armed assault on occupant	Breaking and entering a dwelling in the nighttime, to commit a felony, armed with a dangerous weapon at the time of such breaking, with any other person being lawfully therein.
Kidnapping	Without lawful authority, forcibly or secretly confining or imprisoning another person within this commonwealth against his will or forcibly carrying a person from the commonwealth against their will or secretly confining or imprisoning a person.

CONVICTION	DEFINITION
Breaking and entering, day/night, intent to commit felony, fear	Entering or breaking and entering, in the day time, a building, ship, vessel or vehicle with intent to commit a felony and placing any person lawfully therein in fear.
Burning a building	Willfully and maliciously setting fire to, burning or causing to be burned a building other than a dwelling.
Burning dwelling house (attempt)	Willfully and maliciously setting fire to, burning or causing to be burned a dwelling house or a building adjacent to a dwelling house.
Indecent assault and battery, child under 14	Any unwanted touching of the breast or genitals either directly or indirectly, enhanced penalty if the victim is fourteen years of age.
Indecent assault and battery, child 14 or over	Any unwanted touching of the breast or genitals either directly or indirectly, enhanced penalty if the victim is fourteen years of age.
Unnatural acts with child under 16	Committing any unnatural and lascivious act with another person, enhanced penalty if the other person is under sixteen years of age.
Assault and battery dangerous intimidation, race, color, religion	Committing an assault or a battery upon a person or damaging the real or personal property of a person with the intent to intimidate such person because of such person's race, color, or religion; an enhanced penalty is imposed if serious bodily injury occurs.
Administering drugs to obtain sex	Administering to or Causing to be taken by a person any drug, matter or thing with intent to stupefy or overpower such person so as to thereby enable any person to have unlawful sexual intercourse.
Induce sex, minor	Inducing any person under eighteen of chaste life to have unlawful sexual intercourse.



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**Licensure Policy 00-01¹ Determination of Good Moral Character Compliance
Questions and Answers Information Sheet**

I. What is Good Moral Character?

Good Moral Character (GMC) is defined for practical purposes as the ability to practice nursing in a safe and competent manner and without risk to the public health, safety or welfare. Because it is not scientifically determinable, the Massachusetts Board of Registration in Nursing (Board) uses evidence of past and present conduct as described below to assess GMC. Licensed nurses are required by law and regulation to be of Good Moral Character.²

II. When does the Board Review a person's Good Moral Character?³

Because GMC is a *prerequisite* for licensure and for advanced practice authorization, GMC is reviewed by the Board:

- a. During initial application by examination and by reciprocity.
- b. During application for authorization to practice as an Advanced Practice Nurse (also known as Nurse Practicing in the Expanded Role) (APRN).
- c. When it is raised as an issue in a complaint or potential complaint against a nurse's license and/or against his/her APRN authorization.

GMC evaluation for purpose of initial licensure and/or authorization will occur only after all criminal and disciplinary matters involving the applicant or licensee are closed.⁴

III. How does the Board assess Good Moral Character?

1. GMC must be demonstrated by an applicant or nurse through reliable evidence of good conduct;
2. Examples of such conduct include:
 - a. honesty;
 - b. trustworthiness;
 - c. integrity;
 - d. accountability;
 - e. reliability;
 - f. distinguishing between right and wrong;
 - g. avoidance of aggression to self and others;
 - h. taking responsibility for one's own actions and other similar attributes found relevant by the Board.
3. The absence of GMC may be demonstrated through reliable evidence of poor or bad or illegal conduct;
4. Such conduct includes:
 - a. hostile or destructive conduct to another or to self;
 - b. conduct that demonstrates disregard for the welfare, safety or rights of another;
 - c. conduct that demonstrates disregard for honesty, integrity or trustworthiness.

Examples of conduct showing the absence of GMC include the conduct underlying certain criminal convictions and disciplinary actions taken by a licensure/certification body in another jurisdiction.⁵

The burden of demonstrating GMC is always on the applicant or licensee or person seeking APRN authorization.⁶

IV. Can a person be permanently excluded from licensure? In what circumstances?

Yes, conduct underlying certain felony convictions will result in mandatory permanent exclusion from the practice of nursing in Massachusetts.⁷

Examples of such conduct are:

- 1) the conduct underlying the crimes listed on Attachment A of Licensure Policy 00-01;
- 2) the conduct underlying any other violent crime against any person(s) that involves extreme disregard of human life;
- 3) trafficking in, or illegally manufacturing, any controlled substance; and
- 4) exploitation or criminal mistreatment of a vulnerable individual.⁸

V. Can a person be temporarily excluded from licensure? In what circumstances?

Yes, there will be a Five Year (also referred to as Temporary) Exclusion in certain circumstances.

When the applicant has engaged in any of the following conduct within the five (5) year period immediately before the date of an application s/he shall be temporarily excluded from the practice of nursing in Massachusetts (unless s/he meets one of the exceptions in section VI.)⁹:

- 1) conduct for which there is a criminal conviction that does not result in permanent exclusion;
- 2) knowingly falsifying or attempting to falsify, any documentation or information submitted on an application for examination or licensure or for APRN authorization, that is related to the qualifications for such examination or licensure, or authorization; or
- 3) cheating on the National Council Licensure Examination (NCLEX), or on any other licensure or certification examination.

VI. Are there Certain Cases Where Temporary Exclusion Does Not Apply?

Yes, an applicant with a criminal conviction who would otherwise be temporarily excluded may be found to be of Good Moral Character, but only in the following circumstances:

- 1) the applicant makes a written request for a determination of his/her GMC compliance presents substantiating documentation satisfactory to the Board; *and*
- 2) the applicant:
 - a) during the five (5) years immediately preceding the date of the application, has only one criminal conviction for a single misdemeanor or multiple criminal convictions for misdemeanor offenses that are all based on the same one (1) incident or episode;
 - b) was not sentenced to any period of incarceration;¹⁰
 - c) successfully completed all court-ordered requirements, if any, including probation;
- 3) the applicant's criminal conduct, if outside Massachusetts, would be a misdemeanor if it occurred in Massachusetts;
- 4) the applicant's criminal conduct was victimless and nonviolent; *and*
- 5) the applicant has no open criminal case(s) against him or her.

If the Board finds that an applicant meets all of the above requirements, then GMC compliance will be determined by the Board using the case by case evaluation process.

VII. What is the Case by Case GMC Evaluation Process?

If an applicant is not permanently or temporarily excluded from licensure or authorization under this Policy, the Board will evaluate any conduct demonstrating an absence of the attributes of GMC to determine whether the conduct:

- 1) poses a threat to the public health, safety or welfare;
- 2) is of significance to the provision of safe and competent nursing care; and
- 3) is characteristic of the applicant's conduct.¹¹

VIII. How Long Does GMC Evaluation Take?

The amount of time that is needed for the Board to determine an initial applicant's compliance with the GMC requirement varies. However, an initial applicant should expect that the process will take at least eight (8) weeks.

IX. What Happens if there is a Determination of Non-Compliance with GMC?

Any applicant for licensure or APRN authorization, who is not in compliance with the GMC requirement, will be notified accordingly – see XI, (below).

An applicant for licensure by reciprocity, who is not in compliance with the GMC requirement, will not be eligible for licensure and a complaint will be opened and then closed for the purposes of reporting as required and authorized by law and tracking by the Board.

A licensed nurse applicant for APRN authorization, who is not in compliance with the GMC requirement, will not be eligible for such authorization. In addition, the Board will open a complaint against any license or authorization of the applicant granted by the Board based on noncompliance with the GMC requirement. The individual will be reported as required and authorized by the Board.

X. What Happens if I Withdraw my Application for Licensure by Reciprocity or APRN Authorization?

Should an applicant for licensure by reciprocity or APRN authorization withdraw such application, a complaint will be opened and then closed for the purposes of reporting as required and authorized by law and tracking by the Board.

XI. Will I be Notified if I am found to be Noncompliant with GMC Requirement? Do I have a Right to Review of the Decision?

The Board will notify any ineligible applicant of its decision to deny licensure or APRN authorization, the reason(s) for the denial, and the opportunity for review of the denial. The Board may also inform the applicant of the requirements, if any, that the applicant must satisfy before the applicant may reapply. The Board shall afford the applicant an opportunity for a hearing where the applicant alleges, and can reasonably substantiate, the existence of specific areas of factual dispute relevant to the determination of his or her Good Moral Character ineligibility under this Policy.

If there are no areas of factual dispute, the Board may rely on written submissions in rendering a final decision on review. Judicial review of a Board final decision to deny licensure or authorization may be sought as provided by G.L. c. 30A, §14.

Endnotes

¹Date Adopted/Revised: September 8, 1999; effective January 1, 2000; revised January 9, 2002; clarified April 4, 2002, May 22, 2002, November 6, 2002; revised February 14, 2007; September 9, 2009; October 13, 2010.

²As required by Massachusetts General Laws (G.L.) Chapter 112, sections 74 (RN licensure by examination), 74A (LPN licensure by examination), 76 (licensure by reciprocity), 80B (Advanced Practice authorization) and the Board's regulations at 244 CMR 4.00, 8.02(1)(a), 8.03(1)(a), 8.04(1)(a), 8.04(2)(a), 8.04(3)(a), and 9.03.

³Application of Then-Current Policy: The Board will evaluate each application for initial nurse licensure and for APRN authorization under the policy governing the determination of GMC in effect on the date the Board receives the application.

⁴An application for GMC compliance will not be evaluated if the applicant has any conviction(s) or disciplinary action(s) until the applicant documents that:

- 1) s/he has met all court-ordered requirements and that all criminal matters involving the applicant have been closed for at least one (1) year; and
- 2) all requirements imposed by a licensure/certification body in connection with disciplinary action (including probation) are completed.

⁵ "Conviction" Defined: For the purpose of this Policy, "conviction" means the final judgment on a verdict or finding of guilty, a plea of guilty, a plea of *nolo contendere* (no contest), or a plea treated by the court as a guilty plea, regardless of the jurisdiction in which the conviction was entered.

⁶The individual must meet this burden by providing the Board with reliable documentation of all available pertinent information as to the applicant's present and past conduct, disciplinary history, and criminal history.

⁷Or within five (5) years of a written request for a determination of GMC compliance.

⁸Including a minor, elder, or disabled individual.

⁹Timing of the Period of *Temporary* Exclusion: The period of temporary exclusion shall be for:

- 1) at least five (5) years from the date of the most recent conviction or the date the conduct at issue last occurred (whichever is later), and
- 2) at least one (1) year from the date of the applicant's successful completion of all court-ordered requirements.

¹⁰Even if the period of incarceration was suspended or stayed, the applicant who was sentenced to incarceration is not eligible for this exception.

¹¹In doing so, the Board will evaluate factors including: 1) the nature and seriousness of all conduct at issue, including any criminal conviction(s) or disciplinary action(s) by a licensure/certification body; 2) the sufficiency of the applicant's sustained rehabilitation; 3) the applicant's age at the time the conduct at issue occurred; 4) the frequency of occurrence of the conduct at issue; 5) how recent the conduct was; 6) any mitigating or aggravating circumstances related to the conduct; and 7) the applicant's acknowledgment of her or his accountability for her or his conduct and recognition of its significance to nursing licensure and/or APRN authorization.