

NAMSDL



National Alliance for Model State Drug Laws

**LEGAL BARRIERS FOR PEOPLE IN RECOVERY
FROM DRUG AND ALCOHOL ADDICTION:
LICENSES AND CREDENTIALS - CHART**

Alabama					
	Addiction/Substance Abuse Counselor	Professional Counselor	Social Worker	Marriage & Family Therapist	Psychologist
Denial of licensure for conviction or drug/alcohol use?		1) Conviction of a felony 2) Using any narcotic or alcoholic beverage to an extent or in a manner dangerous to any other person or the public, or to an extent that it impairs the applicant's ability to perform the work with safety to the public	1) Conviction of a felony 2) habituation or addiction to habit-forming drugs or any chemical substance, either of which impairs the ability to perform the work competently	1) Conviction of a crime which renders the person unfit to practice 2) Conviction of a felony related to the profession or that would affect the person's ability to practice the profession 3) Habitual intoxication or addiction to the use of drugs 4) Involuntary commitment for treatment of drug addiction or alcoholism 5) Obtaining, possessing, or attempting to obtain or possess a controlled substance	1) Conviction of a felony 2) Conviction of any crime or offense that reflects the inability of the person to practice with due regard for the health and safety of clients or patients 3) Inability to practice with reasonable skill and safety by reason of inebriation, misuse of drugs, narcotics, alcohol, chemicals, or any other substance
- If so, is a hearing or waiver available?		Entitled to hearing before the Board and appeal to state courts	Denied application can be reconsidered by Board and adverse decision may be appealed to state courts	License cannot be denied without prior notice and opportunity for a hearing	Applicant may be entitled to hearing under Administrative Procedure Act, §§41-22-1, et seq.

- Is there a time period after which a person becomes eligible?		None specified	5 years	None specified	None specified
- Is there a time period after which a person can re-apply after denial?		May apply for reinstatement 3 years after denial or revocation; statute does not specify whether this is denial of licensure or denial of renewal of licensure	None specified	None specified	None specified
Is there an impaired practitioner program?		No	No	No	No
Does state require a criminal background check?		No	No	No	No

<u>Alaska</u>					
	Addiction/Substance Abuse Counselor	Professional Counselor	Social Worker	Marriage & Family Therapist	Psychologist
Denial of licensure for conviction or drug/alcohol use?		1) Conviction of felony and applicant has not been sufficiently rehabilitated to merit the public trust 2) addiction to, or severe dependency on, alcohol or other drugs that impairs the person's ability to practice safely	1) Conviction of a felony or conviction of a misdemeanor in the last 5 years and such conviction(s) make the applicant unfit for licensure 2) Conviction of a felony crime against a person within the past 10 years will result in denial of application	1) Conviction of a felony or other crime that affects the person's ability to practice competently and safely 2) Is unfit due to addiction to or severe dependency on alcohol or another drug that impairs the person's ability to practice safely	Applicant must not have engaged in dishonorable conduct related to the practice of counseling
- If so, is a hearing or waiver available?		Must be sufficiently rehabilitated after conviction to merit the public trust	Board will consider the number and recency of any convictions and their relationship to licensure	Applicant may be entitled to hearing under Administrative Procedure Act, §§44.62.010, et seq.	Applicant may be entitled to hearing under Administrative Procedure Act, §§44.62.010, et seq.
- Is there a time period after which a person becomes eligible for licensure?		None specified	Limits disclosure of misdemeanor convictions to 5 years prior to application	None specified	None specified
- Is there a time period after which a person can re-apply after denial?		None specified	None specified	None specified	None specified
Is there an impaired practitioner program?		Department may contract with a treatment provider upon request by board	Department may contract with a treatment provider upon request by board	Department may contract with a treatment provider upon request by board	Department may contract with a treatment provider upon request by board
Does state require criminal background check?		Yes	No	No	No

Arizona					
	Addiction/Substance Abuse Counselor	Professional Counselor	Social Worker	Marriage & Family Therapist	Psychologist
Denial of licensure for conviction or drug/alcohol use?	1) Conviction of a felony 2) Active habitual intemperance in the use of alcohol or active habitual substance abuse 3) Using a controlled substance that is not prescribed for use during a prescribed course of treatment	1) Conviction of a felony 2) Active habitual intemperance in the use of alcohol or active habitual substance abuse 3) Using a controlled substance that is not prescribed for use during a prescribed course of treatment	1) Conviction of a felony 2) Active habitual intemperance in the use of alcohol or active habitual substance abuse 3) Using a controlled substance that is not prescribed for use during a prescribed course of treatment	1) Conviction of a felony 2) Active habitual intemperance in the use of alcohol or active habitual substance abuse 3) Using a controlled substance that is not prescribed for use during a prescribed course of treatment	1) Conviction of a felony 2) Practicing while impaired or to the extent and in a manner that jeopardizes the welfare of the client or renders services ineffective
- If so, is a hearing or waiver available?	Board must determine to its satisfaction that the act or conduct has been corrected, monitored, or resolved or that mitigating circumstances exist preventing resolution Applicant may submit request for review to credentialing committee Board shall consider various factors under ADC R4-6-208 to determine whether a felony conviction will result in refusal to issue license Applicants are entitled to appeal finding of ineligibility	Board must determine to its satisfaction that the act or conduct has been corrected, monitored, or resolved or that mitigating circumstances exist preventing resolution Applicant may submit request for review to credentialing committee Board shall consider various factors under ADC R4-6-208 to determine whether a felony conviction will result in refusal to issue license	Board must determine to its satisfaction that the act or conduct has been corrected, monitored, or resolved or that mitigating circumstances exist preventing resolution Applicant may submit request for review to credentialing committee Board shall consider various factors under ADC R4-6-208 to determine whether a felony conviction will result in refusal to issue license	Board must determine to its satisfaction that the act or conduct has been corrected, monitored, or resolved or that mitigating circumstances exist preventing resolution Applicant may submit request for review to credentialing committee Board shall consider various factors under ADC R4-6-208 to determine whether a felony conviction will result in refusal to issue license	Board must determine to its satisfaction that the act or conduct has been corrected, monitored, or resolved or that mitigating circumstances exist preventing resolution Applicant may be entitled to hearing under Administrative Procedure Act, §§41-1001, et seq.

		Applicants are entitled to appeal finding of ineligibility	Applicants are entitled to appeal finding of ineligibility	Applicants are entitled to appeal finding of ineligibility	
- Is there a time period after which a person becomes eligible?	None specified	None specified	None specified	None specified	None specified
- Is there a time period after which a person can re-apply after denial?	None specified	None specified	None specified	None specified	None specified
Is there an impaired practitioner program?	Board approved rehabilitative or assessment program	Board approved rehabilitative or assessment program	Board approved rehabilitative or assessment program	Board approved rehabilitative or assessment program	Yes
Does state require a criminal background check?	Yes; records check may be waived upon showing that applicant holds a class one or two fingerprint clearance card issued by the department of public safety	Yes; records check may be waived upon showing that applicant holds a class one or two fingerprint clearance card issued by the department of public safety	Yes; records check may be waived upon showing that applicant holds a class one or two fingerprint clearance card issued by the department of public safety	Yes; records check may be waived upon showing that applicant holds a class one or two fingerprint clearance card issued by the department of public safety	No

Arkansas					
	Addiction/Substance Abuse Counselor	Professional Counselor	Social Worker	Marriage & Family Therapist	Psychologist
Denial of licensure for conviction or drug/alcohol use? ¹	No	1) Conviction of a felony violation of the Uniform Controlled Substances Act 2) Conviction of a felony	1) Conviction of a felony violation of the Uniform Controlled Substances Act 2) Providing services while under the influence of alcohol or drugs which impairs delivery of such services	1) Conviction of a felony violation of the Uniform Controlled Substances Act 2) Conviction of a felony	1) Conviction of a felony violation of the Uniform Controlled Substances Act 2) Substance abuse to such an extent as to incapacitate the applicant from the performance of his/her duties
- If so, is a hearing or waiver available?	N/A	Board may grant waiver upon request of applicant after consideration of factors listed in § 17-27-313(g)(2) Applicant entitled to hearing before the Board	Board may grant waiver upon request of applicant after consideration of factors listed in § 17-103-307(h)(2) Applicant may be entitled to hearing under Administrative Procedure Act, §§25-15-101, et seq.	Board may grant waiver upon request of applicant after consideration of factors listed in § 17-27-313(g)(2) Applicant entitled to hearing before the Board	Board may grant waiver upon request of applicant after consideration of factors listed in § 17-97-312(h)(2) Applicant may be entitled to hearing under Administrative Procedure Act, §§25-15-101, et seq.
- Is there a time period after which a person becomes	N/A	§17-1-103 – conviction not a permanent bar to licensure; completion of probation or parole supervision and	§17-1-103 – conviction not a permanent bar to licensure; completion of probation or parole supervision and passage	§17-1-103 – conviction not a permanent bar to licensure; completion of probation or parole supervision and	Board may refuse to grant a certificate for a determined period of time §17-1-103 – conviction

¹ Arkansas statute § 16-90-1201 allows all felony convictions for possession of a controlled substance to be expunged if the defendant meets certain criteria, namely 1) the defendant must be recommended as a candidate for residential drug treatment by his/her intake officer as a result of drug addiction; 2) the court must place the defendant on probation and require as part of the terms and conditions of such probation that a) the defendant successfully complete a drug treatment program and b) the defendant remain drug free until successful completion of probation and c) the defendant successfully completes the terms and conditions of probation. Pursuant to § 16-90-902, the effect of expungement and sealing of the records is such that the defendant's underlying conduct is deemed by law to have never occurred, and the individual may state that no such conduct ever occurred and that no such records exist.

eligible?		passage of 5 years from final discharge or release without subsequent conviction is deemed prima facie evidence of rehabilitation	of 5 years from final discharge or release without subsequent conviction is deemed prima facie evidence of rehabilitation	passage of 5 years from final discharge or release without subsequent conviction is deemed prima facie evidence of rehabilitation	not a permanent bar to licensure; completion of probation or parole supervision and passage of 5 years from final discharge or release without subsequent conviction is deemed prima facie evidence of rehabilitation
- Is there a time period after which a person can re-apply after denial?	N/A	None specified	None specified	None specified	Applicant may reapply after successful completion of a rehabilitation plan developed by the board If refusal to license is based upon felony conviction, may only be granted licensure upon waiver
Is there an impaired practitioner program?	No	No	No	No	No
Does state require a criminal background check?	No	Yes	Yes	Yes	Yes

<u>California</u>					
	Addiction/Substance Abuse Counselor	Professional Counselor	Social Worker	Marriage & Family Therapist	Psychologist
Denial of licensure for conviction or drug/alcohol use?		<p>1) Conviction of crime if it substantially relates to qualifications, functions or duties - a crime is substantially related if, to a substantial degree, it evidences present or potential unfitness of a person to perform the functions of a counselor</p> <p>2) Use of any drug or alcoholic beverage to an extent or in a manner dangerous to himself, any other person, or the public or to an extent that it impairs his or her ability to perform with safety to the public</p> <p>3) Use of or offering to use drugs in the course of performing counseling services</p>	<p>1) Conviction of crime if it substantially relates to qualifications, functions or duties - a crime is substantially related if, to a substantial degree, it evidences present or potential unfitness of a person to perform the functions of a social worker</p> <p>2) Use of any drug or alcoholic beverage to an extent or in a manner dangerous to himself, any other person, or the public or to an extent that it impairs his or her ability to perform with safety to the public</p> <p>3) Use of or offering to use drugs in the course of performing clinical social work</p>	<p>1) Conviction of crime if it substantially relates to qualifications, functions, or duties - a crime is substantially related if, to a substantial degree, it evidences present or potential unfitness of a person to perform the functions of a therapist</p> <p>2) Use of any drug or alcoholic beverage to an extent or in a manner dangerous to himself, any other person, or the public or to an extent that it impairs his or her ability to perform with safety to the public</p> <p>3) Use of or offering to use drugs in the course of performing therapy</p>	<p>1) Conviction of crime if it substantially relates to qualifications, functions or duties - a crime is substantially related if, to a substantial degree, it evidences present or potential unfitness of a person to perform the functions of a psychologist</p> <p>2) Use of any drug or alcoholic beverage to an extent or in a manner dangerous to himself, any other person, or the public or to an extent that it impairs his or her ability to perform with safety to the public</p>
- If so, is a hearing or waiver available?		May not be denied licensure solely on the basis of conviction of a felony if applicant has obtained certificate of rehabilitation or meets rehabilitation criteria after conviction of a	May not be denied licensure solely on the basis of conviction of a felony if applicant has obtained certificate of rehabilitation or meets rehabilitation criteria after conviction of a	May not be denied licensure solely on the basis of conviction of a felony if applicant has obtained certificate of rehabilitation or meets rehabilitation criteria after conviction of a	May not be denied licensure solely on the basis of conviction of a felony if applicant has obtained certificate of rehabilitation or meets rehabilitation criteria after conviction of a

		<p>misdemeanor</p> <p>Board shall consider the criteria listed in 16 ADC § 1813 in evaluating an applicant's rehabilitation</p> <p>Applicant entitled to a hearing upon notice of denial</p>	<p>misdemeanor</p> <p>Board shall consider the criteria listed in 16 ADC § 1813 in evaluating an applicant's rehabilitation</p> <p>Applicant entitled to hearing upon notice of denial</p>	<p>misdemeanor</p> <p>Board shall consider the criteria listed in 16 ADC § 1813 in evaluating an applicant's rehabilitation</p> <p>Applicant entitled to hearing upon notice of denial</p>	<p>misdemeanor</p> <p>Board shall consider the criteria listed in 16 ADC § 1395 in evaluating an applicant's rehabilitation</p> <p>Applicant entitled to hearing upon notice of denial</p>
- Is there a time period after which a person becomes eligible?		None specified	None specified	None specified	None specified
- Is there a time period after which a person can re-apply after denial?		Board shall notify applicant of the earliest date on which applicant may re-apply which shall be 1 year from the date of the decision unless the board prescribes an earlier date	Board shall notify applicant of the earliest date on which applicant may re-apply which shall be 1 year from the date of the decision unless the board prescribes an earlier date	Board shall notify applicant of the earliest date on which applicant may re-apply which shall be 1 year from the date of the decision unless the board prescribes an earlier date	Board shall notify applicant of the earliest date on which applicant may re-apply which shall be 1 year from the date of the decision unless the board prescribes an earlier date
Is there an impaired practitioner program?		No	No	No	No
Does state require a criminal background check?		Yes	Yes	Yes	Yes

Colorado					
	Addiction/Substance Abuse Counselor	Professional Counselor	Social Worker	Marriage & Family Therapist	Psychologist
Denial of licensure for conviction or drug/alcohol use? ²	1) Conviction of a felony 2) Habitual or excessive use of alcohol or controlled substances	1) Conviction of a felony 2) Habitual or excessive use of alcohol or controlled substances	1) Conviction of a felony 2) Habitual or excessive use of alcohol or controlled substances	1) Conviction of a felony 2) Habitual or excessive use of alcohol or controlled substances	1) Conviction of a felony 2) Habitual or excessive use of alcohol or controlled substances
- If so, is a hearing or waiver available?	Applicant entitled to hearing	Applicant entitled to hearing	Applicant entitled to hearing	Applicant entitled to hearing	Applicant entitled to hearing
- Is there a time period after which a person becomes eligible?	None specified	None specified	None specified	None specified	None specified
- Is there a time period after which a person can re-apply after denial?	None specified; board can, in its discretion, take further action on an application after denial	None specified; board can, in its discretion, take further action on an application after denial	None specified; board can, in its discretion, take further action on an application after denial	None specified; board can, in its discretion, take further action on an application after denial	None specified; board can, in its discretion, take further action on an application after denial
Is there an impaired practitioner program?	No	No	No	No	No
Does state require a criminal background check?	No	No	No	No	No

² Sections 24-72-308.5 (relating to convictions entered on or after July 1, 2008 and prior to July 1, 2011) and 24-72-308.6 (relating to convictions entered after July 1, 2011) provide a means by which a person convicted of certain crimes, including crimes related to controlled substances, may petition for the record of conviction to be sealed. If granted, the applicant may thereafter state that he or she has not been criminally convicted and no employer, state or local government agencies, officials, landlords, or employees may require an applicant to disclose such information. These statutes also provide time periods after which a petition to seal the record may be made.

Connecticut					
	Addiction/Substance Abuse Counselor	Professional Counselor	Social Worker	Marriage & Family Therapist	Psychologist
Denial of licensure for conviction or drug/alcohol use? ³	1) Conviction of a felony 2) Abuse or excessive use of drugs or alcohol	1) Conviction of a felony 2) Abuse or excessive use of drugs or alcohol	1) Conviction of a felony 2) Abuse or excessive use of drugs or alcohol	1) Conviction of a felony 2) Abuse or excessive use of drugs or alcohol	1) Conviction of a felony 2) Abuse or excessive use of drugs, including alcohol, narcotics or chemicals
- If so, is a hearing or waiver available?	Board may issue license with conditions Board must consider the factors listed in § 46a-80 Applicant is entitled to hearing	Board may issue license with conditions Board must consider the factors listed in § 46a-80 Applicant is entitled to hearing	Board may issue license with conditions Board must consider the factors listed in § 46a-80 Applicant is entitled to hearing	Board may issue license with conditions Board must consider the factors listed in § 46a-80 Applicant is entitled to hearing	Board may issue license with conditions Board must consider the factors listed in § 46a-80 Applicant is entitled to hearing
- Is there a time period after which a person becomes eligible?	None specified	None specified	None specified	None specified	None specified
- Is there a time period after which a person can re-apply after denial?	None specified	None specified	None specified	None specified	None specified
Is there an impaired practitioner program? ⁴	Yes	Yes	Yes	Yes	Yes
Does state require a criminal background check?	No	No	No	No	No

³ Conn. Gen. Stat. § 46a-80 provides that a licensing agency cannot deny a license solely because of a prior conviction. However, a person may be denied a license, permit, or certification if, after a review of certain criteria, the licensing agency determines the applicant is not suitable for the profession.

⁴ § 19a-12a defines a health care practitioner as someone who is licensed in certain professions or occupations. However, § 19a-12a references “persons who have applied to become health care professionals” as persons for whose benefit the program exists which implies that the program would also be available to applicants.

Delaware					
	Addiction/Substance Abuse Counselor	Professional Counselor	Social Worker	Marriage & Family Therapist	Psychologist
Denial of licensure for conviction or drug/alcohol use?	1) Conviction of crime substantially related to practice 2) Impairment related to drugs or alcohol that would limit the applicant's ability to act as a chemical dependency professional	1) Conviction of crime substantially related to practice 2) Impairment related to drugs or alcohol that would limit the applicant's ability to act as a counselor	1) Conviction of crime substantially related to practice 2) Impairment related to drugs or alcohol that would limit the applicant's ability to practice as a social worker 3) Excessively used or abused drugs in the past or presently	1) Conviction of crime substantially related to practice 2) Impairment related to drugs or alcohol that would limit the applicant's ability to practice as a therapist	1) Conviction of crime substantially related to practice 2) Excessive use or abuse of drugs including alcohol, narcotics or chemicals
- If so, is a hearing or waiver available?	Board will consider the factors listed in 24 § 3044(a)(6)(a)-(e) to determine if applicant is eligible for waiver Applicant may appeal denial of licensure	Board will consider the factors listed in 24 § 3032(a)(5)(a)-(e) to determine if applicant is eligible for waiver Applicant may appeal denial of licensure	Board will consider the factors listed in 24 § 3915(a)(4)(a)-(e) to determine if applicant is eligible for waiver Applicant may appeal denial of licensure	Board will consider the factors listed in 24 § 3052(a)(6)(a)-(e) to determine if applicant is eligible for waiver Applicant may appeal denial of licensure	Board will consider the factors listed in 24 § 3514(a)(2)(a)-(d) to determine if applicant is eligible for waiver Applicant may not be denied licensure without opportunity for a hearing
- Is there a time period after which a person becomes eligible?	- Must not have used or abused drugs in the past 3 years or currently - For felony conviction, that more than 5 years have passed since conviction - For misdemeanor conviction or violation, must not be serving any part of the sentence imposed, including work release,	- Must not have used or abused drugs in the past 3 years or currently - For felony conviction, that more than 5 years have passed since conviction - For misdemeanor conviction or	- For felony conviction, must be more than 5 years since date of conviction and must not be serving any part of the sentence imposed, including work release, probation, etc. - For misdemeanor conviction or violation,	- Must not have used or abused drugs in the past 3 years or currently - For felony conviction, that more than 5 years have passed since conviction - For misdemeanor conviction or	- For felony conviction, must be more than 5 years since date of conviction and must not be serving any part of the sentence imposed, including work release, probation, etc. - For misdemeanor conviction or violation,

	probation, parole, or community service	violation, must not be serving any part of the sentence imposed, including work release, probation, parole, or community service	must not be serving any part of the sentence imposed, including work release, probation, parole, or community service	violation, must not be serving any part of the sentence imposed, including work release, probation, parole, or community service	must not be serving any part of the sentence imposed, including work release, probation, parole, or community service
- Is there a time period after which a person can re-apply after denial?	None specified	None specified	None specified	None specified	None specified
Is there an impaired practitioner program?	Yes	Yes	Yes	Yes	Yes
Does state require a criminal background check?	Yes, and must re-submit fingerprints every 10 years	Yes, and must re-submit fingerprints every 10 years	Yes, and must re-submit fingerprints every 10 years	Yes, and must re-submit fingerprints every 10 years	No

Florida					
	Addiction/Substance Abuse Counselor	Professional Counselor	Social Worker	Marriage & Family Therapist	Psychologist
Denial of licensure for conviction or drug/alcohol use?		1) Conviction of crime related to the practice or ability to practice 2) Being unable to practice with reasonable skill and safety due to use of alcohol or drugs	1) Conviction of crime related to the practice or ability to practice 2) Being unable to practice with reasonable skill and safety due to use of alcohol or drugs	1) Conviction of crime related to the practice or ability to practice 2) Being unable to practice with reasonable skill and safety due to use of alcohol or drugs	1) Conviction of crime related to the practice or ability to practice 2) Being unable to practice with reasonable skill and safety due to use of alcohol or drugs
- If so, is a hearing or waiver available?		May be required to prove applicant has had his/her civil rights restored Board will consider the factors listed in FAC 64B4-5.001(3) in deciding whether to grant or deny licensure Applicant may appeal final order of board	May be required to prove applicant has had his/her civil rights restored Board will consider the factors listed in FAC 64B4-5.001(3) in deciding whether to grant or deny licensure Applicant may appeal final order of board	May be required to prove applicant has had his/her civil rights restored Board will consider the factors listed in FAC 64B4-5.001(3) in deciding whether to grant or deny licensure Applicant may appeal final order of board	May be required to prove applicant has had his/her civil rights restored Must demonstrate rehabilitation to the satisfaction of the board. License will be granted and applicant will be placed on probation under reasonable terms and conditions. Board will consider the factors enumerated in FAC 64B19-17.002(2) in deciding whether to grant or deny licensure. Applicant may appeal final order of board
- Is there a time period after which a person becomes eligible?		Applicant shall have the opportunity, at reasonable intervals, to demonstrate ability to practice with reasonable skill and safety	Applicant shall have the opportunity, at reasonable intervals, to demonstrate ability to practice with reasonable skill and safety	Applicant shall have the opportunity, at reasonable intervals, to demonstrate ability to practice with reasonable skill and safety	Applicant shall have the opportunity, at reasonable intervals, to demonstrate ability to practice with reasonable skill and safety

- Is there a time period after which a person can re-apply after denial?		None specified	None specified	None specified	2 years after initial denial of application
Is there an impaired practitioner program?		Yes	Yes	Yes	Yes
Does state require a criminal background check?		No	No	No	No

Georgia					
	Addiction/Substance Abuse Counselor	Professional Counselor	Social Worker	Marriage & Family Therapist	Psychologist
Denial of licensure for conviction or drug/alcohol use?		1) Conviction of a felony 2) Is unable to practice with reasonable skill and safety due to use of alcohol or drugs	1) Conviction of a felony 2) Is unable to practice with reasonable skill and safety due to use of alcohol or drugs	1) Conviction of a felony 2) Is unable to practice with reasonable skill and safety due to use of alcohol or drugs	1) Conviction of a felony 2) Habitual intemperance in the use of alcoholic beverages, narcotics, or stimulants to such an extent as to incapacitate one in the performance of one's duties
- If so, is a hearing or waiver available?		Board may issue a license which has been denied or refused, may withhold imposition of judgment and penalty, or impose judgment and penalty but suspend enforcement and place applicant on probation Applicant may request appearance before the board	Board may issue a license which has been denied or refused, may withhold imposition of judgment and penalty, or impose judgment and penalty but suspend enforcement and place applicant on probation Applicant may request appearance before the board	Board may issue a license which has been denied or refused, may withhold imposition of judgment and penalty, or impose judgment and penalty but suspend enforcement and place applicant on probation Applicant may request appearance before the board	Applicant must be afforded an opportunity for a hearing before license can be denied and may appeal denial
- Is there a time period after which a person becomes eligible?		None specified	None specified	None specified	None specified
- Is there a time period after which a person can re-apply		None specified	None specified	None specified	None specified

after denial?					
Is there an impaired practitioner program?		No	No	No	Yes
Does state require a criminal background check?		No	No	No	No

Hawaii	Addiction/Substance Abuse Counselor	Professional Counselor	Social Worker	Marriage & Family Therapist	Psychologist
Denial of licensure for conviction or drug/alcohol use? ⁵	1) Conviction of a misdemeanor or felony which has a rational connection with the applicant's capacity to practice the profession 2) Using alcohol or other drugs in a manner that interferes with the performance or credibility of professional services provided	1) Conviction of a crime directly related to the qualifications, functions, or duties of the profession 2) Being addicted to, dependent on, or an habitual user of drugs 3) Practicing while impaired by alcohol or drugs	1) Conviction of a crime directly related to the qualifications, functions or duties of the profession 2) Being addicted to, dependent on, or an habitual user of drugs 3) Practicing while impaired by alcohol or drugs	Conviction of crime determined to be of a nature that renders person unfit to practice	1) Conviction of a crime substantially related to the qualifications, functions, or duties of psychologists 2) Inability to practice with reasonable skill and safety by reason of excessive use of any substance or inebriation
- If so, is a waiver available?	Applicant may be entitled to hearing under Administrative Procedure Act, §§91-1, et seq.	Applicant may be entitled to hearing under Administrative Procedure Act, §§91-1, et seq.	Applicant may be entitled to hearing under Administrative Procedure Act, §§91-1, et seq.	Applicant may be entitled to hearing under Administrative Procedure Act, §§91-1, et seq.	Applicant may be entitled to hearing under Administrative Procedure Act, §§91-1, et seq.
- Is there a time period after which a person becomes eligible?	None specified	None specified	None specified	None specified	None specified
- Is there a time period after which a person	Yes; duration of time that must pass before resubmission and conditions for resubmission of	None specified	None specified	None specified	None specified

⁵ Any person convicted of a first time offense for possession or use of drug paraphernalia or possession or use of any dangerous drug, detrimental drug, harmful drug, intoxicating compound, marijuana, or marijuana concentrate is eligible for probation and eventual expunction of the criminal record if the person is nonviolent, has been assessed as being in need of substance abuse treatment, and the person presents a proposal to receive treatment or is directed to substance abuse treatment under the supervision of the drug court. Individual must complete the substance abuse program and comply with all other terms and conditions of probation to be eligible for expungement. HRS § 706-622.5. Any person sentenced prior to July 1, 2004 and who meets all other requirements as set out in § 706-622.5 is eligible for expungement of his/her record. Pursuant to § 831-3.2, expunction of the criminal record authorizes the person to state, in response to any question or inquiry, whether or not under oath, that the person has no record regarding the specific arrest.

can re-apply after denial?	the application will be indicated on notice of denial of certification				
Is there an impaired practitioner program?	No	No	No	No	No
Does state require a criminal background check?	Yes	No	No	No	No

<u>Idaho</u>					
	Addiction/Substance Abuse Counselor	Professional Counselor	Social Worker	Marriage & Family Therapist	Psychologist
Denial of licensure for conviction or drug/alcohol use?		Conviction of a felony	1) Conviction of a felony 2) Habitual drunkenness or addiction to habit-forming drugs which impair the applicant's ability to perform as a social worker without danger to himself or the public	Conviction of a felony	1) Conviction of a felony 2) Found by the board to be a repeated and excessive abuser of a controlled substance 3) Found by the board to be a repeated and excessive abuser of alcohol
- If so, is a hearing or waiver available?		Applicant may be entitled to hearing pursuant to the Administrative Procedures Act, §§67-5201 – 67-5292	Applicant may be entitled to hearing pursuant to the Administrative Procedures Act, §§67-5201 – 67-5292	Applicant may be entitled to hearing pursuant to the Administrative Procedures Act, §§67-5201 – 67-5292	Applicant may be entitled to hearing pursuant to the Administrative Procedures Act, §§67-5201 – 67-5292
- Is there a time period after which a person becomes eligible?		None specified	None specified	None specified	None specified
- Is there a time period after which a person can re-apply after denial?		None specified	None specified	None specified	None specified
Is there an impaired practitioner program?		Yes	Yes	Yes	Yes
Does state require a criminal background check?		No	No	No	No

Illinois					
	Addiction/Substance Abuse Counselor	Professional Counselor	Social Worker	Marriage & Family Therapist	Psychologist
Denial of licensure for conviction or drug/alcohol use? ⁶		1) Conviction of a felony or any crime directly related to the practice of the profession 2) Habitual or excessive use of or addiction to alcohol or drugs that results in an inability to practice with reasonable skill, judgment or safety	1) Conviction of a felony or any crime directly related to the practice of social work 2) Habitual or excessive use of or addiction to alcohol or drugs that results in an inability to practice with reasonable judgment, skill or safety	1) Conviction of a felony or of a misdemeanor directly related to the practice 2) Habitual or excessive use of or addiction to alcohol or drugs that results in an inability to practice with reasonable judgment, skill or safety	1) Conviction of a felony or any crime directly related to the practice of psychology 2) Habitual or excessive use of alcohol or drugs that results in an inability to practice with reasonable judgment, skill or safety
- If so, is a hearing or waiver available?		Applicant entitled to hearing on denial of licensure	Applicant entitled to hearing on denial of licensure	Applicant may be entitled to hearing under the Administrative Procedures Act, 5 § 100/1-1 through 5 § 100/15-10	Applicant entitled to hearing on denial of licensure
- Is there a time period after which a person becomes eligible?		None specified	None specified	None specified	None specified
- Is there a time period after which a person can re-apply after denial?		None specified	None specified	None specified	None specified

⁶ Pursuant to 730 § 5/5-5-5, a defendant may be granted a certificate of relief from disabilities upon discharge from incarceration or parole or upon discharge from probation or any time thereafter. No application for any professional counselor, clinical professional counselor or marriage and family therapist license shall be denied by reason of a prior conviction or convictions or by reason of a finding of lack of “good moral character” when the finding is based upon the applicant’s previous conviction(s) unless there is a direct relationship between one or more of the previous convictions and the license sought or the issuance of a license would involve unreasonable risk to the safety or welfare of the public. The licensure board shall consider several enumerated factors in determining whether to grant or deny a license.

Is there an impaired practitioner program?		No	No	No	No
Does state require a criminal background check?		No	No	No	No

<u>Indiana</u>					
	Addiction/Substance Abuse Counselor	Professional Counselor	Social Worker	Marriage & Family Therapist	Psychologist
Denial of licensure for conviction or drug/alcohol use?	Conviction of a crime that has a direct bearing on the applicant's ability to practice competently	Conviction of a crime that has a direct bearing on the applicant's ability to practice competently	Conviction of a crime that has a direct bearing on the applicant's ability to practice competently	Conviction of a crime that has a direct bearing on the applicant's ability to practice competently	Conviction of crime that has a direct bearing on applicant's ability to practice competently
- If so, is a hearing or waiver available?	Applicant entitled to hearing	Applicant entitled to hearing	Applicant entitled to hearing	Applicant entitled to hearing	Applicant entitled to hearing
- Is there a time period after which a person becomes eligible?	2 years after conviction	None specified	None specified	None specified	None specified
- Is there a time period after which a person can re-apply after denial?	None specified	None specified	None specified	None specified	None specified
Is there an impaired practitioner program?	No	No	No	No	No
Does state require a criminal background check?	No	No	No	No	Yes

<u>Iowa</u>					
	Addiction/Substance Abuse Counselor	Professional Counselor	Social Worker	Marriage & Family Therapist	Psychologist
Denial of licensure for conviction or drug/alcohol use?		1) Conviction of a crime related to the profession or conviction of any crime that would affect the applicant's ability to practice 2) Habitual intoxication or addiction to the use of drugs	1) Conviction of a crime related to the profession or conviction of any crime that would affect the applicant's ability to practice 2) Habitual intoxication or addiction to the use of drugs	1) Conviction of a crime related to the profession or conviction of any crime that would affect the applicant's ability to practice 2) Habitual intoxication or addiction to the use of drugs	1) Conviction of a crime related to the profession or conviction of any crime that would affect the applicant's ability to practice 2) Habitual intoxication or addiction to the use of drugs
- If so, is a hearing or waiver available?		Applicant may be entitled to hearing under the Administrative Procedure Act, §§17A.1 – 17A.34	Applicant may be entitled to hearing under the Administrative Procedure Act, §§17A.1 – 17A.34	Applicant may be entitled to hearing under the Administrative Procedure Act, §§17A.1 – 17A.34	Applicant may be entitled to hearing under the Administrative Procedure Act, §§17A.1 – 17A.34
- Is there a time period after which a person becomes eligible?		None specified	None specified	None specified	None specified
- Is there a time period after which a person can re-apply after denial?		None specified	None specified	None specified	None specified
Is there an impaired practitioner program?		Yes	Yes	Yes	Yes
Does state require a criminal background check?		No	No	No	No

<u>Kansas</u>					
	Addiction/Substance Abuse Counselor	Professional Counselor	Social Worker	Marriage & Family Therapist	Psychologist
Denial of licensure for conviction or drug/alcohol use? ⁷	1) Conviction of a crime found to have a direct bearing on whether the applicant can serve the public as a counselor 2) Conviction of a felony 3) Providing counseling services while using alcohol or controlled substances or using alcohol and/or drugs to an extent that it impairs the applicant's ability to practice	1) Conviction of a felony and, after investigation, is found not to have been sufficiently rehabilitated 2) Use of drugs and/or alcohol to an extent that impairs the applicant's ability to engage in the practice	1) Conviction of a felony and, after investigation, is found not to have been sufficiently rehabilitated 2) Use of alcohol or illegally using any controlled substance while performing the duties of the profession	1) Conviction of a crime that the board determines renders the person unfit to practice 2) Use of alcohol or illegally using any controlled substance while performing the duties of the profession	1) Conviction of a crime relating to or resulting from the practice of psychology 2) Conviction of a felony 3) Using alcohol or other substances to the extent that it impairs the applicant's ability to practice competently
- If so, is a hearing or waiver available?	Applicant may be entitled to hearing under the Administrative Procedure Act, §§77-513 – 77-532	Applicant may be entitled to hearing under the Administrative Procedure Act, §§77-513 – 77-532	Applicant entitled to hearing under the Administrative Procedure Act, §§77-513 – 77-532	Applicant may be entitled to hearing under the Administrative Procedure Act, §§77-513 – 77-532	Applicant entitled to hearing under the Administrative Procedure Act, §§77-513 – 77-532
- Is there a time period after which a person becomes eligible?	None specified	None specified	None specified	None specified	None specified

⁷ Pursuant to §21-6614, any conviction of a severity level 4 drug crime, misdemeanor, class D or E felony may petition for his/her criminal record to be expunged after the passage of three or more years since a) satisfaction of the sentence imposed and b) discharge from probation, community correctional services program, parole, post-release supervision, conditional release or suspended sentence. Additionally, any person who has fulfilled the terms of a diversion agreement may petition for expunction of his/her record after three or more years have elapsed since the terms of the agreement were fulfilled. For severity levels 1 – 3 of the drug grid or any class A, B or C felony prior to July 1, 1993, a person may petition for expunction of his/her criminal record after five or more years have elapsed since satisfaction of the sentence imposed or discharge from probation, community correctional services program, parole, post-release supervision, conditional release, or suspended sentence or since the completion of a diversion agreement. An applicant for licensure whose record has been expunged is not required to disclose the conviction.

- Is there a time period after which a person can re-apply after denial?	None specified	None specified	None specified	None specified	None specified
Is there an impaired practitioner program?	No	No	No	No	No
Does state require a criminal background check?	No	No	No	No	No

Kentucky					
	Addiction/Substance Abuse Counselor	Professional Counselor	Social Worker	Marriage & Family Therapist	Psychologist
Denial of licensure for conviction or drug/alcohol use? ⁸	1) Conviction of a felony 2) Impairment due to abuse of alcohol or other substances which negatively impact the practice	1) Violation of any state statute or regulation governing the practice 2) Violation of any applicable provision of federal or state law 3) Conviction of a felony or of a misdemeanor related to the practice 4) Impairment due to abuse of alcohol or other substances which negatively impact the practice	1) Violation of any state statute or regulation governing the practice of social work 2) Providing services while under the influence of alcohol or drugs which impair the delivery of services	1) Violation of any state statute or regulation governing the practice 2) Violation of any applicable provision of federal or state law 3) Conviction of a felony or of a misdemeanor related to the practice 4) Impairment due to abuse of alcohol or other substances which negatively impact the practice	1) Conviction of a misdemeanor or felony related to the practice of psychology 2) Inability to practice with reasonable skill and safety due to misuse of drugs or alcohol
- If so, is a hearing or waiver available?	The board shall, upon request of the applicant, hold a hearing before denying an application, and applicant may appeal an adverse decision	The board may consider, modify, or reverse its decision	The board may reconsider, modify or reverse its decision	The board may reconsider, modify or reverse its decision	The board may, at its own discretion, reconsider, modify or reverse its decision to deny licensure
- Is there a time period after which a person becomes eligible?	3 years after conviction	None specified	None specified	None specified	None specified
- Is there a time period after which a person can re-apply after	None specified	None specified	None specified	None specified	None specified

⁸ Kentucky statute 431.078 allows a defendant to petition for the expunction of a misdemeanor or violation five years after the end of the imposed sentence or completion of probation, whichever is later. Upon a grant of expungement, the crime is deemed to have never occurred and the defendant is not required to disclose it on any application for licensure.

denial?					
Is there an impaired practitioner program?	No	No	No	Yes	No
Does state require a criminal background check?	No	No	No	No	No

Louisiana					
	Addiction/Substance Abuse Counselor	Professional Counselor	Social Worker	Marriage & Family Therapist	Psychologist
Denial of licensure for conviction or drug/alcohol use? ⁹	1) Conviction of a felony 2) Is not currently and has not been a substance abuser for the past two years if applying for licensure as a certified or registered addiction counselor or counselor-in-training 3) Is not currently and has not been a substance abuser for the past six months if applying for licensure as addiction treatment assistant	1) Conviction of a felony 2) Conviction of any crime or offense which reflects the inability of the applicant to practice with due regard for the health and safety of patients 3) Abuse of drugs or alcohol to an extent or in a manner dangerous to any other person or the public or to an extent that it impairs the applicant's ability to perform as a counselor	1) Conviction of a felony 2) Use of drugs or intoxicating beverages to an extent which affects his professional competence	1) Conviction of a felony 2) Conviction of any crime or offense which reflects the inability of the applicant to practice with due regard for the health and safety of patients 3) Abuse of drugs or alcohol to an extent or in a manner dangerous to any other person or the public or to an extent that it impairs the applicant's ability to perform as a therapist	1) Conviction of a felony or of any crime or offense that reflects the inability of the applicant to practice 2) Inability to practice with reasonable skill and safety due to inebriation, misuse of drugs or alcohol
- If so, is a hearing or waiver available?	Department may waive conviction requirement upon a review of the individual's circumstances	Applicant entitled to a hearing on denial of licensure and may appeal such decision	Applicant entitled to hearing on denial of licensure and may appeal such decision	Applicant entitled to a hearing on denial of licensure and may appeal such decision	Applicant entitled to hearing on denial of licensure and may appeal such decision
- Is there a time period after which a person becomes eligible?	6 months for applicants as addiction treatment assistants 2 years for all others Does not apply to convictions	None specified	None specified	None specified	None specified

⁹ Any person convicted of a misdemeanor or a violation of any municipal or parish ordinance may petition for expungement of his/her record after more than five years have elapsed from the date of the successful completion of any sentence, deferred adjudication, or period of probation or parole. Court may order expungement of a first, second or third, if convicted for a violation of the Uniform Controlled Substances Act, felony conviction after a hearing where the defendant was granted a suspended sentence and given probation. However, such convictions must still be disclosed to the Board of Examiners of Psychologists and the Board of Social Work Examiners upon request. LRS § 44:9.

<p>- Is there a time period after which a person can re-apply after denial?</p>	<p>None specified</p>	<p>A person whose license has been revoked may apply for reinstatement after a period of not less than 2 years from the date such denial or revocation is effective</p>	<p>None specified</p>	<p>A person whose license has been revoked may apply for reinstatement after a period of not less than 2 years from the date such denial or revocation is effective</p>	<p>Board may deny or withhold for a specified time not to exceed 2 years the granting of a license</p> <p>Applicant may reapply after more than 2 years have passed from the date a denial is effective</p>
<p>Is there an impaired practitioner program?</p>	<p>Yes; available to counselors in training</p>	<p>No</p>	<p>Yes; available to applicants</p>	<p>No</p>	<p>No</p>
<p>Does state require a criminal background check?</p>	<p>Yes</p>	<p>No</p>	<p>Yes</p>	<p>No</p>	<p>Yes</p>

<u>Maine</u>					
	Addiction/Substance Abuse Counselor	Professional Counselor	Social Worker	Marriage & Family Therapist	Psychologist
Denial of licensure for conviction or drug/alcohol use?	1) Conviction of a crime 2) Active abuse of alcohol or any other drug that in the judgment of the board is detrimental to the performance or competency of the applicant	1) Conviction of a crime 2) Habitual substance abuse or abuse of other drugs listed as controlled substances that has resulted or is foreseeably likely to result in the applicant performing services in a manner dangerous to the health and safety of patients	1) Conviction of a crime 2) Addiction, as confirmed by medical findings, to the use of alcohol or other drugs that has resulted in an inability to perform duties or perform those duties safely	1) Conviction of a crime 2) Habitual substance abuse or abuse of other drugs listed as controlled substances that has resulted or is foreseeably likely to result in the applicant performing services in a manner dangerous to the health and safety of patients	1) Conviction of a crime 2) Habitual substance abuse that has resulted in or is foreseeably likely to result in the applicant performing services in a manner dangerous to the health and safety of patients
- If so, is a hearing or waiver available?	In lieu of denying licensure, board may impose conditions of probation or enter into consent agreement	In lieu of denying licensure, board may impose conditions of probation or enter into consent agreement	In lieu of denying licensure, board may impose conditions of probation or enter into consent agreement	In lieu of denying licensure, board may impose conditions of probation or enter into consent agreement	In lieu of denying licensure, board may impose conditions of probation or enter into consent agreement
- Is there a time period after which a person becomes eligible?	None specified	None specified	None specified	None specified	None specified
- Is there a time period after which a person can re-apply after denial?	1 year after date of denial	None specified	None specified	None specified	None specified
Is there an impaired practitioner program?	No	No	No	No	No
Does state require a criminal background check?	No	No	No	No	No

Maryland	Addiction/Substance Abuse Counselor	Professional Counselor	Social Worker	Marriage & Family Therapist	Psychologist
Denial of licensure for conviction or drug/alcohol use? ¹⁰	1) Conviction of a felony 2) Habitual intoxication 3) Providing professional services while under the influence of alcohol or while using any narcotic or controlled substance	1) Conviction of a felony 2) Habitual intoxication 3) Providing professional services while under the influence of alcohol or while using any drug	1) Conviction of a felony 2) Providing professional services while under the influence of alcohol or while using any narcotic or controlled substance	1) Conviction of a felony 2) Habitual intoxication 3) Providing professional services while under the influence of alcohol or while using any drug	1) Conviction of a felony 2) Is or has been addicted to any narcotic or habitually intoxicated
- If so, is a hearing or waiver available?	Applicant entitled to hearing prior to denying application	Applicant entitled to hearing prior to denying application	Applicant entitled to hearing prior to denying application	Applicant entitled to hearing prior to denying application	Applicant entitled to hearing prior to denying application
- Is there a time period after which a person becomes eligible?	None specified	None specified	None specified	None specified	None specified
- Is there a time period after which a person can re-apply after denial?	None specified	None specified	None specified	None specified	None specified
Is there an impaired practitioner program?	Yes	Yes	Yes	Yes	Yes
Does state require a criminal background check?	No	No	No	No	Yes

¹⁰ A person may be entitled to expungement of a criminal record if they meet certain requirements as set out in MSA Crim. Proc. § 10-105, namely, that either a) a probation before judgment is entered, b) a nolle prosequi or nolle prosequi with the requirement of drug or alcohol treatment, or c) the court indefinitely postpones trial of the criminal charge by marking the criminal charge “stet” or stet with the requirement of drug or alcohol abuse treatment on the docket. The party must meet the time requirements, must not have been convicted of another crime and must not be a defendant in a pending criminal proceeding. The person will not thereafter be required to disclose the fact of the arrest or charges. Crim. Proc. § 10-109.

Massachusetts					
	Addiction/Substance Abuse Counselor	Professional Counselor	Social Worker	Marriage & Family Therapist	Psychologist
Denial of licensure for conviction or drug/alcohol use? ¹¹		Conviction of crime which is of a nature to render applicant unfit to practice	1) Conviction of any criminal offense which reasonably calls into question his/her fitness or ability to practice 2) Practicing while his/her ability to practice is impaired by alcohol or drugs	Conviction of crime which is of a nature to render applicant unfit to practice	Must be of good moral character
- If so, is a hearing or waiver available?		Applicant entitled to hearing prior to denial of licensure	Board may require the applicant to participate in an alcohol or drug rehabilitation program, and/or undergo drug testing as a condition for issuance of license Applicant entitled to hearing prior to denial of licensure	Applicant entitled to hearing prior to denial of licensure	Applicant entitled to hearing prior to denial of licensure
- Is there a time period after which a person becomes eligible?		None specified	None specified	None specified	None specified
- Is there a time period after which a person can re-apply after denial?		None specified	None specified	None specified	None specified
Is there an impaired practitioner program?		No	No	No	No
Does state require a criminal background check?		No	No	No	No

¹¹ Massachusetts statutes 94C § 34 and 94C § 44 allow the sealing of records after conviction and placement on probation, dismissal, continuance without finding to a certain date, then upon the expiration of such period of probation or other conditions, the court may dismiss all proceedings against the individual and order the records sealed. If the individual is convicted for the first time of possession of marijuana or a controlled substance in Class E who has not previously been convicted of any offense under the Uniform Controlled Substances Act, shall be placed on probation and, upon successful completion of probation, the case shall be dismissed and the record sealed. Thereafter, the individual may state that such arrest, indictment, disposition, or other action never occurred in response to any inquiry made of him for any purpose.

Michigan					
	Addiction/Substance Abuse Counselor	Professional Counselor	Social Worker	Marriage & Family Therapist	Psychologist
Denial of licensure for conviction or drug/alcohol use? ¹²		1) Conviction of a misdemeanor punishable by a maximum of 2 years; a misdemeanor involving the illegal delivery, possession, or use of a controlled substance; or a felony 2) Substance abuse	1) Conviction of a misdemeanor punishable by a maximum of 2 years; a misdemeanor involving the illegal delivery, possession, or use of a controlled substance; or a felony 2) Substance abuse	1) Conviction of a misdemeanor punishable by a maximum of 2 years; a misdemeanor involving the illegal delivery, possession, or use of a controlled substance; or a felony 2) Substance abuse	1) Conviction of a misdemeanor punishable by a maximum of 2 years; a misdemeanor involving the illegal delivery, possession, or use of a controlled substance; or a felony 2) Substance abuse
- If so, is a hearing or waiver available?		Conviction in and of itself may not be used to deny licensure but may be used in the determination of “good moral character” Applicant entitled to hearing	Conviction in and of itself may not be used to deny licensure but may be used in the determination of “good moral character” Applicant entitled to hearing	Conviction in and of itself may not be used to deny licensure but may be used in the determination of “good moral character” Applicant entitled to hearing	Conviction in and of itself may not be used to deny licensure but may be used in the determination of “good moral character” Applicant entitled to hearing
- Is there a time period after which a person becomes eligible?		None specified	None specified	None specified	None specified
- Is there a time period after which a person can re-apply after denial?		None specified	None specified	None specified	None specified

¹² A person may file a motion to set aside a conviction five years after the imposition of the sentence or five years following completion of any term of imprisonment for the conviction, whichever is later. Individual must not have been convicted of any other offense and not more than two minor offenses, and must not have a criminal charge pending in any other jurisdiction. If the court determines that the circumstances and behavior of the individual since the conviction warrants it, the conviction will be set aside and the records of such conviction shall become nonpublic and available only to certain state entities. MCLA §§ 780.621 – 780.624.

Is there an impaired practitioner program?		Yes	Yes	Yes	Yes
Does state require a criminal background check?		Yes	Yes	Yes	Yes

Minnesota					
	Addiction/Substance Abuse Counselor	Professional Counselor	Social Worker	Marriage & Family Therapist	Psychologist
Denial of licensure for conviction or drug/alcohol use? ¹³	<p>1) Conviction of a crime reasonably related to the provision of alcohol and drug counseling services</p> <p>2) Has been adjudicated as chemically dependent</p> <p>3) Has habitually overindulged in the use of or the dependence on alcohol or has engaged in the improper or unauthorized personal use of drugs, chemicals, or controlled substances</p>	<p>1) Conviction of a felony</p> <p>2) Engaged in conduct reflecting adversely on the applicant's fitness to practice</p> <p>3) Has demonstrated an inability to practice with reasonable skill and safety due to any mental or physical condition, including chemical dependency</p>	<p>1) Violation of any law or rule related to the practice of social work</p> <p>2) Inability to practice with reasonable skill and safety due to use of alcohol or drugs</p>	<p>1) Conviction of a crime the board determines is of a nature to render the applicant unfit to practice</p>	<p>1) Conviction of a felony</p> <p>2) Engaged in conduct reflecting adversely on the applicant's fitness to practice</p> <p>3) Has demonstrated an inability to practice with reasonable skill and safety due to any mental or physical condition, including chemical dependency</p>
- If so, is a hearing or waiver available?	<p>Applicant entitled to hearing under Administrative Procedure Act, §§14.001, et seq.</p> <p>The Board may, for good cause shown, issue a license previously refused and may impose conditions or limitations on said license</p> <p>Board will consider the facts listed in § 364.03 and ADC 4747.0060(3)(C)(1) – (7) in making its determination as to fitness if applicant has been convicted of crime</p>	<p>Applicant entitled to hearing under Administrative Procedure Act, §§14.001, et seq.</p> <p>Board must consider the factors listed in § 364.03 in determining if conviction directly relates to profession</p>	<p>Applicant entitled to hearing under Administrative Procedure Act, §§14.001, et seq.</p> <p>Board must consider the factors listed in § 364.03 in determining if conviction directly relates to profession</p>	<p>Applicant entitled to hearing under Administrative Procedure Act, §§14.001, et seq.</p> <p>Board must consider the factors listed in § 364.03 in determining if conviction directly relates to profession</p>	<p>Applicant entitled to hearing under Administrative Procedure Act, §§14.001, et seq.</p> <p>Board must consider the factors listed in § 364.03 in determining if conviction directly relates to profession</p>

¹³ Pursuant to §§609A.01 – 609A.03, an individual convicted of possession of a controlled substance may petition for expungement of the record. The court will consider various factors in determining whether to grant the petition, including the steps the individual has taken toward personal rehabilitation, including treatment, work or other personal history that demonstrates rehabilitation. Expungement of the record shall act to restore the person to their pre-conviction status.

- Is there a time period after which a person becomes eligible?	Must not have engaged in improper or unauthorized person use of any legend drugs, chemicals, or controlled substances in the past 2 years	None specified	None specified	None specified	None specified
- Is there a time period after which a person can re-apply after denial?	None specified	An applicant who is deemed unfit due to mental or physical condition, including chemical dependency, shall have an opportunity at reasonable intervals to demonstrate that he/she is fit to practice	None specified	None specified	An applicant who is deemed unfit due to mental or physical condition, including chemical dependency, shall have an opportunity at reasonable intervals to demonstrate that he/she is fit to practice
Is there an impaired practitioner program?	Yes; available to all persons regulated by the board	Yes; available to all persons regulated by the board	Yes; available to all persons regulated by the board	Yes; available to all persons regulated by the board	Yes; available to all persons regulated by the board
Does state require a criminal background check?	No	No	Yes	No	No

Mississippi					
	Addiction/Substance Abuse Counselor	Professional Counselor	Social Worker	Marriage & Family Therapist	Psychologist
Denial of licensure for conviction or drug/alcohol use? ¹⁴		Conviction of felony	1) Conviction of a felony 2) Dependency on alcohol or drugs	1) Violation of any statute, rule or regulation of the board 2) Habitual use of alcohol or drugs to the extent that it affects personal competence 3) Conviction of a felony	1) Conviction of a felony 2) Use of any substance or alcoholic beverage to an extent or in a manner dangerous to any person or the public, or to an extent that the use impairs his/her ability to perform the work of a psychologist with safety to the public
- If so, is a hearing or waiver available?		Applicant may request a waiver of denial for felony conviction and board shall consider the factors set out in ADC 30-13-2:4-1(K)(8) in making determination Applicant entitled to hearing upon notice by the board of denial of licensure and may appeal adverse decision	Board will consider the factors listed in ADC 30-14-1:A-VI in making determination as to good moral character Applicant entitled to hearing on denial of licensure	Board will consider the factors listed in ADC 30-14-1:A-VI in making determination as to good moral character Applicant entitled to hearing on denial of licensure	Applicant entitled to hearing for reconsideration upon request

¹⁴ Mississippi has several avenues by which a convicted person may get his/her record expunged. A defendant or participant in a drug court program who was sentenced at the time of entry of a plea of guilty, will have his/her record expunged upon the successful completion of the drug court order and other requirements of probation or suspension of sentence. M.C.A. § 9-23-23. The record of a first or second conviction for possession of 30 grams or less of marihuana shall be expunged after the expiration of two years from the date of the conviction. M.C.A. § 41-29-139(c)(2)(A). Pursuant to § 99-15-26, in all felony and misdemeanor cases, with certain exceptions, the court may impose certain conditions, namely restitution, public service work, payment of a fine, or successful completion of drug or alcohol treatment program, and may require the defendant to stay in the program for a period not to exceed two to five years, depending on the court. Upon successful completion of any or all of the above conditions, the court shall direct that the cause be dismissed and the case closed, after which the defendant may petition for, and the court shall grant, an expungement of all records. Finally, pursuant to § 99-19-71, any person convicted of felony possession of a controlled substance or paraphernalia may, five years after the successful completion of all terms and conditions of the sentence, petition for expunction of the records. The petition shall be granted if the court determines that the petitioner is rehabilitated from the offense which is the subject of the petition, and the expunction shall return the petitioner to his/her pre-conviction status.

- Is there a time period after which a person becomes eligible?		None specified	10 years after date of conviction	10 years after date of conviction	None specified
- Is there a time period after which a person can re-apply after denial?		1 year after denial	None specified	None specified	None specified
Is there an impaired practitioner program?		No	No	No	No
Does state require a criminal background check?		Yes	Yes	Yes	Yes

<u>Missouri</u>					
	Addiction/Substance Abuse Counselor	Professional Counselor	Social Worker	Marriage & Family Therapist	Psychologist
Denial of licensure for conviction or drug/alcohol use?		<p>1) Conviction of any offense reasonably related to the qualifications, functions or duties of the profession</p> <p>2) Use of any controlled substance or alcoholic beverage to the extent that such use impairs the applicant's ability to perform as a psychologist</p>	<p>1) Conviction of a felony</p> <p>2) Conviction of any offense reasonably related to the qualifications, functions or duties of the profession</p> <p>3) Use of any controlled substance or alcoholic beverage to the extent that such use impairs the applicant's ability to perform as a psychologist</p>	<p>1) Conviction of felony</p> <p>2) Conviction of any offense reasonably related to the qualifications, functions or duties of the profession</p> <p>3) Use of any controlled substance or alcoholic beverage to the extent that such use impairs the applicant's ability to perform as a psychologist</p>	<p>1) Conviction of any offense reasonably related to the qualifications, functions or duties of the profession</p> <p>2) Use of any controlled substance or alcoholic beverage to the extent that such use impairs the applicant's ability to perform as a psychologist</p>
- If so, is a hearing or waiver available?		<p>Board may not deny licensure based solely on grounds that applicant has been convicted of felony</p> <p>Board may, in its discretion, issue license subject to probation</p>	<p>Board may not deny licensure based solely on grounds that applicant has been convicted of felony</p> <p>If applicant has undergone treatment for past substance or alcohol abuse and/or has participated in a recovery program, that shall not by itself be cause for denial of licensure</p> <p>Board may, in its discretion, issue license subject to probation</p>	<p>Board may not deny licensure based solely on grounds that applicant has been convicted of felony</p> <p>Board may, in its discretion, issue license subject to probation</p>	<p>Board may not deny licensure based solely on grounds that applicant has been convicted of felony</p> <p>Board may, in its discretion, issue license subject to probation</p>

- Is there a time period after which a person becomes eligible?		None specified	10 years after conviction	10 years after conviction	None specified
- Is there a time period after which a person can re-apply after denial?		None specified	None specified	None specified	None specified
Is there an impaired practitioner program?		No	No	No	No
Does state require a criminal background check?		Yes	Yes	Yes	No

Montana					
	Addiction/Substance Abuse Counselor	Professional Counselor	Social Worker	Marriage & Family Therapist	Psychologist
Denial of licensure for conviction or drug/alcohol use?	<p>1) Conviction of a crime relating to or committed during the course of a person's practice or involving use or sale of drugs</p> <p>2) Conviction of any felony</p> <p>3) Conviction of DUI or criminal possession of dangerous drugs within two years preceding application</p> <p>4) Use of alcohol or drugs to the extent that it impairs the user physically or mentally in the performance of their duties</p>	<p>1) Conviction of a crime relating to or committed during the course of a person's practice or involving use or sale of drugs</p> <p>2) Use of alcohol or drugs to the extent that it impairs the user physically or mentally in the performance of their duties</p>	<p>1) Conviction of a crime relating to or committed during the course of a person's practice or involving use or sale of drugs</p> <p>2) Use of alcohol or drugs to the extent that it impairs the user physically or mentally in the performance of their duties</p>	<p>1) Conviction of a crime relating to or committed during the course of a person's practice or involving use or sale of drugs</p> <p>2) Use of alcohol or drugs to the extent that it impairs the user physically or mentally in the performance of their duties</p>	<p>1) Conviction of a crime relating to or committed during the course of a person's practice or involving use or sale of drugs</p> <p>2) Use of alcohol or drugs to the extent that it impairs the user physically or mentally in the performance of their duties</p>
- If so, is a hearing or waiver available?	<p>Criminal convictions shall not operate as an automatic bar to licensure, but if conviction relates to the public health, welfare and safety, the board may find, after investigation, that the applicant has not been sufficiently rehabilitated. Completion of parole or probation without subsequent conviction is evidence of rehabilitation.</p>	<p>Criminal convictions shall not operate as an automatic bar to licensure, but if conviction relates to the public health, welfare and safety, the board may find, after investigation, that the applicant has not been sufficiently rehabilitated. Completion of parole or probation without subsequent conviction is evidence of rehabilitation.</p>	<p>Criminal convictions shall not operate as an automatic bar to licensure, but if conviction relates to the public health, welfare and safety, the board may find, after investigation, that the applicant has not been sufficiently rehabilitated. Completion of parole or probation without subsequent conviction is evidence of rehabilitation.</p>	<p>Criminal convictions shall not operate as an automatic bar to licensure, but if conviction relates to the public health, welfare and safety, the board may find, after investigation, that the applicant has not been sufficiently rehabilitated. Completion of parole or probation without subsequent conviction is evidence of rehabilitation.</p>	<p>Criminal convictions shall not operate as an automatic bar to licensure, but if conviction relates to the public health, welfare and safety, the board may find, after investigation, that the applicant has not been sufficiently rehabilitated. Completion of parole or probation without subsequent conviction is evidence of rehabilitation.</p>

- Is there a time period after which a person becomes eligible?	2 years after conviction of DUI or criminal possession of dangerous drugs	None specified	None specified	None specified	None specified
- Is there a time period after which a person can re-apply after denial?	None specified	None specified	None specified	None specified	None specified
Is there an impaired practitioner program?	No	No	No	No	No
Does state require a criminal background check?	No	Yes	Yes	No	No

Nebraska					
	Addiction/Substance Abuse Counselor	Professional Counselor	Social Worker	Marriage & Family Therapist	Psychologist
Denial of licensure for conviction or drug/alcohol use?	<p>1) Conviction of a misdemeanor or felony which has a rational connection with the fitness or capacity of the applicant to practice the profession</p> <p>2) Abuse of, dependence on, or active addiction to alcohol or controlled substances</p> <p>3) Failure to comply with a treatment program or aftercare program</p> <p>4) Practicing while impaired by alcohol or drugs</p> <p>5) Violation of the Uniform Controlled Substances Act</p>	<p>1) Conviction of a misdemeanor or felony which has a rational connection with the fitness or capacity of the applicant to practice the profession</p> <p>2) Abuse of, dependence on, or active addiction to alcohol or controlled substances</p> <p>3) Failure to comply with a treatment program or aftercare program</p> <p>4) Practicing while impaired by alcohol or drugs</p> <p>5) Violation of the Uniform Controlled Substances Act</p>	<p>1) Conviction of a misdemeanor or felony which has a rational connection with the fitness or capacity of the applicant to practice the profession</p> <p>2) Abuse of, dependence on, or active addiction to alcohol or controlled substances</p> <p>3) Failure to comply with a treatment program or aftercare program</p> <p>4) Practicing while impaired by alcohol or drugs</p> <p>5) Violation of the Uniform Controlled Substances Act</p>	<p>1) Conviction of a misdemeanor or felony which has a rational connection with the fitness or capacity of the applicant to practice the profession</p> <p>2) Abuse of, dependence on, or active addiction to alcohol or controlled substances</p> <p>3) Failure to comply with a treatment program or aftercare program</p> <p>4) Practicing while impaired by alcohol or drugs</p> <p>5) Violation of the Uniform Controlled Substances Act</p>	<p>1) Conviction of a misdemeanor or felony which has a rational connection with the fitness or capacity of the applicant to practice the profession</p> <p>2) Abuse of, dependence on, or active addiction to alcohol or controlled substances</p> <p>3) Failure to comply with a treatment program or aftercare program</p> <p>4) Practicing while impaired by alcohol or drugs</p> <p>5) Violation of the Uniform Controlled Substances Act</p>
- If so, is a hearing or waiver available?	<p>Any applicant shall have the right to request a hearing on an order denying licensure because of abuse of, dependence on, or active addiction to alcohol or controlled substances</p> <p>Applicant entitled to hearing upon request after notice of</p>	<p>Any applicant shall have the right to request a hearing on an order denying licensure because of abuse of, dependence on, or active addiction to alcohol or controlled substances</p>	<p>Any applicant shall have the right to request a hearing on an order denying licensure because of abuse of, dependence on, or active addiction to alcohol or controlled substances</p>	<p>Any applicant shall have the right to request a hearing on an order denying licensure because of abuse of, dependence on, or active addiction to alcohol or controlled substances</p>	<p>Any applicant shall have the right to request a hearing on an order denying licensure because of abuse of, dependence on, or active addiction to alcohol or controlled substances</p>

	denial	Applicant entitled to hearing upon request after notice of denial	Applicant entitled to hearing upon request after notice of denial	Applicant entitled to hearing upon request after notice of denial	Applicant entitled to hearing upon request after notice of denial
- Is there a time period after which a person becomes eligible?	None specified	None specified	None specified	None specified	None specified
- Is there a time period after which a person can re-apply after denial?	None specified	None specified	None specified	None specified	None specified
Is there an impaired practitioner program?	Yes	Yes	Yes	Yes	Yes
Does state require a criminal background check?	No	No	No	No	No

<u>Nevada</u>					
	Addiction/Substance Abuse Counselor	Professional Counselor	Social Worker	Marriage & Family Therapist	Psychologist
Denial of licensure for conviction or drug/alcohol use? ¹⁵	1) Conviction of a felony relating to the practice of the profession 2) Violation of law regulating the possession or use of controlled substances 3) Habitual use of alcohol or drugs that impairs the ability to practice	1) Conviction of a felony relating to the practice of the profession 2) Habitual drunkenness or addiction to the use of a controlled substance	Must be of good moral character	1) Conviction of a felony relating to the practice of the profession 2) Habitual drunkenness or addiction to the use of a controlled substance	Must be of good moral character
- If so, is a hearing or waiver available?	Applicant may be entitled to hearing under Administrative Procedure Act, §§233B.010, et seq.	Applicant may be entitled to hearing under Administrative Procedure Act, §§233B.010, et seq.	Applicant may be entitled to hearing under Administrative Procedure Act, §§233B.010, et seq.	Applicant may be entitled to hearing under Administrative Procedure Act, §§233B.010, et seq.	Applicant may be entitled to hearing under Administrative Procedure Act, §§233B.010, et seq.
- Is there a time period after which a person becomes eligible?	None specified	None specified	None specified	None specified	None specified
- Is there a time period after which a person can re-apply after denial?	None specified	None specified	None specified	None specified	None specified
Is there an impaired practitioner program?	No	No	No	No	No
Does state require a criminal background check?	Yes	No	Yes	No	No

¹⁵ Nevada law allows for the sealing of certain criminal records after the expiration of a certain number of years, between 2-15, depending on the severity of the crime. NRS § 179.245. Pursuant to § 179.285, upon the sealing of any such record, the defendant may thereafter respond that no such conviction occurred in response to any inquiry. However, NRS § 179.259, providing for the sealing of records after the completion by the defendant of a reentry program, allows a professional licensing board to inspect and copy any such record to determine suitability of an applicant.

<u>New Hampshire</u>					
	Addiction/Substance Abuse Counselor	Professional Counselor	Social Worker	Marriage & Family Therapist	Psychologist
Denial of licensure for conviction or drug/alcohol use? ¹⁶	1) Conviction of a felony not waived by the board 2) Failure to remain free from the use of controlled substances or alcohol to the extent that it impairs the ability to practice safely	Felony or misdemeanor convictions that indicate the applicant can't be relied upon to practice competently or safely	Felony or misdemeanor convictions that indicate the applicant can't be relied upon to practice competently or safely	Felony or misdemeanor convictions that indicate the applicant can't be relied upon to practice competently or safely	Felony or misdemeanor convictions that indicate the applicant can't be relied upon to practice competently or safely
- If so, is a hearing or waiver available?	Board shall waive all criminal convictions except for five violent crimes listed in ADC Alc. 308.01 Board may find that applicant is sufficiently rehabilitated	Applicant may be entitled to hearing under Administrative Procedure Act, §§541-A:1, et seq.	Applicant may be entitled to hearing under Administrative Procedure Act, §§541-A:1, et seq.	Applicant may be entitled to hearing under Administrative Procedure Act, §§541-A:1, et seq.	Applicant may be entitled to hearing under Administrative Procedure Act, §§541-A:1, et seq.
- Is there a time period after which a person becomes eligible?	None specified	None specified	None specified	None specified	None specified
- Is there a time period after which a person can re-apply after denial?	None specified	None specified	None specified	None specified	None specified
Is there an impaired practitioner program?	No	No	No	No	No
Does state require a criminal background check?	Yes	No	No	No	No

¹⁶ A convicted person may petition for annulment of his/her record pursuant to § 651:5 after the passage of between 1 – 10 years, depending on the severity of the crime. If the record of conviction is annulled, it shall be as if the conviction never occurred and the defendant is not required to disclose such conviction.

<u>New Jersey</u>					
	Addiction/Substance Abuse Counselor	Professional Counselor	Social Worker	Marriage & Family Therapist	Psychologist
Denial of licensure for conviction or drug/alcohol use? ¹⁷	1) Conviction of, or engaging in any acts constituting, any crime or offense relating adversely to the activity regulated by the board 2) Presently engaged in alcohol or drug use that is likely to impair the ability to practice 3) Providing services while using alcoholic beverages or illegally using controlled substances	1) Conviction of, or engaging in any acts constituting, any crime or offense relating adversely to the activity regulated by the board 2) Presently engaged in alcohol or drug use that is likely to impair the ability to practice	1) Conviction of, or engaging in any acts constituting, any crime or offense relating adversely to the activity regulated by the board 2) Presently engaged in alcohol or drug use that is likely to impair the ability to practice	1) Conviction of, or engaging in any acts constituting, any crime or offense relating adversely to the activity regulated by the board 2) Presently engaged in alcohol or drug use that is likely to impair the ability to practice	1) Conviction of, or engaging in any acts constituting, any crime or offense relating adversely to the activity regulated by the board 2) Presently engaged in alcohol or drug use that is likely to impair the ability to practice
- If so, is a hearing or waiver available?	Board will consider the factors listed in § 13:34C-1.8(a)(1)-(8) in determining whether to grant waiver Applicant may be entitled to hearing under Administrative Procedure Act	Applicant may be entitled to hearing under Administrative Procedure Act, §§52:14B-1, et seq.	Applicant may be entitled to hearing under Administrative Procedure Act, §§52:14B-1, et seq.	Applicant may be entitled to hearing under Administrative Procedure Act, §§52:14B-1, et seq.	Applicant may be entitled to hearing under Administrative Procedure Act, §§52:14B-1, et seq.
- Is there a time period after which a person becomes	Must not be engaged in drug or alcohol use that is likely to impair the practice of the profession within the last	Must not be engaged in drug or alcohol use that is likely to impair the practice of the	Must not be engaged in drug or alcohol use that is likely to impair the practice of the	Must not be engaged in drug or alcohol use that is likely to impair the practice of the	Must not be engaged in drug or alcohol use that is likely to impair the practice of the

¹⁷ New Jersey statutes 2A:168A-1 through 2A:168A-16 provide an avenue by which a convicted person may receive a certificate of rehabilitation if he/she meets certain criteria and a person who receives such a certificate may not be disqualified for employment or licensure based solely on the conviction for which the person received the certificate unless the crime or offense relates adversely to the occupation or profession for which the person seeks licensure. Section 2A:168A-9 states that a certificate issued pursuant to the Rehabilitated Convicted Offenders Act shall be presumptive evidence of the person's rehabilitation. However, § 2A:168A-4 provides that a licensing authority may discriminate against a person on the grounds that an applicant has been addicted to the habitual use of drugs or intoxicating liquors within four months of application for admission to the licensure exam. A certificate may be revoked pursuant to § 2A:168A-11 if the person is convicted of another crime.

eligible?	365 days	profession within the last 365 days	profession within the last 365 days	profession within the last 365 days	profession within the last 365 days
- Is there a time period after which a person can re-apply after denial?	None specified	None specified	None specified	None specified	None specified
Is there an impaired practitioner program?	No	No	No	No	No
Does state require a criminal background check?	Yes	Yes	Yes	Yes	Yes

<u>New Mexico</u>					
	Addiction/Substance Abuse Counselor	Professional Counselor	Social Worker	Marriage & Family Therapist	Psychologist
Denial of licensure for conviction or drug/alcohol use? ¹⁸	1) Conviction of a felony 2) Illicit use of controlled substances or alcohol to an extent or in a manner dangerous to himself, any other person, or the public, or to an extent that it impairs his ability to practice	1) Conviction of a felony 2) Illicit use of controlled substances or alcohol to an extent or in a manner dangerous to himself, any other person, or the public, or to an extent that it impairs his ability to practice	1) Conviction of a felony 2) Habitual or excessive use of alcohol or controlled substances	1) Conviction of a felony 2) Illicit use of controlled substances or alcohol to an extent or in a manner dangerous to himself, any other person, or the public, or to an extent that it impairs his ability to practice	1) Conviction of a felony 2) Using a drug, substance or alcoholic beverage to an extent or in a manner dangerous to the individual, any other person, or the public, or to an extent that it impairs the individual's ability to practice with safety to the public
- If so, is a hearing or waiver available?	Applicant entitled to hearing before board may deny licensure or permission to take exam	Applicant entitled to hearing before board may deny licensure or permission to take exam	Applicant entitled to hearing before board may deny licensure or permission to take exam	Applicant entitled to hearing before board may deny licensure or permission to take exam	Applicant entitled to hearing before board may deny licensure or permission to take exam
- Is there a time period after which a person becomes eligible?	Presumption of rehabilitation after completion of probation or parole supervision or expiration of 3 years after final discharge or release from any term of imprisonment without subsequent conviction	Presumption of rehabilitation after completion of probation or parole supervision or expiration of 3 years after final discharge or release from any term of imprisonment without subsequent conviction	Presumption of rehabilitation after completion of probation or parole supervision or expiration of 3 years after final discharge or release from any term of imprisonment without subsequent conviction	Presumption of rehabilitation after completion of probation or parole supervision or expiration of 3 years after final discharge or release from any term of imprisonment without subsequent conviction	Presumption of rehabilitation after completion of probation or parole supervision or expiration of 3 years after final discharge or release from any term of imprisonment without subsequent conviction

¹⁸ Pursuant to the Criminal Offender Employment Act, §§28-2-1 – 6, a conviction shall not operate as an automatic bar to obtaining a license, and boards are prohibited from making inquiry into a conviction on an initial application for employment, but may only consider a conviction after an applicant has been selected as a finalist for the position. A licensing agency may refuse to grant a license to an applicant only if the conviction directly relates to the particular profession or, if the conviction does not directly relate to the profession or occupation, the board determines, after investigation, that the applicant has not been sufficiently rehabilitated.

- Is there a time period after which a person can re-apply after denial?	None specified	None specified	None specified	None specified	2 years from date of denial
Is there an impaired practitioner program?	There is an Impaired Health Care Provider Act that provides for a treatment program for impaired health professionals, but the Act does not specify to which professions it applies	There is an Impaired Health Care Provider Act that provides for a treatment program for impaired health professionals, but the Act does not specify to which professions it applies	Yes	There is an Impaired Health Care Provider Act that provides for a treatment program for impaired health professionals, but the Act does not specify to which professions it applies	There is an Impaired Health Care Provider Act that provides for a treatment program for impaired health professionals, but the Act does not specify to which professions it applies
Does state require a criminal background check?	No	No	No	No	Yes

<u>New York</u>					
	Addiction/Substance Abuse Counselor	Professional Counselor	Social Worker	Marriage & Family Therapist	Psychologist
Denial of licensure for conviction or drug/alcohol use? ¹⁹		1) Conviction of a crime 2) Commission of an act which raises a reasonable question as to applicant's moral character	1) Conviction of a crime 2) Commission of an act which raises a reasonable question as to applicant's moral character	1) Conviction of a crime 2) Commission of an act which raises a reasonable question as to applicant's moral character	1) Conviction of a crime 2) Commission of an act which raises a reasonable question as to applicant's moral character
- If so, is a hearing or waiver available?		Director shall arrange for a full and complete investigation into the circumstances surrounding the conviction or act to determine whether a question exists as to applicant's moral character Board shall consider the factors listed in Correct. Law § 753 Applicant entitled to hearing if department determines there is a substantial question as to applicant's moral character	Director shall arrange for a full and complete investigation into the circumstances surrounding the conviction or act to determine whether a question exists as to applicant's moral character Board shall consider the factors listed in Correct. Law § 753 Applicant entitled to hearing if department determines there is a substantial question as to applicant's moral character	Director shall arrange for a full and complete investigation into the circumstances surrounding the conviction or act to determine whether a question exists as to applicant's moral character Board shall consider the factors listed in Correct. Law § 753 Applicant entitled to hearing if department determines there is a substantial question as to applicant's moral character	Director shall arrange for a full and complete investigation into the circumstances surrounding the conviction or act to determine whether a question exists as to applicant's moral character Board shall consider the factors listed in Correct. Law § 753 Applicant entitled to hearing if department determines there is a substantial question as to applicant's moral character

¹⁹ A person convicted of an offense under Articles 220 (certain controlled substance offenses) and 221 (offenses involving marijuana) are eligible to have the record of conviction sealed once the individual has completed a judicial diversion program or a drug treatment alternative to prison program and has completed the sentence imposed for the offense or offenses and such records shall only be available to the defendant, law enforcement agencies, state or local officer with responsibility for issuing gun licenses and for employment as a police officer. Criminal Procedure Law § 160.58. An individual may also be eligible for a certificate of relief from disabilities and/or a certificate of good conduct and a conviction which is the subject of such a certificate shall not operate as a bar to employment. However, licensing agencies may consider the conviction specified therein in making a determination as to the applicant's moral character. Correction Law §§700 – 703-b.

- Is there a time period after which a person becomes eligible?		None specified	None specified	None specified	None specified
- Is there a time period after which a person can re-apply after denial?		18 months after denial	18 months after denial	18 months after denial	18 months after denial
Is there an impaired practitioner program?		Yes	Yes	Yes	Yes
Does state require a criminal background check?		No	No	No	No

North Carolina					
	Addiction/Substance Abuse Counselor	Professional Counselor	Social Worker	Marriage & Family Therapist	Psychologist
Denial of licensure for conviction or drug/alcohol use?	1) Conviction of an offense or felony 2) Use of drugs or alcohol to the extent that professional competency is affected	1) Conviction of a felony 2) Inability to practice with reasonable skill and safety due to misuse of drugs or alcohol	Conviction of a felony	1) Conviction of a felony 2) Inability to practice with reasonable skill and safety due to misuse of drugs or alcohol	1) Conviction of a felony 2) Inability to practice with reasonable skill and safety due to misuse of drugs or alcohol
- If so, is a hearing or waiver available?	Board shall consider the factors listed in § 90-113.46A(b) in determining whether to grant or deny licensure Applicant entitled to hearing	Board may place applicant on probation or take other action in lieu of denial Applicant entitled to hearing	Board may place applicant on probation or take other action in lieu of denial Applicant entitled to hearing	Board may place applicant on probation or take other action in lieu of denial Applicant entitled to hearing	Board may place applicant on probation in lieu of denial Applicant entitled to hearing
- Is there a time period after which a person becomes eligible?	Between 3- 10 years depending on crime for which applicant was convicted	None specified	None specified	None specified	None specified
- Is there a time period after which a person can re-apply after denial?	Must show 6 months' sustained and continuous rehabilitation	1 year after denial	None specified	1 year after denial	1 year after denial
Is there an impaired practitioner program?	No	No	No	No	No
Does state require a criminal background check?	Yes	Board may request background check	No	Board may request background check	Board may request background check

North Dakota					
	Addiction/Substance Abuse Counselor	Professional Counselor	Social Worker	Marriage & Family Therapist	Psychologist
Denial of licensure for conviction or drug/alcohol use? ²⁰	Conviction of an offense determined to have a direct bearing on applicant's ability to serve as an addiction counselor or being insufficiently rehabilitated	Conviction of an offense determined to have a direct bearing on applicant's ability to serve as an addiction counselor or being insufficiently rehabilitated	1) Conviction of an offense determined to have a direct bearing on applicant's ability to serve as a social worker or being insufficiently rehabilitated 2) Addiction to the habitual use of alcohol or drugs	1) Conviction of an offense determined to be of such a nature as to render the applicant unfit to practice 2) Practicing under the influence of alcohol or controlled substances	1) Conviction of an offense determined to have a direct bearing on applicant's ability to serve as a psychologist or being insufficiently rehabilitated 2) Inability to practice with reasonable skill and safety due to misuse of drugs or alcohol
- If so, is a hearing or waiver available?	Board shall consider the factors listed in §12.1-33-02.1(2) in determining whether the applicant has been sufficiently rehabilitated Applicant entitled to hearing	Board shall consider the factors listed in §12.1-33-02.1(2) in determining whether the applicant has been sufficiently rehabilitated Applicant entitled to hearing	Board shall consider the factors listed in §12.1-33-02.1(2) in determining whether the applicant has been sufficiently rehabilitated Applicant entitled to hearing	Board shall consider the factors listed in §12.1-33-02.1(2) in determining whether the applicant has been sufficiently rehabilitated Applicant entitled to hearing	Board shall consider the factors listed in §12.1-33-02.1(2) in determining whether the applicant has been sufficiently rehabilitated Applicant entitled to hearing
- Is there a time period after which a person becomes eligible?	5 years after final discharge or release is prima facie evidence of sufficient rehabilitation	5 years after final discharge or release is prima facie evidence of sufficient rehabilitation	5 years after final discharge or release is prima facie evidence of sufficient rehabilitation	5 years after final discharge or release is prima facie evidence of sufficient rehabilitation	5 years after final discharge or release is prima facie evidence of sufficient rehabilitation
- Is there a time period after	None specified	2 years after denial	None specified	None specified	None specified

²⁰ §19-03.1-23(9) provides that a person convicted of a first offense of possession of one ounce or less of marijuana is entitled to have the record of conviction sealed upon petition if the person has not been convicted of any other offense within two years following the conviction. Once sealed, the record may not be reopened, even upon order of the court.

which a person can re-apply after denial?					
Is there an impaired practitioner program?	No	No	No	No	No
Does state require a criminal background check?	No	No	Yes	Yes, if requested by the board	No

Ohio					
	Addiction/Substance Abuse Counselor	Professional Counselor	Social Worker	Marriage & Family Therapist	Psychologist
Denial of licensure for conviction or drug/alcohol use? ²¹	1) Conviction of a felony or conviction of a misdemeanor committed in the course of practice 2) Inability to practice due to abuse of or dependency on drugs or alcohol	1) Conviction of a felony 2) Use of a controlled substance or alcoholic beverage to the extent that the ability to perform is impaired 3) Been professionally diagnosed as having an impairment in the ability to practice due to drug or alcohol addiction	1) Conviction of a felony 2) Use of a controlled substance or alcoholic beverage to the extent that the ability to perform is impaired 3) Been professionally diagnosed as having an impairment in the ability to practice due to drug or alcohol addiction	1) Conviction of a felony 2) Use of a controlled substance or alcoholic beverage to the extent that the ability to perform is impaired 3) Been professionally diagnosed as having an impairment in the ability to practice due to drug or alcohol addiction	1) Conviction of a felony 2) Using any controlled substance or alcoholic beverage to an extent that such use impairs the person's ability to perform with safety to the public
- If so, is a hearing or waiver available?	Board will consider the factors listed in ADC 3793:3-1-01(N) and ADC 4758-4-01(f) in determining whether to grant or deny licensure Applicant is entitled to appeal denial of licensure	Board shall consider the number and timing of convictions and the relationship of the convictions to the profession in determining whether to grant or deny licensure	Board shall consider the number and timing of convictions and the relationship of the convictions to the profession in determining whether to grant or deny licensure	Board shall consider the number and timing of convictions and the relationship of the convictions to the profession in determining whether to grant or deny licensure	Applicant entitled to hearing pursuant to Administrative Procedure Act, §§119.01 – 119.14
- Is there a time period after which a person becomes eligible?	1 year after drug or alcohol related offense	None specified	None specified	None specified	None specified
- Is there a time period after which a person	1 year	None specified	None specified	None specified	None specified

²¹ § 2953.32 provides for the sealing of a conviction for a first offense after 1 year from final discharge for a misdemeanor and 3 years after final discharge for a felony upon petition to the court. If the petitioner meets the criteria specified and there is no objection from the prosecution, the record will be sealed. However, the record may still be available upon request by certain licensing boards.

can re-apply after denial?					
Is there an impaired practitioner program?	Yes	Yes; available to applicant	Yes; available to applicants	Yes; available to applicants	No
Does state require a criminal background check?	Yes	Yes	Yes	Yes	Yes

<u>Oklahoma</u>					
	Addiction/Substance Abuse Counselor	Professional Counselor	Social Worker	Marriage & Family Therapist	Psychologist
Denial of licensure for conviction or drug/alcohol use?	1) Conviction of a felony 2) Conviction of a misdemeanor determined to be of such a nature as to render the person unfit to practice 3) Found by the board to have a substance abuse disorder and not be in recovery or to have relapsed from recovery	1) Conviction of a felony 2) Conviction of a misdemeanor determined to be of such a nature as to render the person unfit to practice 3) Practicing while impaired	1) Conviction of a felony 2) Incapacity or impairment that prevents the applicant from practicing with reasonable skill, competence and safety to the public	1) Conviction of a felony 2) Conviction of a crime the commissioner determines after a hearing to be of such a nature as to render the person unfit to practice 3) Incompetent to practice due to abuse of alcohol or other substances	Conviction of a crime that bears directly on the applicant's fitness to practice
- If so, is a hearing or waiver available?	Board will consider the materials listed in ADC 38:10-5-3 in determining fitness of applicants	Board will consider the materials listed in ADC 310:405-5-3 to determine fitness of applicants	Applicant entitled to hearing on denial of license	Board will consider materials listed in ADC 310:400-7-1 to determine fitness of applicants Applicant entitled to hearing	Applicant entitled to hearing on denial of license
- Is there a time period after which a person becomes eligible?	Must show that applicant is in recovery or has not relapsed from recovery	None specified	None specified	None specified	None specified
- Is there a time period after which a person can re-apply after denial?	None specified	None specified	None specified	None specified	None specified
Is there an impaired practitioner program?	Yes	No	Yes	No	No
Does state require a criminal background check?	No	No	Yes, as of 11/1/2011	No	No

Oregon					
	Addiction/Substance Abuse Counselor	Professional Counselor	Social Worker	Marriage & Family Therapist	Psychologist
Denial of licensure for conviction or drug/alcohol use? ²²		1) Conviction of a crime that brings into question the competence of the applicant 2) Is unable to practice with reasonable competence and safety due to habitual or excessive use of drugs or alcohol	1) Conviction of a felony 2) Is unable to practice with reasonable competence and safety due to habitual or excessive use of drugs or alcohol	1) Conviction of a crime that brings into question the competence of the applicant 2) Is unable to practice with reasonable competence and safety due to habitual or excessive use of drugs or alcohol	1) Conviction of a felony 2) Conviction of any law related to controlled substances 3) Is unable to practice with reasonable competence and safety due to habitual or excessive use of drugs or alcohol
- If so, is a hearing or waiver available?		License may not be denied solely because of conviction of crime, but board may consider the relationship of the facts which support the conviction and all intervening circumstances to the specific professional standards in determining the applicant's fitness Board shall consider the factors listed in ADC 833-120-0031 in determining applicant's fitness after conviction of a crime	License may not be denied solely because of conviction of crime, but board may consider the relationship of the facts which support the conviction and all intervening circumstances to the specific professional standards in determining the applicant's fitness Board shall consider the factors listed in ADC 877-022-0005(6)(c) in determining applicant's fitness after conviction of a crime	License may not be denied solely because of conviction of crime, but board may consider the relationship of the facts which support the conviction and all intervening circumstances to the specific professional standards in determining the applicant's fitness Board shall consider the factors listed in ADC 833-120-0031 in determining applicant's fitness after conviction of a crime	License may not be denied solely because of conviction of crime, but board may consider the relationship of the facts which support the conviction and all intervening circumstances to the specific professional standards in determining the applicant's fitness Board shall consider the factors listed in ADC 858-010-0034(5) in determining applicant's fitness after conviction of a crime

²² §137.225 allows for the setting aside of certain felony and misdemeanor convictions after the passage of three years from the date of pronouncement of judgment for any defendant who has fully complied with and performed the sentence of the court. A setting aside of the conviction results in the record being sealed and the defendant, for purposes of the law, shall be deemed to have not been previously convicted.

- Is there a time period after which a person becomes eligible?		None specified	None specified	None specified	None specified
- Is there a time period after which a person can re-apply after denial?		None specified	None specified	None specified	None specified
Is there an impaired practitioner program?		Yes	Yes	Yes	Yes
Does state require a criminal background check?		Yes	Yes	Yes	Yes

<u>Pennsylvania</u>					
	Addiction/Substance Abuse Counselor	Professional Counselor	Social Worker	Marriage & Family Therapist	Psychologist
Denial of licensure for conviction or drug/alcohol use?		1) Conviction of a felony under the Controlled Substances Act 2) Conviction of a felony 3) Being unable to practice with reasonable skill and safety due to drunkenness or excessive use of drugs	1) Conviction of a felony under the Controlled Substances Act 2) Conviction of a felony 3) Being unable to practice with reasonable skill and safety due to drunkenness or excessive use of drugs	1) Conviction of a felony under the Controlled Substances Act 2) Conviction of a felony 3) Being unable to practice with reasonable skill and safety due to drunkenness or excessive use of drugs	1) Conviction of a felony under the Controlled Substances Act 2) Conviction of a felony 3) Conviction of a misdemeanor in the practice of psychology 4) Being unable to practice with reasonable skill and safety due to drunkenness or excessive use of drugs
- If so, is a hearing or waiver available?		Applicant must satisfactorily demonstrate to the Board that he/she has made significant progress in personal rehabilitation since the date of conviction Applicant entitled to hearing	Applicant must satisfactorily demonstrate to the Board that he/she has made significant progress in personal rehabilitation since the date of conviction Applicant entitled to hearing	Applicant must satisfactorily demonstrate to the Board that he/she has made significant progress in personal rehabilitation since the date of conviction Applicant entitled to hearing	Applicant must satisfactorily demonstrate to the Board that he/she has made significant progress in personal rehabilitation since the date of conviction Applicant entitled to hearing
- Is there a time period after which a person becomes eligible?		10 years after date of felony conviction for violation of controlled substances act	10 years after date of felony conviction for violation of controlled substances act	10 years after date of felony conviction for violation of controlled substances act	10 years after date of felony conviction for violation of controlled substances act

- Is there a time period after which a person can re-apply after denial?		None specified	None specified	None specified	None specified
Is there an impaired practitioner program?		Yes	Yes	Yes	Yes
Does state require a criminal background check?		No	No	No	Yes

Rhode Island					
	Addiction/Substance Abuse Counselor	Professional Counselor	Social Worker	Marriage & Family Therapist	Psychologist
Denial of licensure for conviction or drug/alcohol use? ²³	1) Conviction of a felony 2) Freedom from the use of any controlled substance or alcoholic beverage to the extent that the use impairs the ability to practice	1) Conviction of a felony 2) Habitually intemperate or addicted to drugs	1) Conviction of a felony 2) Freedom from the use of any controlled substance or alcoholic beverages to the extent that the use impairs the ability to practice	1) Conviction of a felony 2) Habitually intemperate or addicted to drugs	1) Conviction of a felony 2) Habitually intemperate or addicted to drugs
- If so, is a hearing or waiver available?	Felony conviction may be waived upon presentation of satisfactory evidence that the conviction does not impair the applicant's ability to conduct with safety to the public the practice authorized by a license Applicant may be entitled to hearing under the Administrative Procedure Act, §§42-35-1, et seq.	Applicant may be entitled to hearing under Administrative Procedure Act, §§42-35-1, et seq.	Felony conviction may be waived upon presentation of satisfactory evidence that the conviction does not impair the applicant's ability to conduct with safety to the public the practice authorized by a license Applicant may be entitled to hearing under the Administrative Procedure Act, §§42-35-1, et seq.	Applicant may be entitled to hearing under Administrative Procedure Act, §§42-35-1, et seq.	Applicant may be entitled to hearing under Administrative Practice Act, §§42-35-1, et seq.
- Is there a time period after which a person becomes eligible?	None specified	None specified	None specified	None specified	None specified
- Is there a time period after which a person can re-apply	None specified	None specified	None specified	None specified	None specified

²³ Any first offender may petition for the expungement of a felony or misdemeanor conviction, and the may grant such expungement if five years have passed preceding the filing of the motion in the case of conviction of a misdemeanor and ten years in the case of conviction of a felony and the petitioner has attained rehabilitation to the court's satisfaction. A person whose record of conviction has been expunged may answer that he/she has never been convicted of a crime. §§12-1.3-2 – 4.

after denial?					
Is there an impaired practitioner program?	No	No	No	No	No
Does state require a criminal background check?	No	No	No	No	No

South Carolina					
	Addiction/Substance Abuse Counselor	Professional Counselor	Social Worker	Marriage & Family Therapist	Psychologist
Denial of licensure for conviction or drug/alcohol use?		1) Conviction of a felony 2) Uses alcohol or drugs to such a degree as to render him unfit to practice	1) Conviction of a felony 2) Uses alcohol or drugs to such a degree as to render him unfit to practice	1) Conviction of a felony 2) Uses alcohol or drugs to such a degree as to render him unfit to practice	1) Conviction of a felony 2) Uses alcohol or drugs to such a degree as to render him unfit to practice
- If so, is a hearing or waiver available?		Board may not deny licensure solely because of prior conviction unless it relates directly to the profession and may deny licensure if it finds applicant unfit Applicant may be entitled to hearing under Administrative Procedure Act, §§1-23-10, et seq.	Board may not deny licensure solely because of prior conviction unless it relates directly to the profession and may deny licensure if it finds applicant unfit Applicant may be entitled to hearing under Administrative Procedure Act, §§1-23-10, et seq.	Board may not deny licensure solely because of prior conviction unless it relates directly to the profession and may deny licensure if it finds applicant unfit Applicant may be entitled to hearing under Administrative Procedure Act, §§1-23-10, et seq.	Board may not deny licensure solely because of prior conviction unless it relates directly to the profession and may deny licensure if it finds applicant unfit Applicant may be entitled to hearing under Administrative Procedure Act, §§1-23-10, et seq.
- Is there a time period after which a person becomes eligible?		None specified	None specified	None specified	None specified
- Is there a time period after which a person can re-apply after denial?		None specified	None specified	None specified	None specified
Is there an impaired practitioner program?		Yes; available to applicants	No	Yes; available to applicants	No
Does state require a criminal background check?		No	No	No	Yes; if applicant has been convicted of any criminal offense except traffic violations

South Dakota					
	Addiction/Substance Abuse Counselor	Professional Counselor	Social Worker	Marriage & Family Therapist	Psychologist
Denial of licensure for conviction or drug/alcohol use?	No	1) Conviction of a felony 2) Addiction to alcohol or drugs	1) Conviction of a felony 2) Addiction to alcohol or drugs	1) Conviction of a felony 2) Addiction to alcohol or drugs to such an extent that applicant is unable to perform	1) Conviction of a felony 2) Use of alcohol or drugs to such an extent so as to impede the applicant from the performance of his/her professional duties
- If so, is a hearing or waiver available?	N/A	Applicant may be entitled to hearing under Administrative Procedure Act, §§1-26-1, et seq.	Applicant may be entitled to hearing under Administrative Procedure Act, §§1-26-1, et seq.	Applicant may be entitled to hearing under Administrative Procedure Act, §§1-26-1, et seq.	Applicant may be entitled to hearing under Administrative Procedure Act, §§1-26-1, et seq.
- Is there a time period after which a person becomes eligible?	N/A	5 years after conviction	5 years after conviction	5 years after conviction	5 years after conviction
- Is there a time period after which a person can re-apply after denial?	N/A	None specified	None specified	None specified	None specified
Is there an impaired practitioner program?	Yes; available to applicants and students	Yes; available to applicants and students	Yes; available to applicants and students	Yes; available to applicants and students	Yes; available to applicants and students
Does state require a criminal background check?	No	No	No	No	No

<u>Tennessee</u>					
	Addiction/Substance Abuse Counselor	Professional Counselor	Social Worker	Marriage & Family Therapist	Psychologist
Denial of licensure for conviction or drug/alcohol use?	Must be highly regarded as possessing good moral character and professional ethics	Conviction of a felony	1) Conviction of a felony involving use, misuse, possession or sale of any controlled substance 2) Conviction of a felony 3) Addiction to the habitual use of alcohol or drugs to such an extent as to incapacitate the applicant from the performance of his duties	Conviction of a felony	1) Conviction of a felony 2) Conviction of any offense under state or federal drug laws 3) Habitual intoxication or personal misuse of any drugs or the use of drugs or alcohol in such a manner as to adversely affect the applicant's ability to practice
- If so, is a hearing or waiver available?	Applicant may be entitled to hearing under Administrative Procedures Act, §§4-5-101, et seq.	Applicant may be entitled to hearing under Administrative Procedures Act, §§4-5-101, et seq.	Applicant may be entitled to hearing under Administrative Procedures Act, §§4-5-101, et seq.	Applicant may be entitled to hearing under Administrative Procedures Act, §§4-5-101, et seq.	Applicant may be entitled to hearing under Administrative Procedures Act, §§4-5-101, et seq.
- Is there a time period after which a person becomes eligible?	None specified	None specified	None specified	None specified	None specified
- Is there a time period after which a person can re-apply after denial?	None specified	None specified	None specified	None specified	None specified
Is there an impaired practitioner program?	Yes	Yes	Yes	Yes	Yes
Does state require a criminal background check?	Yes	Yes	Yes	Yes	Yes

<u>Texas</u>	Addiction/Substance Abuse Counselor	Professional Counselor	Social Worker	Marriage & Family Therapist	Psychologist
Denial of licensure for conviction or drug/alcohol use?	1) Conviction of an offense directly related to the duties and responsibilities of the profession 2) Conviction of an offense committed less than 5 years before application 3) Conviction of a felony	1) Conviction of an offense directly related to the duties and responsibilities of the profession 2) Conviction of an offense committed less than 5 years before application 3) Conviction of a felony	1) Conviction of an offense directly related to the duties and responsibilities of the profession 2) Conviction of an offense committed less than 5 years before application 3) Conviction of a felony 4) Use of drugs or alcohol in ways that compromise the person's ability to practice; use of illegal drugs	1) Conviction of an offense directly related to the duties and responsibilities of the profession 2) Conviction of an offense committed less than 5 years before application 3) Conviction of a felony 4) Use of drugs or alcohol to an extent that affects the applicant's competency	1) Conviction of an offense directly related to the duties and responsibilities of the profession 2) Conviction of an offense committed less than 5 years before application 3) Conviction of a felony
- If so, is a hearing or waiver available?	Department shall consider the factors listed in Occupations Code § 53.022 and § 53.023 in determining whether conviction relates to occupation Department may issue a license to a person convicted of a drug or alcohol offense if the Department determines that the applicant has successfully completed participation in an approved peer assistance program	Board shall consider the factors listed in Occupations Code § 53.022 and § 53.023, and ADC § 681.164 in determining whether conviction relates to occupation Applicant may be entitled to hearing under Administrative Procedure Act	Board shall consider the factors listed in Occupations Code § 53.022 and § 53.023, and ADC § 781.407 in determining whether conviction relates to occupation Applicant entitled to hearing on denial of licensure	Board shall consider the factors listed in Occupations Code § 53.022 and § 53.023, and ADC § 801.332 in determining whether conviction relates to occupation Applicant may be entitled to hearing under Administrative Procedures Act	Board shall consider the factors listed in Occupations Code § 53.022 and § 53.023 in determining whether conviction relates to occupation Applicant entitled to hearing on denial of licensure

	Applicant entitled to hearing on denial of licensure				
- Is there a time period after which a person becomes eligible?	3 years after conviction of offense equal to Class B misdemeanor 5-7 years for certain other offenses	5 years after conviction if offense does not directly relate to duties and responsibilities of profession	5 years after conviction if offense does not directly relate to duties and responsibilities of profession	5 years after conviction if offense does not directly relate to duties and responsibilities of profession	5 years after conviction if offense does not directly relate to duties and responsibilities of profession
- Is there a time period after which a person can re-apply after denial?	None specified	None specified	None specified	None specified	None specified
Is there an impaired practitioner program?	Yes	No	Yes	No	No
Does state require a criminal background check?	Yes	Yes	Yes	Yes	Yes

Utah					
	Addiction/Substance Abuse Counselor	Professional Counselor	Social Worker	Marriage & Family Therapist	Psychologist
Denial of licensure for conviction or drug/alcohol use? ²⁴	1) Applicant has engaged in unlawful conduct 2) Unable to practice with reasonable skill and safety because of drunkenness or excessive use of drugs	1) Applicant has engaged in unlawful conduct 2) Unable to practice with reasonable skill and safety because of drunkenness or excessive use of drugs	1) Applicant has engaged in unlawful conduct 2) Unable to practice with reasonable skill and safety because of drunkenness or excessive use of drugs	1) Applicant has engaged in unlawful conduct 2) Unable to practice with reasonable skill and safety because of drunkenness or excessive use of drugs	1) Applicant has engaged in unlawful conduct 2) Unable to practice with reasonable skill and safety because of drunkenness or excessive use of drugs
- If so, is a hearing or waiver available?	Board will consider the aggravating and mitigating circumstances listed in ADC R156 in determining whether to grant or deny licensure Applicant may be entitled to hearing under the Administrative Procedures Act, §§63G-4-101, et seq.	Board will consider the aggravating and mitigating circumstances listed in ADC R156 in determining whether to grant or deny licensure Applicant may be entitled to hearing under the Administrative Procedures Act, §§63G-4-101, et seq.	Board will consider the aggravating and mitigating circumstances listed in ADC R156 in determining whether to grant or deny licensure Applicant may be entitled to hearing under the Administrative Procedures Act, §§63G-4-101, et seq.	Board will consider the aggravating and mitigating circumstances listed in ADC R156 in determining whether to grant or deny licensure Applicant may be entitled to hearing under the Administrative Procedures Act, §§63G-4-101, et seq.	Board will consider the aggravating and mitigating circumstances listed in ADC R156 in determining whether to grant or deny licensure Applicant may be entitled to hearing under the Administrative Procedures Act, §§63G-4-101, et seq.
- Is there a time period after which a person becomes eligible?	10 years	10 years	10 years	10 years	10 years
- Is there a time period after	None specified	None specified	None specified	None specified	None specified

²⁴ A person convicted of a crime may be eligible for expunction of the record of conviction under the Utah Expungement Act, §§ 77-40-101 – 113. The person seeking expungement must have paid all fines and restitution. Additionally, between 3 – 10 years must have passed, depending on the category of crime (Class A misdemeanor, felony, etc.), prior to filing the petition seeking expungement. However, such records may still be available to the Division of Occupational and Professional Licensing upon request.

which a person can re-apply after denial?					
Is there an impaired practitioner program?	Yes	Yes	Yes	Yes	Yes
Does state require a criminal background check?	No	No	No	No	No

<u>Vermont</u>					
	Addiction/Substance Abuse Counselor	Professional Counselor	Social Worker	Marriage & Family Therapist	Psychologist
Denial of licensure for conviction or drug/alcohol use?		Conduct which evidences unfitness	Conduct which evidences unfitness	Conduct which evidences unfitness	Conduct which evidences unfitness
- If so, is a hearing or waiver available?		Applicant entitled to hearing	Applicant entitled to hearing	Applicant entitled to hearing	Applicant entitled to hearing
- Is there a time period after which a person becomes eligible?		None specified	None specified	None specified	None specified
- Is there a time period after which a person can re-apply after denial?		None specified	None specified	None specified	None specified
Is there an impaired practitioner program?		No	No	No	No
Does state require a criminal background check?		No	No	No	No

<u>Virginia</u>					
	Addiction/Substance Abuse Counselor	Professional Counselor	Social Worker	Marriage & Family Therapist	Psychologist
Denial of licensure for conviction or drug/alcohol use?	1) Conviction of a felony 2) Unable to practice with reasonable skill and safety by reason of abuse of alcohol or drugs	1) Conviction of a felony 2) Unable to practice with reasonable skill and safety by reason of abuse of alcohol or drugs	1) Conviction of a felony 2) Being unable to practice with reasonable skill and safety by reason of excessive use of alcohol or drugs	1) Conviction of a felony 2) Unable to practice with reasonable skill and safety by reason of abuse of alcohol or drugs	1) Conviction of a felony 2) Misuse of drugs or alcohol to the extent it interferes with professional functioning
- If so, is a hearing or waiver available?	Applicant may be entitled to hearing under Administrative Process Act, §§2.2-4000, et seq.	Applicant may be entitled to hearing under Administrative Process Act, §§2.2-4000, et seq.	Applicant may be entitled to hearing under Administrative Process Act, §§2.2-4000, et seq.	Applicant may be entitled to hearing under Administrative Process Act, §§2.2-4000, et seq.	Applicant may be entitled to hearing under Administrative Process Act, §§2.2-4000, et seq.
- Is there a time period after which a person becomes eligible?	None specified	None specified	None specified	None specified	None specified
- Is there a time period after which a person can re-apply after denial?	None specified	None specified	None specified	None specified	None specified
Is there an impaired practitioner program?	Yes; available to applicants	Yes; available to applicant	Yes; available to applicants	Yes; available to applicants	Yes; available to applicants
Does state require a criminal background check?	No	No	No	No	No

<u>Washington</u>					
	Addiction/Substance Abuse Counselor	Professional Counselor	Social Worker	Marriage & Family Therapist	Psychologist
Denial of licensure for conviction or drug/alcohol use? ²⁵		1) Conviction of any gross misdemeanor or felony relating to the profession 2) Current misuse of alcohol, controlled substances or legend drugs 3) Possession, use, prescription for use, or distribution of any drug for other than legitimate purposes, diversion of controlled substances, or violation of any drug law	1) Conviction of any gross misdemeanor or felony relating to the profession 2) Current misuse of alcohol, controlled substances or legend drugs 3) Possession, use, prescription for use, or distribution of any drug for other than legitimate purposes, diversion of controlled substances, or violation of any drug law	1) Conviction of any gross misdemeanor or felony relating to the profession 2) Current misuse of alcohol, controlled substances or legend drugs 3) Possession, use, prescription for use, or distribution of any drug for other than legitimate purposes, diversion of controlled substances, or violation of any drug law	1) Conviction of any gross misdemeanor or felony relating to the profession 2) Current misuse of alcohol, controlled substances or legend drugs 3) Possession, use, prescription for use, or distribution of any drug for other than legitimate purposes, diversion of controlled substances, or violation of any drug law
- If so, is a hearing or waiver available?		Applicant entitled to hearing	Applicant entitled to hearing	Applicant entitled to hearing	Applicant entitled to hearing
- Is there a time period after which a person becomes eligible?		None specified	None specified	None specified	None specified

²⁵ Washington Revised Statutes § 9.92.066 provides for the vacation of a conviction upon the completion of a suspended sentence if the defendant meets certain criteria. If the conviction is vacated, it may not be disclosed to any person other than criminal justice agencies. Further, § 9.94A.640 provides for vacation of a conviction after the defendant has been discharged and receives a certificate of discharge from the clerk of the court in which he/she was convicted. The defendant must meet certain criteria and must wait to apply for vacation of the conviction until at least 5 – 10 years have passed for certain crimes. A vacated conviction is deemed not to have occurred. Section 9.95.240 allows for the vacation of a conviction after a defendant has completed probation and the maximum period of punishment to which the defendant could have been sentenced for the particular crime has passed. Information regarding the conviction once it has been vacated may not be disclosed to anyone other than criminal justice agencies. Vacation of misdemeanor convictions pursuant to § 9.96.060 may be granted if the defendant meets certain criteria. A conviction vacated under this statute may not be disclosed to anyone other than criminal justice agencies.

- Is there a time period after which a person can re-apply after denial?		None specified	None specified	None specified	None specified
Is there an impaired practitioner program?		Yes	Yes	Yes	Yes
Does state require a criminal background check?		Yes	Yes	Yes	Yes

<u>West Virginia</u>					
	Addiction/Substance Abuse Counselor	Professional Counselor	Social Worker	Marriage & Family Therapist	Psychologist
Denial of licensure for conviction or drug/alcohol use?		1) Conviction of a felony 2) Being an alcohol or drug abuser	1) Conviction of a felony or misdemeanor related to the practice of social work 2) Conviction of a felony 3) Being an alcohol or drug abuser	1) Conviction of a felony 2) Being an alcohol or drug abuser	Conviction of felony
- If so, is a hearing or waiver available?		Applicant may submit competent evidence of sufficient rehabilitation and present fitness to perform the duties of a counselor if he/she has a conviction Applicant who has had 2 years of continuous uninterrupted sobriety as evidenced by participation in a 12-step program or other similar group or process may be considered Applicant entitled to hearing on denial of licensure	Board may consider an applicant who is in active recovery evidenced by participation in a substance abuse treatment and/or recovery program Applicant entitled to hearing on denial of licensure	Applicant may submit competent evidence of sufficient rehabilitation and present fitness to perform the duties of a counselor if he/she has a conviction Applicant who has had 2 years of continuous uninterrupted sobriety as evidenced by participation in a 12-step program or other similar group or process may be considered Applicant entitled to hearing on denial of licensure	Applicant entitled to hearing on denial of licensure
- Is there a time period after which a person becomes eligible?		None specified	5 years after conviction of felony	None specified	None specified
- Is there a time period after		None specified	None specified	None specified	None specified

which a person can re-apply after denial?					
Is there an impaired practitioner program?		No	No	No	No
Does state require a criminal background check?		No	No	No	No

Wisconsin					
	Addiction/Substance Abuse Counselor	Professional Counselor	Social Worker	Marriage & Family Therapist	Psychologist
Denial of licensure for conviction or drug/alcohol use? ²⁶	No	1) Conviction of a felony substantially related to the practice 2) Practiced while ability was impaired due to alcohol or other drugs	1) Conviction of a felony substantially related to the practice 2) Practiced while ability was impaired due to alcohol or other drugs	1) Conviction of a felony substantially related to the practice 2) Practiced while ability was impaired due to alcohol or other drugs	1) Conviction of a felony substantially related to the practice 2) Practiced while ability was impaired due to alcohol or other drugs
- If so, is a hearing or waiver available?	N/A	Applicant entitled to hearing on denial of licensure	Applicant entitled to hearing on denial of licensure	Applicant entitled to hearing on denial of licensure	Applicant entitled to hearing on denial of licensure
- Is there a time period after which a person becomes eligible?	N/A	None specified	None specified	None specified	None specified
- Is there a time period after which a person can re-apply after denial?	N/A	None specified	None specified	None specified	None specified
Is there an impaired practitioner program?	No	No	No	No	No
Does state require a criminal background check?	No	No	No	No	No

²⁶ § 111.321 prohibits discrimination against a person for conviction of a crime and use or nonuse of lawful products off the employer's premises. § 111.335 allows a licensing board to deny licensure if the offense for which the person was convicted substantially relates to the circumstances of the particular job or licensed activity. § 973.015 provides for the expunction of a conviction on successful completion of the sentence for a crime the maximum sentence for which is six years if the court determines the person will benefit and society will not be harmed

<u>Wyoming</u>					
	Addiction/Substance Abuse Counselor	Professional Counselor	Social Worker	Marriage & Family Therapist	Psychologist
Denial of licensure for conviction or drug/alcohol use?	1) Conviction of felony 2) Violation and conviction of a charge under the Controlled Substances Act 3) Habitual intemperate use of alcohol or a controlled substance	1) Conviction of felony 2) Violation and conviction of a charge under the Controlled Substances Act 3) Habitual intemperate use of alcohol or a controlled substance	1) Conviction of felony 2) Violation and conviction of a charge under the Controlled Substances Act 3) Habitual intemperate use of alcohol or a controlled substance	1) Conviction of felony 2) Violation and conviction of a charge under the Controlled Substances Act 3) Habitual intemperate use of alcohol or a controlled substance	1) Conviction of a felony that interferes with the ability to practice 2) Conviction of any felony 3) Conviction of any crime or offense that reflects the inability to practice 4) Inability to practice due to inebriation or misuse of drugs
- If so, is a hearing or waiver available?	Exception may be granted if consistent with the public interest Applicant entitled to hearing on denial of licensure	Exception may be granted if consistent with the public interest Applicant entitled to hearing on denial of licensure	Exception may be granted if consistent with the public interest Applicant entitled to hearing on denial of licensure	Exception may be granted if consistent with the public interest Applicant entitled to hearing on denial of licensure	Applicant entitled to hearing on denial of licensure
- Is there a time period after which a person becomes eligible?	None specified	None specified	None specified	None specified	None specified
- Is there a time period after which a person can re-apply after denial?	None specified	None specified	None specified	None specified	None specified
Is there an impaired practitioner program?	Yes	Yes	Yes	Yes	Yes
Does state require a criminal background check?	No	No	No	No	No