

COMMONWEALTH OF MASSACHUSETTS

BOARD OF REGISTRATION IN MEDICINE

PROFILES BULLETIN 3
(Supercedes Profiles Bulletin 2)

(Adopted January 20, 1999)

PUBLICATION OF CRIMINAL CONVICTION INFORMATION

The Physician Profiles legislation, G.L. c. 112, §5, calls for a physician's Profile to list the following types of criminal information:

- (a) *a description of any criminal convictions for felonies and serious misdemeanors as determined by the board, within the most recent ten years. For purposes of this subsection, a person shall be deemed to be convicted of a crime if he pleaded guilty or if he was found or adjudged guilty by a court of competent jurisdiction; and*
- (b) *a description of any charges to which a physician pleads nolo contendere or where sufficient facts were found and the matter was continued without a finding by a court of competent jurisdiction.*

The Board has adopted the following positions with respect to this information:

Scope of Crimes to be Reported

1. The Board will interpret subsection (b) as follows: "a description of any such charges [felonies or serious misdemeanors as determined by the Board] to which a physician pleads nolo contendere...." In addition, we will apply the ten year limit to this subsection as well.
2. Felonies: all guilty pleas, guilty findings, nolo contendere pleas and admissions of sufficient facts will be published regardless of the sentence or other disposition.
3. Misdemeanors: all guilty pleas, guilty findings and nolo contendere pleas resulting in a sentence of incarceration or home confinement of any duration; all guilty pleas, guilty findings and nolo contendere pleas resulting in a suspended sentence of incarceration or home confinement of 60 days or more;

and any misdemeanor that served as a basis (alone or in combination with other findings) for Board discipline will be published.

Sources of Information

The Board will report all reliable information found in its files. This includes information received directly from court clerks pursuant to G.L. c. 221, §26, as well as documentation provided by physicians in connection with initial and renewal applications. If a physician reports criminal information on his/her license application, but does not attach copies of the court documents, Board staff will obtain the necessary documentation as it does currently. Any staff member who receives or obtains criminal conviction information in the course of an investigation, or through any other Board function, will refer such information to Data Repository staff for review and inclusion on the Profile, if applicable. Reliable information will be reported regardless of the jurisdiction (i.e., out of state and federal convictions will be reported).

The addition of criminal information, as with the addition of any new information, will generate an updated Profile that will be sent to the physician for review prior to public release.

Time Frame

The Board considers itself bound by the statute to report all convictions within the most recent ten years. However, the Board also operates with resource limitations, both staffing and financial. Therefore, until additional funding and/or staff becomes available, we will not initiate a retrospective search for criminal information, but we will include information from this period that comes to our attention in the normal course of business. For example, if the Board's Public Information Officer finds court documents in a file copied pursuant to a Public Information Records Law Request, and the information meets the criteria described above, it will be added to the Profile. As an exception to this policy, we will determine those physicians disciplined by the Board in the past ten years due to a criminal conviction, and add this information to the Profiles.