

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

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

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

		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

<u>Arkansas</u>					
	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)	Board may grant waiver upon request of applicant after consideration of factors listed in § 17-103- 307(h)(2)	Board may grant waiver upon request of applicant after consideration of factors listed in § 17-27- 313(g)(2)	Board may grant waiver upon request of applicant after consideration of factors listed in § 17-97- 312(h)(2)
		Applicant entitled to hearing before the Board	Applicant may be entitled to hearing under Administrative Procedure Act, §§25-15-101, et seq.	Applicant entitled to hearing before the Board	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

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

	misdemeanor	misdemeanor	misdemeanor	misdemeanor
	Board shall consider the criteria listed in 16 ADC § 1813 in evaluating an applicant's rehabilitation	Board shall consider the criteria listed in 16 ADC § 1813 in evaluating an applicant's rehabilitation	Board shall consider the criteria listed in 16 ADC § 1813 in evaluating an applicant's rehabilitation	Board shall consider the criteria listed in 16 ADC § 1395 in evaluating an applicant's rehabilitation
	Applicant entitled to a hearing upon notice of denial	Applicant entitled to hearing upon notice of denial	Applicant entitled to hearing upon notice of denial	Applicant entitled to hearing upon notice of 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 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

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

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.

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

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.

<u>Delaware</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 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
- 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	without opportunity for a hearing - 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

<u>Florida</u>					
	Addiction/Substance Abuse Counselor	Professional Counselor	Social Worker	Marriage & Family Therapist	Psychologist
Denial of		1) Conviction of	1) Conviction of	1) Conviction of	1) Conviction of crime related to
licensure for		crime related to the	crime related to the	crime related to the	the practice or ability to practice
conviction or		practice or ability to	practice or ability to	practice or ability to	2) Being unable to practice with
drug/alcohol		practice	practice	practice	reasonable skill and safety due
use?		2) Being unable to practice with	2) Being unable to practice with	2) Being unable to practice with	to use of alcohol or drugs
		reasonable skill and	reasonable skill and	reasonable skill and	
		safety due to use of	safety due to use of	safety due to use of	
		alcohol or drugs	alcohol or drugs	alcohol or drugs	
- If so, is a		May be required to	May be required to	May be required to	May be required to prove
hearing or		prove applicant has	prove applicant has	prove applicant has	applicant has had his/her civil
waiver		had his/her civil	had his/her civil	had his/her civil	rights restored
available?		rights restored	rights restored	rights restored	
					Must demonstrate rehabilitation
		Board will consider	Board will consider	Board will consider	to the satisfaction of the board.
		the factors listed in	the factors listed in	the factors listed in	License will be granted and
		FAC 64B4-5.001(3) in	FAC 64B4-5.001(3) in	FAC 64B4-5.001(3) in	applicant will be placed on
		deciding whether to	deciding whether to	deciding whether to	probation under reasonable
		grant or deny	grant or deny	grant or deny	terms and conditions. Board will
		licensure	licensure	licensure	consider the factors enumerated in FAC 64B19-17.002(2) in
		Applicant may	Applicant may	Applicant may	deciding whether to grant or
		appeal final order of	appeal final order of	appeal final order of	deny licensure.
		board	board	board	
					Applicant may appeal final order of board
- Is there a time		Applicant shall have	Applicant shall have	Applicant shall have	Applicant shall have the
period after		the opportunity, at	the opportunity, at	the opportunity, at	opportunity, at reasonable
which a person		reasonable intervals,	reasonable intervals,	reasonable intervals,	intervals, to demonstrate ability
becomes		to demonstrate	to demonstrate	to demonstrate	to practice with reasonable skill
eligible?		ability to practice	ability to practice	ability to practice	and safety
		with reasonable skill	with reasonable skill	with reasonable skill	
		and safety	and safety	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	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	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	Applicant must be afforded an opportunity for a hearing before license can be denied and may appeal denial
		appearance before the board	appearance before the board	appearance before the board	
- 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	No	No	No	Yes
practitioner				
program?				
Does state				
require a				
criminal	No	No	No	No
background				
check?				

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

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 reapply 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>Illinois</u>					
	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	No	No	No	No
practitioner				
program?				
Does state				
require a criminal	No	No	No	No
background				
check?				

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

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

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

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

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

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	No	No	No	Yes	No
practitioner					
program?					
Does state					
require a criminal	No	No	No	No	No
background					
check?					

<u>Louisiana</u>					
	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.

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

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

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

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¹⁰ A person may 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 marihuana 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.

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

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

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

¹³ Pursuant to §§609A.01 – 609A.03, an individual convicted of possession of a controlled substance may petition for expungment 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? Does state	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
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

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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?		1) Conviction of any offense reasonably related to the qualifications, functions or duties of the profession 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	1) Conviction of a felony 2) Conviction of any offense reasonably related to the qualifications, functions or duties of the profession 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	1) Conviction of felony 2) Conviction of any offense reasonably related to the qualifications, functions or duties of the profession 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	1) Conviction of any offense reasonably related to the qualifications, functions or duties of the profession 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
- If so, is a hearing or waiver available?		Board may not deny licensure based solely on grounds that applicant has been convicted of felony Board may, in its discretion, issue license subject to probation	Board may not deny licensure based solely on grounds that applicant has been convicted of felony 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 Board may, in its discretion, issue license subject to probation	Board may not deny licensure based solely on grounds that applicant has been convicted of felony Board may, in its discretion, issue license subject to probation	Board may not deny licensure based solely on grounds that applicant has been convicted of felony Board may, in its discretion, issue license subject to probation

- 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

<u>Montana</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 relating to or committed during the course of a person's practice or involving use or sale of drugs 2) Conviction of any felony 3) Conviction of DUI or criminal possession of dangerous drugs within two years preceding application 4) Use of alcohol or drugs to the extent that it impairs the user physically or mentally in the performance of their duties	1) Conviction of a crime relating to or committed during the course of a person's practice or involving use or sale of drugs 2) Use of alcohol or drugs to the extent that it impairs the user physically or mentally in the performance of their duties	1) Conviction of a crime relating to or committed during the course of a person's practice or involving use or sale of drugs 2) Use of alcohol or drugs to the extent that it impairs the user physically or mentally in the performance of their duties	1) Conviction of a crime relating to or committed during the course of a person's practice or involving use or sale of drugs 2) Use of alcohol or drugs to the extent that it impairs the user physically or mentally in the performance of their duties	1) Conviction of a crime relating to or committed during the course of a person's practice or involving use or sale of drugs 2) Use of alcohol or drugs to the extent that it impairs the user physically or mentally in the performance of their duties
- If so, is a hearing or waiver available?	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.	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.	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.	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.	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.

- 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

<u>Nebraska</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 misdemeanor or felony which has a rational connection with the fitness or capacity of the applicant to practice the profession 2) Abuse of, dependence on, or active addiction to alcohol or controlled substances 3) Failure to comply with a treatment program or aftercare program 4) Practicing while impaired by alcohol or drugs 5) Violation of the Uniform Controlled Substances Act	1) Conviction of a misdemeanor or felony which has a rational connection with the fitness or capacity of the applicant to practice the profession 2) Abuse of, dependence on, or active addiction to alcohol or controlled substances 3) Failure to comply with a treatment program or aftercare program 4) Practicing while impaired by alcohol or drugs 5) Violation of the Uniform Controlled	1) Conviction of a misdemeanor or felony which has a rational connection with the fitness or capacity of the applicant to practice the profession 2) Abuse of, dependence on, or active addiction to alcohol or controlled substances 3) Failure to comply with a treatment program or aftercare program 4) Practicing while impaired by alcohol or drugs 5) Violation of the Uniform Controlled	1) Conviction of a misdemeanor or felony which has a rational connection with the fitness or capacity of the applicant to practice the profession 2) Abuse of, dependence on, or active addiction to alcohol or controlled substances 3) Failure to comply with a treatment program or aftercare program 4) Practicing while impaired by alcohol or drugs 5) Violation of the Uniform Controlled	1) Conviction of a misdemeanor or felony which has a rational connection with the fitness or capacity of the applicant to practice the profession 2) Abuse of, dependence on, or active addiction to alcohol or controlled substances 3) Failure to comply with a treatment program or aftercare program 4) Practicing while impaired by alcohol or drugs 5) Violation of the Uniform Controlled
- If so, is a hearing or waiver available?	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 Applicant entitled to hearing upon request after notice of	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	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	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	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

	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.

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

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.

New Jersey					
	Addiction/Substance Abuse	Professional	Social Worker	Marriage & Family	Psychologist
	Counselor	Counselor		Therapist	
Denial of	1) Conviction of, or engaging	1) Conviction of, or			
licensure for	in any acts constituting, any	engaging in any acts			
conviction or	crime or offense relating	constituting, any	constituting, any	constituting, any	constituting, any
drug/alcohol	adversely to the activity	crime or offense	crime or offense	crime or offense	crime or offense
use? ¹⁷	regulated by the board	relating adversely to	relating adversely to	relating adversely to	relating adversely to
	2) Presently engaged in	the activity regulated	the activity regulated	the activity regulated	the activity regulated
	alcohol or drug use that is	by the board	by the board	by the board	by the board
	likely to impair the ability to	2) Presently engaged	2) Presently engaged	2) Presently engaged	2) Presently engaged
	practice	in alcohol or drug use			
	3) Providing services while	that is likely to impair			
	using alcoholic beverages or	the ability to practice			
	illegally using controlled				
	substances				
- If so, is a	Board will consider the	Applicant may be	Applicant may be	Applicant may be	Applicant may be
hearing or	factors listed in § 13:34C-	entitled to hearing	entitled to hearing	entitled to hearing	entitled to hearing
waiver	1.8(a)(1)-(8) in determining	under Administrative	under Administrative	under Administrative	under Administrative
available?	whether to grant waiver	Procedure Act,	Procedure Act,	Procedure Act,	Procedure Act,
		§§52:14B-1, et seq.	§§52:14B-1, et seq.	§§52:14B-1, et seq.	§§52:14B-1, et seq.
	Applicant may be entitled to				
	hearing under				
	Administrative Procedure				
	Act				
- Is there a time	Must not be engaged in drug	Must not be engaged			
period after	or alcohol use that is likely	in drug or alcohol use			
which a person	to impair the practice of the	that is likely to impair			
becomes	profession within the last	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	profession within the	profession within the	profession within the
		last 365 days	last 365 days	last 365 days	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

New Mexico					
	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

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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

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

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¹⁹ A person convicted of an offense under Articles 220 (certain controlled substance offenses) and 221 (offenses involving marihuana) 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			
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	1) Conviction of an offense or	1) Conviction of a	Conviction of a	1) Conviction of a	1) Conviction of a
for conviction or	felony	felony	felony	felony	felony
drug/alcohol use?	2) Use of drugs or alcohol to the extent that professional competency is affected	2) Inability to practice with reasonable skill and safety due to misuse of drugs or alcohol		2) Inability to practice with reasonable skill and safety due to misuse of drugs or alcohol	2) Inability to practice with reasonable skill and safety due to misuse of drugs or alcohol
- If so, is a hearing	Board shall consider the factors	Board may place	Board may place	Board may place	Board may place
or waiver available?	listed in § 90-113.46A(b) in	applicant on	applicant on	applicant on	applicant on
	determining whether to grant or deny licensure	probation or take other action in lieu of denial	probation or take other action in lieu of denial	probation or take other action in lieu of denial	probation in lieu of denial
	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?	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 reapply 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	Professional	Social Worker	Marriage & Family	Psychologist
	Counselor	Counselor		Therapist	
Denial of	Conviction of an offense	Conviction of an	1) Conviction of an	1) Conviction of an	1) Conviction of an
licensure for	determined to have a direct	offense determined to	offense determined to	offense determined	offense determined to
conviction or	bearing on applicant's ability	have a direct bearing	have a direct bearing	to be of such a	have a direct bearing
drug/alcohol	to serve as an addiction	on applicant's ability	on applicant's ability	nature as to render	on applicant's ability
use? ²⁰	counselor or being	to serve as an	to serve as a social	the applicant unfit to	to serve as a
	insufficiently rehabilitated	addiction counselor or	worker or being	practice	psychologist or being
		being insufficiently	insufficiently	2) Practicing under	insufficiently
		rehabilitated	rehabilitated	the influence of	rehabilitated
			2) Addiction to the	alcohol or controlled	2) Inability to practice
			habitual use of	substances	with reasonable skill
			alcohol or drugs		and safety due to
					misuse of drugs or
					alcohol
- If so, is a	Board shall consider the	Board shall consider	Board shall consider	Board shall consider	Board shall consider
hearing or	factors listed in §12.1-33-	the factors listed in	the factors listed in	the factors listed in	the factors listed in
waiver	02.1(2) in determining	§12.1-33-02.1(2) in	§12.1-33-02.1(2) in	§12.1-33-02.1(2) in	§12.1-33-02.1(2) in
available?	whether the applicant has	determining whether	determining whether	determining whether	determining whether
	been sufficiently rehabilitated	the applicant has been	the applicant has	the applicant has	the applicant has
		sufficiently	been sufficiently	been sufficiently	been sufficiently
	Applicant entitled to hearing	rehabilitated	rehabilitated	rehabilitated	rehabilitated
		Applicant entitled to	Applicant entitled to	Applicant entitled to	Applicant entitled to
		hearing	hearing	hearing	hearing
- Is there a time	5 years after final discharge or	5 years after final	5 years after final	5 years after final	5 years after final
period after	release is prima facie	discharge or release is	discharge or release is	discharge or release	discharge or release is
which a person	evidence of sufficient	prima facie evidence	prima facie evidence	is prima facie	prima facie evidence
becomes	rehabilitation	of sufficient	of sufficient	evidence of sufficient	of sufficient
eligible?		rehabilitation	rehabilitation	rehabilitation	rehabilitation
- Is there a time	None specified	2 years after denial	None specified	None specified	None specified
period after					

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

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

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

Oklahoma					
	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

<u>Oregon</u>					
	Addiction/Substance Abuse Counselor	Professional Counselor	Social Worker	Marriage & Family Therapist	Psychologist
Denial of		1) Conviction of a crime	1) Conviction of a felony	1) Conviction of a crime	1) Conviction of a felony
licensure for		that brings into question	2) Is unable to practice	that brings into question	2) Conviction of any law
conviction or		the competence of the	with reasonable	the competence of the	related to controlled
drug/alcohol		applicant	competence and safety	applicant	substances
use? ²²		2) Is unable to practice	due to habitual or	2) Is unable to practice	3) Is unable to practice
		with reasonable	excessive use of drugs	with reasonable	with reasonable
		competence and safety	or alcohol	competence and safety	competence and safety
		due to habitual or		due to habitual or	due to habitual or
		excessive use of drugs		excessive use of drugs	excessive use of drugs
		or alcohol		or alcohol	or alcohol
- If so, is a		License may not be	License may not be	License may not be	License may not be
hearing or		denied solely because of	denied solely because of	denied solely because of	denied solely because of
waiver		conviction of crime, but	conviction of crime, but	conviction of crime, but	conviction of crime, but
available?		board may consider the	board may consider the	board may consider the	board may consider the
		relationship of the facts	relationship of the facts	relationship of the facts	relationship of the facts
		which support the	which support the	which support the	which support the
		conviction and all	conviction and all	conviction and all	conviction and all
		intervening	intervening	intervening	intervening
		circumstances to the	circumstances to the	circumstances to the	circumstances to the
		specific professional	specific professional	specific professional	specific professional
		standards in	standards in	standards in	standards in
		determining the	determining the	determining the	determining the
		applicant's fitness	applicant's fitness	applicant's fitness	applicant's fitness
		Board shall consider the	Board shall consider the	Board shall consider the	Board shall consider the
		factors listed in ADC	factors listed in ADC	factors listed in ADC	factors listed in ADC
		833-120-0031 in	877-022-0005(6)(c) in	833-120-0031 in	858-010-0034(5) in
		determining applicant's	determining applicant's	determining applicant's	determining applicant's
		fitness after conviction	fitness after conviction	fitness after conviction	fitness after conviction
		of a crime	of a crime	of a crime	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
- If so, is a hearing or waiver available? - Is there a time		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 10 years after date of	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 10 years after date of	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 10 years after date of	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 10 years after date of
period after which a person becomes eligible?		felony conviction for violation of controlled substances act	felony conviction for violation of controlled substances act	felony conviction for violation of controlled substances act	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	Professional	Social Worker	Marriage & Family	Psychologist
	Counselor	Counselor		Therapist	
Denial of	1) Conviction of a felony	1) Conviction of a	1) Conviction of a felony	1) Conviction of a	1) Conviction of a
licensure for	2) Freedom from the use of any	felony	2) Freedom from the use	felony	felony
conviction or	controlled substance or alcoholic	2) Habitually	of any controlled	2) Habitually	2) Habitually
drug/alcohol	beverage to the extent that the	intemperate or	substance or alcoholic	intemperate or	intemperate or
use? ²³	use impairs the ability to practice	addicted to drugs	beverages to the extent	addicted to drugs	addicted to drugs
			that the use impairs the		
			ability to practice		
- If so, is a	Felony conviction may be waived	Applicant may be	Felony conviction may be	Applicant may be	Applicant may be
hearing or	upon presentation of satisfactory	entitled to hearing	waived upon presentation	entitled to hearing	entitled to hearing
waiver	evidence that the conviction	under	of satisfactory evidence	under	under
available?	does not impair the applicant's	Administrative	that the conviction does	Administrative	Administrative
	ability to conduct with safety to	Procedure Act,	not impair the applicant's	Procedure Act,	Practice Act, §§42-
	the public the practice	§§42-35-1, et seq.	ability to conduct with	§§42-35-1, et seq.	35-1, et seq.
	authorized by a license		safety to the public the		
			practice authorized by a		
	Applicant may be entitled to		license		
	hearing under the Administrative		Analizant manula antitlad		
	Procedure Act, §§42-35-1, et seq.		Applicant may be entitled		
			to hearing under the Administrative Procedure		
			Act, §§42-35-1, et seq.		
- Is there a time			Act, 3342-33-1, et 3eq.		
period after					
which a person	None specified	None specified	None specified	None specified	None specified
becomes	None specified	None specified	Trone speemed	None specified	Trone specifica
eligible?					
- Is there a time					
period after					
which a person	None specified	None specified	None specified	None specified	None specified
can re-apply	· ·	·	,	,	

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

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

<u>Utah</u>					
	Addiction/Substance Abuse	Professional	Social Worker	Marriage & Family	Psychologist
	Counselor	Counselor		Therapist	
Denial of	1) Applicant has engaged in	1) Applicant has	1) Applicant has	1) Applicant has	1) Applicant has
licensure for	unlawful conduct	engaged in unlawful	engaged in unlawful	engaged in unlawful	engaged in unlawful
conviction or	2) Unable to practice with	conduct	conduct	conduct	conduct
drug/alcohol	reasonable skill and safety	2) Unable to practice			
use? ²⁴	because of drunkenness or	with reasonable skill	with reasonable skill	with reasonable skill	with reasonable skill
	excessive use of drugs	and safety because of			
		drunkenness or	drunkenness or	drunkenness or	drunkenness or
		excessive use of drugs			
- If so, is a	Board will consider the	Board will consider	Board will consider	Board will consider	Board will consider
hearing or	aggravating and mitigating	the aggravating and	the aggravating and	the aggravating and	the aggravating and
waiver	circumstances listed in ADC	mitigating	mitigating	mitigating	mitigating
available?	R156 in determining	circumstances listed in	circumstances listed in	circumstances listed in	circumstances listed in
	whether to grant or deny	ADC R156 in	ADC R156 in	ADC R156 in	ADC R156 in
	licensure	determining whether	determining whether	determining whether	determining whether
		to grant or deny			
	Applicant may be entitled to	licensure	licensure	licensure	licensure
	hearing under the				
	Administrative Procedures	Applicant may be	Applicant may be	Applicant may be	Applicant may be
	Act, §§63G-4-101, et seq.	entitled to hearing	entitled to hearing	entitled to hearing	entitled to hearing
		under the	under the	under the	under the
		Administrative	Administrative	Administrative	Administrative
		Procedures Act,	Procedures Act,	Procedures Act,	Procedures Act,
		§§63G-4-101, et seq.	§§63G-4-101, et seq.	§§63G-4-101, et seq.	§§63G-4-101, et seq.
- Is there a time					
period after					
which a person	10 years	10 years	10 years	10 years	10 years
becomes					
eligible?					
- 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	Yes	Yes	Yes	Yes	Yes
practitioner					
program?					
Does state					
require a					
criminal	No	No	No	No	No
background					
check?					

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

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

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

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

West Virginia					
	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 Being an alcohol or drug abuser	 Conviction of a felony or misdemeanor related to the practice of social work Conviction of a felony Being an alcohol or drug abuser 	Conviction of a felony 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	No	No	No	No
practitioner				
program?				
Does state				
require a criminal	No	No	No	No
background				
check?				

<u>Wisconsin</u>					
	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

Wyoming					
	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				
- Is there a time period after which a person can re-apply after denial?	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