



Board for Hearing Aid Specialists and Opticians

Guidance Document: March 15, 2023

Criminal History Matrix

I. Background

The Board regulations required the Board to review criminal history of applicants and conduct a review pursuant to Code of Virginia §54.1-204. The Board has determined that some criminal convictions, by their nature, are not related to the profession and do not require in depth review. The Application Review Matrix for criminal convictions allows staff to approve certain applications that might otherwise require an Informal Fact-Finding conference (IFF). The matrix has been used to screen out applicants with certain convictions that the Board always approves and does not need to send to a licensing IFF. The Board selected criteria to allow staff to approve applications that most likely would have been approved even with an IFF. The IFF process can extend the application process by three to six months. The Board has been mindful of the strain this place on applicants.

II. Issue

On August 17, 2022, the Board adopted an application review matrix for screening hearing aid specialists applicants with criminal convictions. The Board approved a similar matrix in 2014 for Opticians. Every few years, the Board reviews its prior case decisions to change the screening criteria based on the Board's approvals and denials over that period.

III. Board Guidance

On August 17, 2022, the Board approved guidance to staff.

The following convictions will not be reviewed by the Board:

1. Felony convictions, unless the convictions involve sexual offense, drug distribution, physical injury, or directly involve the practice of Opticianry.
2. Misdemeanor convictions, unless the convictions involve sexual offense, drug distribution, or physical injury.

The Virginia Board for Barbers and Cosmetology will be taking public comment on this proposed guidance document regarding the license required for certain procedures. A 30-day comment period will begin on February 13, 2023.

If you wish to comment on the proposed guidance document, you may do so via the Town Hall website or you may submit written comments so that they are received no later than March 15, 2023 to:

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