



Board for Barbers and Cosmetology

Amended Guidance Document:

APPLICATION REVIEW MATRIX CRIMINAL HISTORY AND PRIOR DISCIPLINARY ACTION

I. Background

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 allows staff to approve certain applications that might otherwise require an Informal Fact-Finding conference (IFF). Traditionally, 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. Because the IFF process can add 3-6 months to the application process, the Board has been sensitive to the burden this places on applicants and allows staff to approve applications that most likely would have been approved even with an IFF.

II. Issue

Every few years, the Board reviews its prior case decisions in order to change the screening criteria based on the Board's approvals and denials over that period. The changes reflect the Board's preference that less individuals be required to have licensing IFFs.

III. Board Guidance

On March 14, 2022, the Board approved guidance to staff.

The following convictions will not be reviewed by the Board*:

1. Felony convictions more than 10 years old with no subsequent reportable convictions of a similar nature, unless the conviction resulted in incarceration where the release date is less than three years from the application date.
2. Felony convictions more than five years old with no subsequent reportable convictions of a similar nature, unless the conviction resulted in incarceration where the release date is less than three years from the application date. This does not include convictions involving murder, sexual assault, rape, robbery, indecent liberties, and fraud.
3. Felony convictions for distribution of controlled substance, where the applicant has completed a deterrence program if required by the court.
4. Misdemeanor convictions
5. Juvenile convictions.
6. Drug possession convictions.
7. Prior disciplinary action only involving monetary penalties that do not involve client safety.
8. The provisions above notwithstanding, staff may refer matters to the Board based on the totality of an applicant's criminal history where there appears to be substantial risk of public harm.

*The matrix shall not apply to applicants who are currently incarcerated, except those incarcerated for juvenile convictions.

The Virginia Board for Barbers and Cosmetology will be taking public comment on this revised guidance document regarding its application review matrix. A 30-day comment period will begin on May 9, 2022.

If you wish to comment on the revised 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 June 8, 2022 to:

Proposed Guidance Document
Board for Barbers and Cosmetology

Stephen Kirschner, Executive Director
Department of Professional and Occupational Regulation
9960 Mayland Drive, Suite 400
Richmond, VA 23233
(804) 367-8590
barbercosmo@dpor.virginia.gov