

Healthcare Professions Profile Program

Director Policy 6

Title: Requirements regarding convictions

Date Issued: April 1, 2011

Revision Dates:

Reference: § 24-34-110 (4)

Purpose: To define certain terms and notify healthcare professionals and the public regarding the information to be disclosed pursuant to the requirements of the Michael Skolnik Medical Transparency Act of 2010, § 24-34-110 C.R.S. Not all professions will be required to report on all requirements. If the requirement does not pertain to a specific profession, the applicant will not need to answer the corresponding question.

For purposes of this policy, the term “license” refers to licenses, registrations, and certifications for all individuals required to comply with the Michael Skolnik Medical Transparency Act.

Policy

All applicants are required to report any final criminal conviction or plea arrangement resulting from a felony or crime of moral turpitude in any jurisdiction. Applicants are only required to report criminal convictions finalized after they were issued a license to practice their profession from any jurisdiction.

The Director of the Division of Professions and Occupations (“Director”) interprets the terms as follows:

A. Felony Conviction:

A felony conviction includes a conviction of or plea of guilty to any crime that:

1. Was committed in the state of Colorado and defined as a felony in the state of Colorado;
2. Was committed in any jurisdiction and defined as a felony under the law of that jurisdiction;
3. Was committed in any jurisdiction and the elements would meet the definition of a felony under Colorado law.

B. Crime of Moral Turpitude:

The following misdemeanors are considered crimes of moral turpitude and must be included in profiles (all references to title, article, or part number refer to the Colorado Revised Statutes):

1. Assault, menacing, unlawful sexual behavior, or other offenses set forth in Title 18, Article 3;

2. Arson, theft, trespass, criminal mischief, or other offenses set forth in Title 18, Article 4;
3. Any of the offenses involving fraud set forth in Title 18, Article 5;
4. Computer crime set forth in Title 18, Article 5.5;
5. Any of the offenses involving family relations set forth in Title 18, Article 6, Parts 4 (wrongs to children), when committed knowingly or recklessly; 6 (harboring a minor); or 8 (domestic violence);
6. Any offense constituting wrongs to at-risk adults set forth in Title 18, Article 6.5;
7. Prostitution, indecent exposure, criminal invasion of privacy, or other offenses set forth in Title 18, Article 7;
8. Any offense in any jurisdiction that is committed intentionally, knowingly, or recklessly, and involves violence, coercion, threats, cruelty, fraud, deception, or deprivation of legally recognized rights; or
9. Any conspiracy, solicitation, or criminal attempt to commit any of the above offenses, or participation as an accessory to any of the above offenses.

C. Final Conviction or Plea Arrangement:

A final criminal conviction or plea arrangement must be reported according to the timeline outlined in the applicant's professional license governing statute, or within 30 days of sentencing following a court or jury verdict, or sentencing following the entry of a plea of guilty, no contest, or nolo contendere. If an appeal is pending at the time the profile is completed, the conviction must still be reported but can be removed at a later date by the applicant if the appeal results in a reversal of the conviction. Additionally, if an applicant successfully completes the terms of a deferred judgment and the guilty plea is withdrawn, the applicant may update their profile accordingly.

Items that do not need to be reported include:

1. Juvenile adjudications; and
2. A conviction that has been sealed or expunged by a court.