

FAQs FOR APPLICANTS WITH CRIMINAL HISTORY

1. I have a criminal conviction. Am I eligible to obtain a license?

Applicants with a criminal conviction(s) are not automatically denied a license as there is nothing in pharmacy law that requires the Board of Pharmacy to deny an application based on a specific conviction. In reviewing applications for licensure, the board will consider prior convictions of the applicant, however.

Effective July 1, 2020, the board's authority to deny an application based on certain criminal convictions was restricted. (Business and Professions Code Section 480). Specifically, the board cannot deny an application on the basis of an application if:

- The conviction has been dismissed pursuant to Penal Code sections 1203.4, 1203.4a, 1203.41, or 1203.42 or a comparable dismissal or expungement, or
- The conviction(s) occurred more than seven years from the date of the application, or if the applicant was convicted of a crime and incarcerated, seven years from the time the applicant was released from incarceration.

NOTE: The preceding seven-year limitation shall not apply in either of the following situations:

- The applicant was convicted of a serious felony, as defined in Section 1192.7 of the Penal Code,
- The applicant was convicted of a crime for which registration is required pursuant to paragraph (2) or (3) of subdivision (d) of Section 290 of the Penal Code.

Unless restricted, the board may deny an application for licensure if the applicant was convicted of a crime substantially related to the qualifications, functions or duties of the pharmacy profession. In assessing whether crimes are substantially related to the profession, the board uses the criteria set out in a board regulation (California Code of Regulations, title 16, Section 1770). The board will review applicants with a criminal history on a case-by-case basis and will consider evidence of rehabilitation using the criteria set out in Section 1769(b) of the board's regulations and the board's Disciplinary Guidelines, which currently includes:

- The nature and severity of the act(s) or offense(s).
- Evidence of any act(s) committed subsequent to the act(s) or crimes.
- The time that has elapsed since commission of the act(s) or crime(s).
- Whether the applicant has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant.
- Evidence, if any, of rehabilitation submitted by the applicant.

The board has proposed changes to both of these regulations to more specifically identify the criteria it uses. The proposed changes to these two regulations are on the board's website at https://www.pharmacy.ca.gov/laws_regs/1769_1770_pt.pdf.

2. Does the California State Board of Pharmacy pre-screen potential applicants with criminal convictions before they apply?

No. A determination regarding an applicant's eligibility to obtain a license will not be made prior to the submission of an application. Consequently, board staff will not provide opinions about whether an applicant's specific criminal history will result in the approval or denial of an application.

3. My conviction occurred within the past seven years but it was later dismissed per Penal Code section 1203.4. Will the board still investigate my conviction?

Yes. The board may have to request court documents to assess and ensure that a conviction was dismissed pursuant to Penal Code sections 1203.4, 1203.4a, 1203.42 or a comparable dismissal or expungement. If the board determines that a conviction was dismissed pursuant to one of these sections or a comparable dismissal or expungement, the board cannot use the conviction as the basis for denying a license to the applicant.

Applicants are not required to disclose any conviction or provide any documentation regarding any prior convictions. Applicants may voluntarily provide a certified certificate of rehabilitation or proof of dismissal with their application.

4. I have a job offer that requires a license. Is there anything I can do to expedite the review process?

In order to be fair to all applicants, the board reviews each application in the order they are received. Applicants may, however, voluntarily provide the following documents to help expedite the review process. Providing the documents is completely voluntary and is not a factor in the board's decision to approve or deny an application.

- A written explanation detailing the circumstances surrounding each conviction.
- A copy of the arrest/incident report(s) for **each** conviction.
- A certified copy of the court documentation for **each** conviction. Court documentation submitted should include, but is not limited to, the criminal complaint, court minutes, sentencing, and probation order.
- Current proof of compliance with probation may include, but is not limited to, participation in or completion of any drug and/or alcohol, anger management, domestic violence, or theft programs; payment of fees, fines or restitution; or completion of community service.
- Additional evidence of mitigation including, but not limited to: letters of recommendation, proof of employment or volunteer work, completion or enrollment in school or training programs, etc.
- A certified document showing the date an applicant was released from incarceration for a conviction, if any.

5. How will I know if my application was sent to the Criminal Conviction Unit?

The board will notify applicants by mail if their application has been forwarded to the Criminal Conviction Unit for additional review. If an applicants' address of record changed since the application was submitted, please submit a change of address request at https://pharmacy.ca.gov/about/change_of_address.shtml.

6. How can I get in touch with the Criminal Conviction Unit about my application?

You may contact enfapprove@dca.ca.gov for a status request if it has been at least 45 days since the date that the application was forwarded to the Criminal Conviction Unit and your license has not been issued.

7. Do I need to disclose past convictions or provide documentation related to my conviction(s)?

No. The board cannot require an applicant for licensure to disclose any information or documentation regarding the applicant's criminal history. However, the board may request mitigating information from an applicant regarding the applicant's criminal history for purposes of determining substantial relationship or evidence of rehabilitation. The applicant's decision not to disclose any information is not be a factor in the board's decision to grant or deny an application for licensure.

8. Do I need to be concerned about an arrest or detention that did not result in a conviction?

No. The board cannot deny a license based on an arrest that resulted in a disposition other than a conviction, including an arrest that resulted in an infraction, citation, or a juvenile adjudication. Additional information regarding the board's review of criminal convictions is contained in the board's regulations cited and in https://www.pharmacy.ca.gov/applicants/criminal_convictions.shtml.