

Announcing Pennsylvania's New Licensing Regulations

Have you been denied a professional or occupational license in Pennsylvania or simply decided not to apply for one because of a criminal conviction? If so, you need to know that AS OF **OCTOBER 19, 2024, THE LICENSING RULES HAVE BEEN ALMOST TOTALLY CHANGED!**

Thanks to a new law (Act 53 of 2020), a conviction must be “directly related” to the job/license you are seeking. **The general rule (which has exceptions) is that IF THE CONVICTION OCCURRED MORE THAN FIVE YEARS AGO, IT CANNOT BE USED TO DENY YOU A LICENSE UNLESS THERE IS PROOF THAT THE OFFENSE RELATES TO AN ESSENTIAL DUTY OF THE JOB YOU ARE SEEKING.** That has to be given in a hearing where you will have the right to offer evidence proving the opposite, and that you deserve the license despite your conviction(s). **The rules are different** if the offense involved sex, serious violence, or drug trafficking, and if your conviction occurred less than five years ago.

THE “GOOD MORAL CHARACTER” REQUIREMENT THAT ONCE DENIED PEOPLE WITH CRIMINAL RECORDS IS NOW ENTIRELY GONE.

EXCEPTIONS TO THE GENERAL RULE are specified by profession/occupation, but the list of disqualifying crimes is WAY shorter for each than it has been in the past. **If the job you are seeking lists the crime you were convicted of, it will be up to you to prove that your case is different and that you should be able to get a license despite your conviction.** The professions that have specific disqualifying crimes are: accountant, architect, auctioneer, real estate appraiser, chiropractor, cosmetologist, crane operator, dentist, engineer/land surveyor/geologist, funeral director, landscape architect, marriage and family therapists, massage therapist, doctor (medicine and osteopathic medicine), Delaware River boat navigator, nursing, nursing home administrator, occupational therapist, optometrist, pharmacist, physical therapist, podiatrist, professional counselor, psychologist, realtor, social worker, vehicle manufacture/dealer/sales representative, and veterinarian. You'll have to read the full list to see if the job you seek is included.

There is also now a new and easy “step-by-step” guide by which you can check to see if your offense could affect your chances for a license: <https://www.pa.gov/content/dam/copapwp-pagov/en/dos/resources/professional-licensing/Preliminary-Determination-Instructions.pdf> It costs \$45 to get this “preliminary determination” but that fee will be waived if your annual household income is at or below 200% of the poverty line.

REMINDER: These are our state's rules: the professions all have their own eligibility requirements and you must still meet them.

The new regulations can be read here:

<https://www.pacodeandbulletin.gov/Display/pabull?file=/secure/pabulletin/data/vol54/54-42/1493.html>. For more information , please check the Department of State's website <https://www.pa.gov/en/agencies/dos/resources/professional-licensing-resources/act-53-of-2020-best-practices-guide.html> or contact an attorney.

www.PardonMePA.org

The Pardon Project is an initiative of Philadelphia Lawyers for Social Equity (PLSE)

230 S. Broad Street Suite 1102, Philadelphia PA 19102 ▲ www.plsephilly.org