



Pathway to Licensure



Evaluating Criminal History during the Application Process

Barbering/Cosmetology

The Department of State (DOS) and the Bureau of Professional and Occupational Affairs (BPOA) are committed to ensuring the general public and the professional community that the application process for professional licensure is fair and transparent.

When an applicant with a prior criminal history applies for licensure in barbering or cosmetology, they should feel confident that the Board reviews their individual application in its entirety. In the time that applicants have been required to submit criminal background information (October 2014 – present), the Department has introduced a number of administrative measures, ranging from informal conferences to probationary licenses, to help eliminate unnecessary barriers to licensure.

The following overview is intended to inform and educate current and prospective licensees about the formal review process.



Application Process



- Upon meeting the qualifications to take the examination, the applicant files an application for the licensing examination.
 - Part of the application process includes disclosing criminal history record information by submitting a criminal background check with the application.
- Board Counsel reviews the criminal background check for offenses that may be grounds for the provisional¹ denial of a license.
 - If grounds for provisional denial are found one of two things may happen:
 - 1) the application may be reviewed by the Board at its next meeting to determine whether the applicant should be granted a license, granted a license on probation or provisionally denied and given the opportunity to have a hearing;
OR
 - 2) the applicant may receive a letter of concern from Board Counsel explaining the concerns of the Board, detailing the grounds for a possible provisional denial and offering an opportunity to receive a license on probation.

¹ Defined as “existing or accepted for the present time but likely to be changed.” <https://www.merriam-webster.com/dictionary/provisional>

What Crimes May Be Grounds for Provisional Denial?



- All licensing Boards within the Bureau have the authority, under the Criminal History Record Information Act (18 Pa. C.S.A. §9124), to deny a license or discipline a licensee based on a felony conviction. The Board may also deny a license based on a misdemeanor conviction, if that misdemeanor *relates to the profession*.
- Just because there exist grounds for provisional denial, that **does NOT mean the applicant will be denied licensure**.
- When reviewing all of the application materials that have been submitted, these are some of the things the Board takes into consideration:
 - The seriousness of the crime(s)
 - The date of the crime(s)
 - The age of the person at the time of commission of the crime(s)
 - The age(s) of the victim(s) of the crime (if applicable)
 - The circumstances, if known, surrounding the commission of the crime(s)
 - The relationship between the criminal conduct and the applicant's prospective duties as a licensee
 - The prison, jail, probation, parole, rehabilitation and employment records of the applicant since the commission of the crime(s)
 - Any affidavits or other written documents, including *character references provided on the applicant's behalf*.

Provisional Denial Process



- If an applicant is provisionally denied by the Board, they will receive a letter in the mail that provides the legal grounds for the provisional denial and details the procedure of how to appeal.
- Once an appeal is received the matter is delegated for a hearing before a hearing examiner and preparation of a proposed report.
 - At the hearing the applicant can provide evidence of rehabilitation, mitigation, character references, etc.
 - Any testimony and/or documents provided at the hearing become part of the record, which is reviewed by the Board, along with the hearing examiner's proposed report, before the Board makes a final determination.
- A provisional denial may result in the Board granting the license, granting a license on probation or denying a license.

Probationary License



- A probationary license is identical in appearance to an unrestricted license; ***the notation, however, will be retained as a public record by BPOA and DOS.***
- A probationary license does not restrict where or how the licensee can practice barbering or cosmetology.
- The general terms of probation include some of the following:
 - Licensee must obey all laws of the United States, the Commonwealth of Pennsylvania and its political subdivisions and all rules and regulations pertaining to the practice of the profession
 - Licensee must notify the Bureau of Professional and Occupational Affairs (BPOA), in writing, within 5 days of the filing of any criminal charges against Licensee
 - The same requirement applies for any disposition of any criminal charges (i.e. conviction, found guilty, pled guilty, pled nolo contendere, received verdict probation without verdict or accelerated rehabilitative disposition)
 - Licensee must notify the BPOA by telephone within 48 hours and in writing within 5 days of any change of home address, phone number, employment status, employer and/or change in practice
- A license can be placed on probation for any period of time, but generally the Boards issue the license on probation for a period of 1-2 years or to run concurrent with any criminal probation or parole.

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