

SENATE BILL 372

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By: **Senator Robey**

Introduced and read first time: January 25, 2013

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Health Occupation Boards – Criminal History Records Checks – General**
3 **Authority**

4 FOR the purpose of authorizing a health occupation board to adopt regulations
5 requiring applicants for an initial license or certificate to have a criminal
6 history records check in accordance with certain provisions of this Act;
7 authorizing a health occupation board to adopt regulations requiring certain
8 applicants for reinstatement of a lapsed license or certificate, removal from
9 inactive status, or renewal of a license or certificate to have a criminal history
10 records check in accordance with certain provisions of this Act; requiring an
11 applicant to submit certain fingerprints and fees to obtain a criminal history
12 records check; providing that information obtained in a criminal history records
13 check is confidential, may not be disseminated, and may be used only for a
14 certain purpose; authorizing certain individuals to contest certain information
15 received from a criminal history records check; defining a certain term; and
16 generally relating to general authority of health occupations boards to require
17 criminal history records checks.

18 BY adding to

19 Article – Health Occupations

20 Section 1–220

21 Annotated Code of Maryland

22 (2009 Replacement Volume and 2012 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
24 MARYLAND, That the Laws of Maryland read as follows:

25 **Article – Health Occupations**

26 **1–220.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(A) IN THIS SECTION, "CENTRAL REPOSITORY" MEANS THE CRIMINAL**
2 **JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT**
3 **OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.**

4 **(B) (1) EACH HEALTH OCCUPATION BOARD AUTHORIZED TO ISSUE A**
5 **LICENSE OR CERTIFICATE UNDER THIS ARTICLE MAY ADOPT REGULATIONS**
6 **THAT REQUIRE AN APPLICANT FOR AN INITIAL LICENSE OR CERTIFICATE TO**
7 **HAVE A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH**
8 **SUBSECTION (C) OF THIS SECTION AS A CONDITION OF LICENSURE OR**
9 **CERTIFICATION.**

10 **(2) IF A HEALTH OCCUPATION BOARD ADOPTS REGULATIONS**
11 **UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE BOARD MAY ADOPT**
12 **REGULATIONS TO REQUIRE AN APPLICANT FOR ANY OF THE FOLLOWING TO**
13 **HAVE A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH**
14 **SUBSECTION (C) OF THIS SECTION:**

15 **(I) REINSTATEMENT OF A LAPSED LICENSE OR**
16 **CERTIFICATE;**

17 **(II) REMOVAL FROM INACTIVE STATUS; OR**

18 **(III) RENEWAL OF A LICENSE OR CERTIFICATE.**

19 **(C) (1) AS PART OF AN APPLICATION TO THE CENTRAL REPOSITORY**
20 **FOR A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK, AN**
21 **APPLICANT SHALL SUBMIT TO THE CENTRAL REPOSITORY:**

22 **(I) TWO COMPLETE SETS OF LEGIBLE FINGERPRINTS**
23 **TAKEN ON FORMS APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY**
24 **AND THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;**

25 **(II) THE FEE AUTHORIZED UNDER § 10-221(B)(7) OF THE**
26 **CRIMINAL PROCEDURE ARTICLE FOR ACCESS TO STATE CRIMINAL HISTORY**
27 **RECORDS; AND**

28 **(III) THE PROCESSING FEE REQUIRED BY THE FEDERAL**
29 **BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY RECORDS**
30 **CHECK.**

31 **(2) IN ACCORDANCE WITH §§ 10-201 THROUGH 10-228 OF THE**
32 **CRIMINAL PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD**

1 TO THE BOARD AND TO THE APPLICANT THE CRIMINAL HISTORY RECORD
2 INFORMATION OF THE APPLICANT.

3 (3) IF AN APPLICANT HAS MADE TWO OR MORE UNSUCCESSFUL
4 ATTEMPTS AT SECURING LEGIBLE FINGERPRINTS, THE BOARD MAY ACCEPT AN
5 ALTERNATE METHOD OF A CRIMINAL HISTORY RECORDS CHECK AS PERMITTED
6 BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE DIRECTOR OF THE
7 FEDERAL BUREAU OF INVESTIGATION.

8 (4) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY
9 UNDER THIS SECTION SHALL BE:

10 (i) CONFIDENTIAL AND MAY NOT BE REDISSEMINATED;
11 AND

12 (ii) USED ONLY FOR THE LICENSING PURPOSE AUTHORIZED
13 BY THIS TITLE.

14 (5) THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK
15 UNDER THIS SECTION MAY CONTEST THE CONTENTS OF THE PRINTED
16 STATEMENT ISSUED BY THE CENTRAL REPOSITORY AS PROVIDED IN § 10-223
17 OF THE CRIMINAL PROCEDURE ARTICLE.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2013.