

HOUSE BILL 1268

C3

4lr3061

By: **Delegates Frank and McConkey**

Introduced and read first time: February 7, 2014

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Health Benefit Exchange – Criminal History Records Checks**

3 FOR the purpose of requiring the Maryland Health Benefit Exchange to request from
4 the Criminal Justice Information System Central Repository a State and
5 national criminal history records check for certain individuals; requiring the
6 Exchange to submit fingerprints and certain fees to apply for a certain criminal
7 history records check; requiring the Central Repository to forward certain
8 criminal history record information to a certain individual and the Exchange;
9 providing that certain information is confidential and may be used only for
10 certain purposes; authorizing certain individuals to contest the contents of a
11 certain statement; defining certain terms; and generally relating to criminal
12 history records checks and the Maryland Health Benefit Exchange.

13 BY adding to

14 Article – Insurance

15 Section 31–113.2

16 Annotated Code of Maryland

17 (2011 Replacement Volume and 2013 Supplement)

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

20 **Article – Insurance**

21 **31–113.2.**

22 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE**
23 **MEANINGS INDICATED.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(2) “ASSISTER” MEANS AN INDIVIDUAL EMPLOYED OR ENGAGED**
2 **BY AN INDIVIDUAL EXCHANGE CONNECTOR ENTITY WHO IS AUTHORIZED BY**
3 **THE EXCHANGE TO PROVIDE THE SERVICES UNDER § 31-113(D) OF THIS TITLE.**

4 **(3) “CENTRAL REPOSITORY” MEANS THE CRIMINAL JUSTICE**
5 **INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF**
6 **PUBLIC SAFETY AND CORRECTIONAL SERVICES.**

7 **(B) THE EXCHANGE SHALL REQUEST A STATE AND NATIONAL**
8 **CRIMINAL HISTORY RECORDS CHECK FROM THE CENTRAL REPOSITORY FOR**
9 **ANY INDIVIDUAL WHO PROVIDES OR MAY PROVIDE SERVICES AS AN ASSISTER,**
10 **AN APPLICATION COUNSELOR, A CONSOLIDATED SERVICES CENTER**
11 **EMPLOYEE, OR AN INDIVIDUAL EXCHANGE NAVIGATOR.**

12 **(C) AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY RECORDS**
13 **CHECK REQUIRED UNDER SUBSECTION (B) OF THIS SECTION, THE EXCHANGE**
14 **SHALL SUBMIT TO THE CENTRAL REPOSITORY:**

15 **(1) TWO COMPLETE SETS OF THE INDIVIDUAL’S LEGIBLE**
16 **FINGERPRINTS TAKEN ON FORMS APPROVED BY THE DIRECTOR OF THE**
17 **CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF**
18 **INVESTIGATION;**

19 **(2) THE FEE AUTHORIZED UNDER § 10-221(B)(7) OF THE**
20 **CRIMINAL PROCEDURE ARTICLE FOR ACCESS TO STATE CRIMINAL HISTORY**
21 **RECORDS; AND**

22 **(3) THE PROCESSING FEE REQUIRED BY THE FEDERAL BUREAU**
23 **OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY RECORDS CHECK.**

24 **(D) IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE CRIMINAL**
25 **PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE**
26 **INDIVIDUAL AND THE EXCHANGE THE INDIVIDUAL’S CRIMINAL HISTORY**
27 **RECORD INFORMATION.**

28 **(E) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY UNDER**
29 **THIS SECTION:**

30 **(1) IS CONFIDENTIAL AND MAY NOT BE REDISSEMINATED; AND**

31 **(2) MAY BE USED ONLY FOR THE PURPOSE OF EVALUATING**
32 **QUALIFICATIONS OF INDIVIDUALS WHO PROVIDE OR MAY PROVIDE SERVICES AS**

1 AN ASSISTANT, AN APPLICATION COUNSELOR, A CONSOLIDATED SERVICES
2 CENTER EMPLOYEE, OR AN INDIVIDUAL EXCHANGE NAVIGATOR.

3 (F) AN INDIVIDUAL WHO IS THE SUBJECT OF A CRIMINAL HISTORY
4 RECORDS CHECK UNDER THIS SECTION MAY CONTEST THE CONTENTS OF THE
5 PRINTED STATEMENT ISSUED BY THE CENTRAL REPOSITORY AS PROVIDED IN §
6 10-223 OF THE CRIMINAL PROCEDURE ARTICLE.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2014.