

HOUSE BILL 574

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5r0886
CF SB 449

By: **Delegates B. Robinson, Barron, Hill, McComas, and M. Washington**

Introduced and read first time: February 12, 2015

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Physicians – Physicians, Physician Assistants, and Allied Health**
3 **Practitioners – Licensure Requirements**

4 FOR the purpose of authorizing the State Board of Physicians and a disciplinary panel to
5 take certain actions against certain applicants and licensees for failing to submit to
6 a certain criminal history records check; requiring certain applicants for licensure
7 by the State Board of Physicians to submit to a certain criminal history records
8 check; altering the circumstances under which certain individuals and certain
9 physicians are authorized to practice medicine in the State without a license;
10 requiring certain applicants and licensees to apply to the Criminal Justice
11 Information System Central Repository of the Department of Public Safety and
12 Correctional Services for a certain criminal history records check and to submit to
13 the Central Repository certain fingerprints and fees; requiring the Central
14 Repository to forward to the Board and to certain individuals certain information
15 under certain circumstances; providing that certain information is confidential, may
16 not be redisseminated, and may be used only for certain purposes; authorizing
17 certain individuals to contest certain information in accordance with certain
18 provisions of law; altering the circumstances under which the Board may grant a
19 certain waiver; requiring the Board, on receipt of certain information, to consider
20 certain information in making certain determinations about certain applicants and
21 licensees; requiring the Board to require certain criminal history records checks as
22 a condition of license renewal beginning on a certain date; prohibiting the Board from
23 renewing certain licenses if certain criminal history records check information has
24 not been received; altering the circumstances under which the Board may issue a
25 license to an individual who is on inactive status; authorizing the Board to reinstate
26 certain licenses under certain circumstances; prohibiting a disciplinary panel from
27 reinstating certain revoked or suspended licenses except under certain
28 circumstances; and generally relating to the licensure of physicians and allied health
29 practitioners by the State Board of Physicians.

30 BY repealing and reenacting, with amendments,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – Health Occupations

2 Section 14–205(b)(1)(iii), 14–302, 14–302.1, 14–309(a), 14–312(c) and (d), 14–313,
 3 14–320(b), 14–409(a), 14–5A–10, 14–5A–11, 14–5A–17(a)(26) and (27),
 4 14–5A–19, 14–5B–09(b), 14–5B–10, 14–5B–14(a)(26) and (27), 14–5B–16,
 5 14–5C–09(b), 14–5C–11, 14–5C–12, 14–5C–17(a)(27) and (28), 14–5C–19,
 6 14–5D–08(b), 14–5D–09, 14–5D–14(a)(27) and (28), 14–5D–16, 14–5E–09(b),
 7 14–5E–11, 14–5E–16(a)(27) and (28), 14–5E–19, 14–5F–12, 14–5F–13,
 8 14–5F–16(a)(2), 14–5F–18(a)(25) and (26), 14–5F–24, 15–303(a), 15–304,
 9 15–305, 15–308, and 15–311

10 Annotated Code of Maryland
 11 (2014 Replacement Volume)

12 BY adding to

13 Article – Health Occupations

14 Section 14–307(i), 14–308.1, 14–316(g), 14–5A–09(e), 14–5A–13(g), 14–5A–17(a)(28),
 15 14–5B–12(g), 14–5B–14(a)(28), 14–5C–14(g), 14–5C–17(a)(29), 14–5D–12(h),
 16 14–5D–14(a)(29), 14–5E–13(g), 14–5E–16(a)(29), 14–5F–11(g), 14–5F–15(d),
 17 14–5F–18(a)(27), and 15–307(g)

18 Annotated Code of Maryland
 19 (2014 Replacement Volume)

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

22 **Article – Health Occupations**

23 14–205.

24 (b) (1) In addition to the powers set forth elsewhere in this title, the Board
 25 may:

26 (iii) Subject to the Administrative Procedure Act, deny a license to an
 27 applicant or, if an applicant has failed to renew the applicant’s license, refuse to renew or
 28 reinstate an applicant’s license for:

29 1. [any] ANY of the reasons that are grounds for action under
 30 § 14–404 of this title; OR

31 2. FAILURE TO SUBMIT TO A CRIMINAL HISTORY
 32 RECORDS CHECK IN ACCORDANCE WITH § 14–308.1 OF THIS TITLE;

33 14–302.

34 Subject to the rules, regulations, and orders of the Board, the following individuals
 35 may practice medicine without a license **IF THE INDIVIDUALS SUBMIT TO A CRIMINAL**
 36 **HISTORY RECORDS CHECK IN ACCORDANCE WITH § 14–308.1 OF THIS SUBTITLE:**

1 (1) A medical student or an individual in a postgraduate medical training
2 program that is approved by the Board, while doing the assigned duties at any office of a
3 licensed physician, hospital, clinic, or similar facility;

4 (2) A physician licensed by and residing in another jurisdiction, if the
5 physician:

6 (i) Is engaged in consultation with a physician licensed in the State
7 about a particular patient and does not direct patient care; or

8 (ii) Meets the requirements of § 14–302.1 of this subtitle;

9 (3) A physician employed in the service of the federal government while
10 performing the duties incident to that employment;

11 (4) A physician who resides in and is authorized to practice medicine by
12 any state adjoining this State and whose practice extends into this State, if:

13 (i) The physician does not have an office or other regularly
14 appointed place in this State to meet patients; and

15 (ii) The same privileges are extended to licensed physicians of this
16 State by the adjoining state; and

17 (5) An individual while under the supervision of a licensed physician who
18 has specialty training in psychiatry, and whose specialty training in psychiatry has been
19 approved by the Board, if the individual submits an application to the Board on or before
20 October 1, 1993, and either:

21 (i) 1. Has a master's degree from an accredited college or
22 university; and

23 2. Has completed a graduate program accepted by the Board
24 in a behavioral science that includes 1,000 hours of supervised clinical psychotherapy
25 experience; or

26 (ii) 1. Has a baccalaureate degree from an accredited college or
27 university; and

28 2. Has 4,000 hours of supervised clinical experience that is
29 approved by the Board.

30 14–302.1.

1 **(A) [A] SUBJECT TO SUBSECTION (B) OF THIS SECTION,** A physician who is
2 licensed and resides in another jurisdiction may practice medicine without a license while
3 engaged in clinical training with a licensed physician if:

4 (1) The Board finds, on application by a hospital in the State, that:

5 (i) The physician possesses a skill or uses a procedure that:

6 1. Is advanced beyond those skills or procedures normally
7 taught or exercised in the hospital and in standard medical education or training;

8 2. Could not be otherwise conveniently taught or
9 demonstrated in standard medical education or training in that hospital; and

10 3. Is likely to benefit Maryland patients in this instance;

11 (ii) The demonstration of the skill or procedure would take no more
12 than 14 consecutive days within a calendar year;

13 (iii) A licensed physician who practices at a hospital in the State has
14 certified to the Board that the licensed physician will be responsible for the medical care
15 provided by that visiting physician to patients in the State;

16 (iv) The visiting physician has no history of any medical disciplinary
17 action in any other state, territory, nation, or any branch of the United States uniformed
18 services or the Veterans Administration, and has no significant detrimental malpractice
19 history in the judgment of the Board;

20 (v) The physician is covered by malpractice insurance in the
21 jurisdiction in which the physician practices; and

22 (vi) The hospital assures the Board that the patients will be
23 protected by adequate malpractice insurance; or

24 (2) The Board finds, on application by a Maryland hospital, that:

25 (i) The hospital provides training in a skill or uses a procedure that:

26 1. Is advanced beyond those skills or procedures normally
27 taught or exercised in standard medical education or training;

28 2. Could not be otherwise conveniently taught or
29 demonstrated in the visiting physician's practice; and

30 3. Is likely to benefit Maryland patients in this instance;

1 (ii) The demonstration or exercise of the skill or procedure will take
2 no more than 14 consecutive days within a calendar year;

3 (iii) A hospital physician licensed in the State has certified to the
4 Board that the physician will be responsible for the medical care provided by that visiting
5 physician to patients in the State;

6 (iv) The visiting physician has no history of any medical disciplinary
7 action in any other state, territory, nation, or any branch of the United States uniformed
8 services or the Veterans Administration, and has no significant detrimental malpractice
9 history in the judgment of the Board;

10 (v) The physician is covered by malpractice insurance in the
11 jurisdiction where the physician practices; and

12 (vi) The hospital assures the Board that the patients will be
13 protected by adequate malpractice insurance.

14 **(B) A PHYSICIAN WHO IS LICENSED AND RESIDES IN ANOTHER**
15 **JURISDICTION MAY PRACTICE MEDICINE WITHOUT A LICENSE UNDER SUBSECTION**
16 **(A) OF THIS SECTION IF THE PHYSICIAN SUBMITS TO A CRIMINAL HISTORY RECORDS**
17 **CHECK IN ACCORDANCE WITH § 14-308.1 OF THIS SUBTITLE.**

18 14-307.

19 **(I) THE APPLICANT SHALL SUBMIT TO A CRIMINAL HISTORY RECORDS**
20 **CHECK IN ACCORDANCE WITH § 14-308.1 OF THIS SUBTITLE.**

21 **14-308.1.**

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

25 **(B) AN APPLICANT, A LICENSEE, OR A CERTIFICATE HOLDER SHALL APPLY**
26 **TO THE CENTRAL REPOSITORY FOR A STATE AND NATIONAL CRIMINAL HISTORY**
27 **RECORDS CHECK.**

28 **(C) AS PART OF THE APPLICATION REQUIRED UNDER SUBSECTION (B) OF**
29 **THIS SECTION, AN INDIVIDUAL SHALL SUBMIT TO THE CENTRAL REPOSITORY:**

30 **(1) TWO COMPLETE SETS OF LEGIBLE FINGERPRINTS TAKEN ON**
31 **FORMS APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE**
32 **DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;**

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

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

5 **(D) IN ACCORDANCE WITH §§ 10-201 THROUGH 10-229 OF THE CRIMINAL**
6 **PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE**
7 **BOARD AND TO THE INDIVIDUAL THE CRIMINAL HISTORY RECORD INFORMATION OF**
8 **THE INDIVIDUAL.**

9 **(E) IF CRIMINAL HISTORY RECORD INFORMATION IS REPORTED TO THE**
10 **CENTRAL REPOSITORY AFTER THE DATE OF THE INITIAL CRIMINAL HISTORY**
11 **RECORDS CHECK, THE CENTRAL REPOSITORY SHALL PROVIDE TO THE BOARD AND**
12 **THE INDIVIDUAL A REVISED PRINTED STATEMENT OF THE INDIVIDUAL'S STATE**
13 **CRIMINAL HISTORY RECORD.**

14 **(F) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY UNDER**
15 **THIS SECTION:**

16 **(1) IS CONFIDENTIAL;**

17 **(2) MAY NOT BE REDISSEMINATED; AND**

18 **(3) MAY BE USED ONLY FOR THE LICENSING PURPOSE AUTHORIZED**
19 **BY THIS TITLE.**

20 **(G) THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK UNDER THIS**
21 **SECTION MAY CONTEST THE CONTENTS OF THE PRINTED STATEMENT ISSUED BY**
22 **THE CENTRAL REPOSITORY AS PROVIDED IN § 10-223 OF THE CRIMINAL**
23 **PROCEDURE ARTICLE.**

24 14-309.

25 (a) To apply for a license, an applicant shall:

26 **(1) SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN**
27 **ACCORDANCE WITH § 14-308.1 OF THIS SUBTITLE;**

28 **(2) Submit an application to the Board on the form that the Board requires;**
29 **and**

30 **[(2)] (3) Pay to the Board the application fee set by the Board.**

1 14-312.

2 (c) If the applicant is licensed to practice osteopathy in this State under § 14-321
3 of this subtitle, the Board may grant a waiver under this section only if the applicant:

4 (1) **SUBMITS TO A CRIMINAL HISTORY RECORDS CHECK IN**
5 **ACCORDANCE WITH § 14-308.1 OF THIS SUBTITLE;**

6 (2) Submits the application fee required by the Board under § 14-309 of
7 this subtitle; and

8 [(2)] (3) Provides adequate evidence that the applicant:

9 (i) Meets the qualifications otherwise required by this title; and

10 (ii) 1. Practiced osteopathy and resided in this State on June 1,
11 1967;

12 2. Graduated in or after 1940 from an approved school of
13 osteopathy; or

14 3. Graduated before 1940 from an approved school of
15 osteopathy and completed a refresher education course approved by the Board.

16 (d) If the applicant is licensed as a doctor of osteopathy to practice medicine in
17 another state, the Board may grant a waiver under this section only if **THE APPLICANT:**

18 (1) **SUBMITS TO A CRIMINAL HISTORY RECORDS CHECK IN**
19 **ACCORDANCE WITH § 14-308.1 OF THIS SUBTITLE;**

20 [(1)] (2) [The applicant submits] **SUBMITS** the application fee set by the
21 Board under § 14-309 of this subtitle;

22 [(2)] (3) [The applicant provides] **PROVIDES** adequate evidence that the
23 applicant:

24 (i) Meets the qualifications otherwise required by this title;

25 (ii) Graduated after January 1, 1960 from an approved school of
26 osteopathy; and

27 (iii) Became licensed in the other state after passing in that state an
28 examination for the practice of medicine given by the appropriate authority in the other
29 state to graduates of approved medical schools; and

1 ~~[(3)]~~ (4) [The] SUBMITS EVIDENCE THAT THE other state waives the
2 examination of licensees of this State to a similar extent as this State waives the
3 examination of individuals licensed in that state.

4 14-313.

5 (A) [The] SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE Board shall
6 issue a license to any applicant who meets the requirements of this title.

7 (B) (1) ON RECEIPT OF THE CRIMINAL HISTORY RECORD INFORMATION
8 OF AN APPLICANT FOR LICENSURE FORWARDED TO THE BOARD IN ACCORDANCE
9 WITH § 14-308.1 OF THIS SUBTITLE, IN DETERMINING WHETHER TO ISSUE A
10 LICENSE, THE BOARD SHALL CONSIDER:

11 (I) THE AGE AT WHICH THE CRIME WAS COMMITTED;

12 (II) THE CIRCUMSTANCES SURROUNDING THE CRIME;

13 (III) THE LENGTH OF TIME THAT HAS PASSED SINCE THE CRIME;

14 (IV) SUBSEQUENT WORK HISTORY;

15 (V) EMPLOYMENT AND CHARACTER REFERENCES; AND

16 (VI) OTHER EVIDENCE THAT DEMONSTRATES WHETHER THE
17 APPLICANT POSES A THREAT TO THE PUBLIC HEALTH OR SAFETY.

18 (2) THE BOARD MAY NOT ISSUE A LICENSE IF THE CRIMINAL HISTORY
19 RECORD INFORMATION REQUIRED UNDER § 14-308.1 OF THIS SUBTITLE HAS NOT
20 BEEN RECEIVED.

21 14-316.

22 (G) (1) BEGINNING OCTOBER 1, 2016, THE BOARD SHALL REQUIRE A
23 CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 14-308.1 OF THIS
24 SUBTITLE FOR:

25 (I) ANNUAL RENEWAL APPLICANTS AS DETERMINED BY
26 REGULATIONS ADOPTED BY THE BOARD; AND

27 (II) EACH FORMER LICENSEE WHO FILES FOR REINSTATEMENT
28 UNDER § 14-317 OF THIS SUBTITLE AFTER FAILING TO RENEW THE LICENSE FOR A
29 PERIOD OF 1 YEAR OR MORE.

1 **(2) ON RECEIPT OF THE CRIMINAL HISTORY RECORD INFORMATION**
2 **OF A LICENSEE FORWARDED TO THE BOARD IN ACCORDANCE WITH § 14-308.1 OF**
3 **THIS SUBTITLE, IN DETERMINING WHETHER TO RENEW OR REINSTATE A LICENSE,**
4 **THE BOARD SHALL CONSIDER:**

5 **(I) THE AGE AT WHICH THE CRIME WAS COMMITTED;**

6 **(II) THE CIRCUMSTANCES SURROUNDING THE CRIME;**

7 **(III) THE LENGTH OF TIME THAT HAS PASSED SINCE THE CRIME;**

8 **(IV) SUBSEQUENT WORK HISTORY;**

9 **(V) EMPLOYMENT AND CHARACTER REFERENCES; AND**

10 **(VI) OTHER EVIDENCE THAT DEMONSTRATES WHETHER THE**
11 **LICENSEE POSES A THREAT TO THE PUBLIC HEALTH OR SAFETY.**

12 **(3) THE BOARD MAY NOT RENEW OR REINSTATE A LICENSE IF THE**
13 **CRIMINAL HISTORY RECORD INFORMATION REQUIRED UNDER § 14-308.1 OF THIS**
14 **SUBTITLE HAS NOT BEEN RECEIVED.**

15 14-320.

16 (b) The Board shall issue a license to an individual who is on inactive status if the
17 individual:

18 (1) Submits to the Board:

19 **(I) SATISFACTORY EVIDENCE OF COMPLIANCE WITH §**
20 **14-308.1 OF THIS SUBTITLE;**

21 **[(i)] (II)** Satisfactory evidence of compliance with the continuing
22 education requirements the Board adopts for this purpose; and

23 **[(ii)] (III)** A reinstatement fee set by the Board; and

24 (2) Is otherwise entitled to be licensed.

25 14-409.

26 (a) (1) Except as provided in subsection (b) of this section, a disciplinary panel
27 may reinstate the license of an individual whose license has been suspended or revoked
28 under this title only in accordance with:

1 (i) The terms and conditions of the order of suspension or
2 revocation;

3 (ii) An order of reinstatement issued by the disciplinary panel; or

4 (iii) A final judgment in any proceeding for review.

5 (2) If a disciplinary panel reinstates a license under paragraph (1) of this
6 subsection, the disciplinary panel shall notify the Board of the reinstatement.

7 **(3) IF A LICENSE IS SUSPENDED OR REVOKED FOR A PERIOD OF MORE**
8 **THAN 1 YEAR, THE BOARD MAY REINSTATE THE LICENSE AFTER 1 YEAR IF THE**
9 **LICENSEE:**

10 **(I) MEETS THE REQUIREMENTS FOR REINSTATEMENT AS**
11 **ESTABLISHED BY THE BOARD; AND**

12 **(II) SUBMITS TO A CRIMINAL HISTORY RECORDS CHECK IN**
13 **ACCORDANCE WITH § 14-308.1 OF THIS TITLE.**

14 14-5A-09.

15 **(E) THE APPLICANT SHALL SUBMIT TO A CRIMINAL HISTORY RECORDS**
16 **CHECK IN ACCORDANCE WITH § 14-308.1 OF THIS TITLE.**

17 14-5A-10.

18 To apply for a license, an applicant shall:

19 **(1) SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN**
20 **ACCORDANCE WITH § 14-308.1 OF THIS TITLE;**

21 **[(1)] (2)** Submit an application to the Board on the form that the Board
22 requires; and

23 **[(2)] (3)** Pay to the Board the application fee set by the Board.

24 14-5A-11.

25 **(A) [The] SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE** Board shall
26 issue the appropriate license to an applicant who meets the requirements of this subtitle
27 for that license.

28 **(B) (1) ON RECEIPT OF THE CRIMINAL HISTORY RECORD INFORMATION**
29 **OF AN APPLICANT FOR LICENSURE FORWARDED TO THE BOARD IN ACCORDANCE**

1 WITH § 14-308.1 OF THIS TITLE, IN DETERMINING WHETHER TO ISSUE A LICENSE,
2 THE BOARD SHALL CONSIDER:

- 3 (I) THE AGE AT WHICH THE CRIME WAS COMMITTED;
- 4 (II) THE CIRCUMSTANCES SURROUNDING THE CRIME;
- 5 (III) THE LENGTH OF TIME THAT HAS PASSED SINCE THE CRIME;
- 6 (IV) SUBSEQUENT WORK HISTORY;
- 7 (V) EMPLOYMENT AND CHARACTER REFERENCES; AND
- 8 (VI) OTHER EVIDENCE THAT DEMONSTRATES WHETHER THE
9 APPLICANT POSES A THREAT TO THE PUBLIC HEALTH OR SAFETY.

10 (2) THE BOARD MAY NOT ISSUE A LICENSE IF THE CRIMINAL HISTORY
11 RECORD INFORMATION REQUIRED UNDER § 14-308.1 OF THIS TITLE HAS NOT BEEN
12 RECEIVED.

13 14-5A-13.

14 (G) (1) BEGINNING OCTOBER 1, 2016, THE BOARD SHALL REQUIRE A
15 CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 14-308.1 OF THIS
16 TITLE FOR:

17 (I) ANNUAL RENEWAL APPLICANTS AS DETERMINED BY
18 REGULATIONS ADOPTED BY THE BOARD; AND

19 (II) EACH FORMER LICENSEE WHO FILES FOR REINSTATEMENT
20 UNDER SUBSECTION (F) OF THIS SECTION AFTER FAILING TO RENEW THE LICENSE
21 FOR A PERIOD OF 1 YEAR OR MORE.

22 (2) ON RECEIPT OF THE CRIMINAL HISTORY RECORD INFORMATION
23 OF A LICENSEE FORWARDED TO THE BOARD IN ACCORDANCE WITH § 14-308.1 OF
24 THIS TITLE, IN DETERMINING WHETHER TO RENEW OR REINSTATE A LICENSE, THE
25 BOARD SHALL CONSIDER:

- 26 (I) THE AGE AT WHICH THE CRIME WAS COMMITTED;
- 27 (II) THE CIRCUMSTANCES SURROUNDING THE CRIME;
- 28 (III) THE LENGTH OF TIME THAT HAS PASSED SINCE THE CRIME;

1 (IV) SUBSEQUENT WORK HISTORY;

2 (V) EMPLOYMENT AND CHARACTER REFERENCES; AND

3 (VI) OTHER EVIDENCE THAT DEMONSTRATES WHETHER THE
4 LICENSEE POSES A THREAT TO THE PUBLIC HEALTH OR SAFETY.

5 (3) THE BOARD MAY NOT RENEW OR REINSTATE A LICENSE IF THE
6 CRIMINAL HISTORY RECORD INFORMATION REQUIRED UNDER § 14-308.1 OF THIS
7 TITLE HAS NOT BEEN RECEIVED.

8 14-5A-17.

9 (a) Subject to the hearing provisions of § 14-405 of this title, the Board, on the
10 affirmative vote of a majority of a quorum of the Board, may deny a license to any applicant,
11 or a disciplinary panel, on the affirmative vote of a majority of a quorum of the disciplinary
12 panel, may reprimand any licensee, place any licensee on probation, or suspend or revoke
13 a license, if the applicant or licensee:

14 (26) Fails to cooperate with a lawful investigation conducted by the Board
15 or a disciplinary panel; [or]

16 (27) Fails to practice under the supervision of a physician or violates a
17 supervisory order of a supervising physician; OR

18 (28) FAILS TO SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK
19 UNDER § 14-308.1 OF THIS TITLE.

20 14-5A-19.

21 (a) [On] SUBJECT TO SUBSECTION (C) OF THIS SECTION, ON the application
22 of an individual whose license has been revoked, a disciplinary panel, on the affirmative
23 vote of a majority of the quorum of the disciplinary panel, may reinstate a revoked license.

24 (b) If a disciplinary panel reinstates a license under subsection (a) of this section,
25 the disciplinary panel shall notify the Board of the reinstatement.

26 (C) A DISCIPLINARY PANEL MAY NOT REINSTATE A REVOKED LICENSE THAT
27 HAS BEEN REVOKED FOR A PERIOD OF MORE THAN 1 YEAR UNLESS THE LICENSEE:

28 (1) MEETS THE REQUIREMENTS FOR REINSTATEMENT AS
29 ESTABLISHED UNDER THIS TITLE; AND

1 **(2) SUBMITS TO A CRIMINAL HISTORY RECORDS CHECK IN**
2 **ACCORDANCE WITH § 14-308.1 OF THIS TITLE.**

3 14-5B-09.

4 (b) Except as provided in subsection (c) of this section, the applicant shall:

5 (1) Be of good moral character;

6 (2) Be at least 18 years old;

7 (3) Demonstrate oral and written competency in English as required by the
8 Board; [and]

9 (4) Meet any educational, training, or examination requirements
10 established by the Board, including:

11 (i) Graduation from an appropriate educational program as
12 determined by the Board; and

13 (ii) Certification; AND

14 **(5) SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN**
15 **ACCORDANCE WITH § 14-308.1 OF THIS TITLE.**

16 14-5B-10.

17 (a) To apply for a license, an applicant shall:

18 **(1) SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN**
19 **ACCORDANCE WITH § 14-308.1 OF THIS TITLE;**

20 **[(1)] (2)** Submit an application to the Board on the form that the Board
21 requires; and

22 **[(2)] (3)** Pay to the Board the application fee set by the Board.

23 (b) **[The] SUBJECT TO SUBSECTION (C) OF THIS SECTION, THE** Board shall
24 issue the appropriate license to an applicant who meets the requirements of this subtitle
25 for that license.

26 **(C) (1) ON RECEIPT OF THE CRIMINAL HISTORY RECORD INFORMATION**
27 **OF AN APPLICANT FOR LICENSURE FORWARDED TO THE BOARD IN ACCORDANCE**
28 **WITH § 14-308.1 OF THIS TITLE, IN DETERMINING WHETHER TO ISSUE A LICENSE,**
29 **THE BOARD SHALL CONSIDER:**

- 1 **(I) THE AGE AT WHICH THE CRIME WAS COMMITTED;**
2 **(II) THE CIRCUMSTANCES SURROUNDING THE CRIME;**
3 **(III) THE LENGTH OF TIME THAT HAS PASSED SINCE THE CRIME;**
4 **(IV) SUBSEQUENT WORK HISTORY;**
5 **(V) EMPLOYMENT AND CHARACTER REFERENCES; AND**
6 **(VI) OTHER EVIDENCE THAT DEMONSTRATES WHETHER THE**
7 **APPLICANT POSES A THREAT TO THE PUBLIC HEALTH OR SAFETY.**

8 **(2) THE BOARD MAY NOT ISSUE A LICENSE IF THE CRIMINAL HISTORY**
9 **RECORD INFORMATION REQUIRED UNDER § 14-308.1 OF THIS TITLE HAS NOT BEEN**
10 **RECEIVED.**

11 14-5B-12.

12 **(G) (1) BEGINNING OCTOBER 1, 2016, THE BOARD SHALL REQUIRE A**
13 **CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 14-308.1 OF THIS**
14 **TITLE FOR:**

15 **(I) ANNUAL RENEWAL APPLICANTS AS DETERMINED BY**
16 **REGULATIONS ADOPTED BY THE BOARD; AND**

17 **(II) EACH FORMER LICENSEE WHO FILES FOR REINSTATEMENT**
18 **UNDER SUBSECTION (F) OF THIS SECTION AFTER FAILING TO RENEW THE LICENSE**
19 **FOR A PERIOD OF 1 YEAR OR MORE.**

20 **(2) ON RECEIPT OF THE CRIMINAL HISTORY RECORD INFORMATION**
21 **OF A LICENSEE FORWARDED TO THE BOARD IN ACCORDANCE WITH § 14-308.1 OF**
22 **THIS TITLE, IN DETERMINING WHETHER TO RENEW OR REINSTATE A LICENSE, THE**
23 **BOARD SHALL CONSIDER:**

- 24 **(I) THE AGE AT WHICH THE CRIME WAS COMMITTED;**
25 **(II) THE CIRCUMSTANCES SURROUNDING THE CRIME;**
26 **(III) THE LENGTH OF TIME THAT HAS PASSED SINCE THE CRIME;**
27 **(IV) SUBSEQUENT WORK HISTORY;**

1 **(V) EMPLOYMENT AND CHARACTER REFERENCES; AND**

2 **(VI) OTHER EVIDENCE THAT DEMONSTRATES WHETHER THE**
3 **LICENSEE POSES A THREAT TO THE PUBLIC HEALTH OR SAFETY.**

4 **(3) THE BOARD MAY NOT RENEW OR REINSTATE A LICENSE IF THE**
5 **CRIMINAL HISTORY RECORD INFORMATION REQUIRED UNDER § 14-308.1 OF THIS**
6 **TITLE HAS NOT BEEN RECEIVED.**

7 14-5B-14.

8 (a) Subject to the hearing provisions of § 14-405 of this title, the Board, on the
9 affirmative vote of a majority of the quorum of the Board, may deny a license to any
10 applicant, or a disciplinary panel, on the affirmative vote of a majority of the quorum of the
11 disciplinary panel, may reprimand any licensee, place any licensee on probation, or suspend
12 or revoke a license, if the applicant or licensee:

13 (26) Fails to cooperate with a lawful investigation conducted by the Board
14 or a disciplinary panel; [or]

15 (27) Fails to practice under the supervision of a physician or violates a
16 supervisory order of a supervising physician; OR

17 **(28) FAILS TO SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK**
18 **UNDER § 14-308.1 OF THIS TITLE.**

19 14-5B-16.

20 (a) [On] **SUBJECT TO SUBSECTION (C) OF THIS SECTION, ON** the application
21 of an individual whose license has been revoked, a disciplinary panel may reinstate a
22 revoked license.

23 (b) If a disciplinary panel reinstates a license under subsection (a) of this section,
24 the disciplinary panel shall notify the Board of the reinstatement.

25 **(C) A DISCIPLINARY PANEL MAY NOT REINSTATE A REVOKED LICENSE THAT**
26 **HAS BEEN REVOKED FOR A PERIOD OF MORE THAN 1 YEAR UNLESS THE LICENSEE:**

27 **(1) MEETS THE REQUIREMENTS FOR REINSTATEMENT AS**
28 **ESTABLISHED UNDER THIS TITLE; AND**

29 **(2) SUBMITS TO A CRIMINAL HISTORY RECORDS CHECK IN**
30 **ACCORDANCE WITH § 14-308.1 OF THIS TITLE.**

31 14-5C-09.

1 (b) The applicant shall:

2 (1) Be of good moral character; [and]

3 (2) Be at least 18 years old; AND

4 (3) **SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN**
5 **ACCORDANCE WITH § 14-308.1 OF THIS TITLE.**

6 14-5C-11.

7 To apply for a license, an applicant shall:

8 (1) **SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN**
9 **ACCORDANCE WITH § 14-308.1 OF THIS TITLE;**

10 [(1)] (2) Submit an application to the Board on the form that the Board
11 requires; and

12 [(2)] (3) Pay to the Board the application fee set by the Board.

13 14-5C-12.

14 (A) [The] **SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE** Board shall
15 issue a license to an applicant who meets the requirements of this subtitle.

16 (B) (1) **ON RECEIPT OF THE CRIMINAL HISTORY RECORD INFORMATION**
17 **OF AN APPLICANT FOR LICENSURE FORWARDED TO THE BOARD IN ACCORDANCE**
18 **WITH § 14-308.1 OF THIS TITLE, IN DETERMINING WHETHER TO ISSUE A LICENSE,**
19 **THE BOARD SHALL CONSIDER:**

20 (I) **THE AGE AT WHICH THE CRIME WAS COMMITTED;**

21 (II) **THE CIRCUMSTANCES SURROUNDING THE CRIME;**

22 (III) **THE LENGTH OF TIME THAT HAS PASSED SINCE THE CRIME;**

23 (IV) **SUBSEQUENT WORK HISTORY;**

24 (V) **EMPLOYMENT AND CHARACTER REFERENCES; AND**

25 (VI) **OTHER EVIDENCE THAT DEMONSTRATES WHETHER THE**
26 **LICENSEE POSES A THREAT TO THE PUBLIC HEALTH OR SAFETY.**

1 **(2) THE BOARD MAY NOT ISSUE A LICENSE IF THE CRIMINAL HISTORY**
2 **RECORD INFORMATION REQUIRED UNDER § 14-308.1 OF THIS TITLE HAS NOT BEEN**
3 **RECEIVED.**

4 14-5C-14.

5 **(G) (1) BEGINNING OCTOBER 1, 2016, THE BOARD SHALL REQUIRE A**
6 **CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 14-308.1 OF THIS**
7 **TITLE FOR:**

8 **(I) ANNUAL RENEWAL APPLICANTS AS DETERMINED BY**
9 **REGULATIONS ADOPTED BY THE BOARD; AND**

10 **(II) EACH FORMER LICENSEE WHO FILES FOR REINSTATEMENT**
11 **UNDER SUBSECTION (F) OF THIS SECTION AFTER FAILING TO RENEW THE LICENSE**
12 **FOR A PERIOD OF 1 YEAR OR MORE.**

13 **(2) ON RECEIPT OF THE CRIMINAL HISTORY RECORD INFORMATION**
14 **OF A LICENSEE FORWARDED TO THE BOARD IN ACCORDANCE WITH § 14-308.1 OF**
15 **THIS TITLE, IN DETERMINING WHETHER TO RENEW OR REINSTATE A LICENSE, THE**
16 **BOARD SHALL CONSIDER:**

17 **(I) THE AGE AT WHICH THE CRIME WAS COMMITTED;**

18 **(II) THE CIRCUMSTANCES SURROUNDING THE CRIME;**

19 **(III) THE LENGTH OF TIME THAT HAS PASSED SINCE THE CRIME;**

20 **(IV) SUBSEQUENT WORK HISTORY;**

21 **(V) EMPLOYMENT AND CHARACTER REFERENCES; AND**

22 **(VI) OTHER EVIDENCE THAT DEMONSTRATES WHETHER THE**
23 **LICENSEE POSES A THREAT TO THE PUBLIC HEALTH OR SAFETY.**

24 **(3) THE BOARD MAY NOT RENEW OR REINSTATE A LICENSE IF THE**
25 **CRIMINAL HISTORY RECORD INFORMATION REQUIRED UNDER § 14-308.1 OF THIS**
26 **TITLE HAS NOT BEEN RECEIVED.**

27 14-5C-17.

28 (a) Subject to the hearing provisions of § 14-405 of this title, the Board, on the
29 affirmative vote of a majority of a quorum of the Board, may deny a license to any applicant,
30 or a disciplinary panel, on the affirmative vote of a majority of a quorum of the disciplinary

1 panel, may reprimand any licensee, place any licensee on probation, or suspend or revoke
2 a license, if the applicant or licensee:

3 (27) Practices or attempts to practice a polysomnography procedure or uses
4 or attempts to use polysomnography equipment if the applicant or licensee has not received
5 education and training in the performance of the procedure or the use of the equipment;
6 [or]

7 (28) Fails to cooperate with a lawful investigation conducted by the Board;
8 **OR**

9 (29) **FAILS TO SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK**
10 **UNDER § 14-308.1 OF THIS TITLE.**

11 14-5C-19.

12 (a) [On] **SUBJECT TO SUBSECTION (C) OF THIS SECTION, ON** the application
13 of an individual whose license has been revoked, a disciplinary panel, on the affirmative
14 vote of a majority of its full authorized membership, may reinstate a revoked license.

15 (b) If a disciplinary panel reinstates a license under subsection (a) of this section,
16 the disciplinary panel shall notify the Board of the reinstatement.

17 (C) **A DISCIPLINARY PANEL MAY NOT REINSTATE A REVOKED LICENSE THAT**
18 **HAS BEEN REVOKED FOR A PERIOD OF MORE THAN 1 YEAR UNLESS THE LICENSEE:**

19 (1) **MEETS THE REQUIREMENTS FOR REINSTATEMENT AS**
20 **ESTABLISHED UNDER THIS TITLE; AND**

21 (2) **SUBMITS TO A CRIMINAL HISTORY RECORDS CHECK IN**
22 **ACCORDANCE WITH § 14-308.1 OF THIS TITLE.**

23 14-5D-08.

24 (b) The applicant shall:

25 (1) Be of good moral character; [and]

26 (2) Be at least 18 years old; **AND**

27 (3) **SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN**
28 **ACCORDANCE WITH § 14-308.1 OF THIS TITLE.**

29 14-5D-09.

1 (a) To apply for a license, an applicant shall:

2 (1) **SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN**
3 **ACCORDANCE WITH § 14-308.1 OF THIS TITLE;**

4 ~~[(1)]~~ (2) Submit an application to the Board on the form that the Board
5 requires; and

6 (2) (3) Pay to the Board the application fee set by the Board.

7 (b) ~~[The]~~ **SUBJECT TO SUBSECTION (C) OF THIS SECTION, THE** Board shall
8 issue the appropriate license to an applicant who meets the requirements of this subtitle
9 for that license.

10 (c) (1) **ON RECEIPT OF THE CRIMINAL HISTORY RECORD INFORMATION**
11 **OF AN APPLICANT FOR LICENSURE FORWARDED TO THE BOARD IN ACCORDANCE**
12 **WITH § 14-308.1 OF THIS TITLE, IN DETERMINING WHETHER TO ISSUE A LICENSE,**
13 **THE BOARD SHALL CONSIDER:**

14 (I) **THE AGE AT WHICH THE CRIME WAS COMMITTED;**

15 (II) **THE CIRCUMSTANCES SURROUNDING THE CRIME;**

16 (III) **THE LENGTH OF TIME THAT HAS PASSED SINCE THE CRIME;**

17 (IV) **SUBSEQUENT WORK HISTORY;**

18 (V) **EMPLOYMENT AND CHARACTER REFERENCES; AND**

19 (VI) **OTHER EVIDENCE THAT DEMONSTRATES WHETHER THE**
20 **APPLICANT POSES A THREAT TO THE PUBLIC HEALTH OR SAFETY.**

21 (2) **THE BOARD MAY NOT ISSUE A LICENSE IF THE CRIMINAL HISTORY**
22 **RECORD INFORMATION REQUIRED UNDER § 14-308.1 OF THIS TITLE HAS NOT BEEN**
23 **RECEIVED.**

24 14-5D-12.

25 (H) (1) **BEGINNING OCTOBER 1, 2016, THE BOARD SHALL REQUIRE A**
26 **CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 14-308.1 OF THIS**
27 **TITLE FOR:**

28 (I) **ANNUAL RENEWAL APPLICANTS AS DETERMINED BY**
29 **REGULATIONS ADOPTED BY THE BOARD; AND**

1 **(II) EACH FORMER LICENSEE WHO FILES FOR REINSTATEMENT**
 2 **UNDER SUBSECTION (F) OF THIS SECTION AFTER FAILING TO RENEW THE LICENSE**
 3 **FOR A PERIOD OF 1 YEAR OR MORE.**

4 **(2) ON RECEIPT OF THE CRIMINAL HISTORY RECORD INFORMATION**
 5 **OF A LICENSEE FORWARDED TO THE BOARD IN ACCORDANCE WITH § 14-308.1 OF**
 6 **THIS TITLE, IN DETERMINING WHETHER TO RENEW OR REINSTATE A LICENSE, THE**
 7 **BOARD SHALL CONSIDER:**

8 **(I) THE AGE AT WHICH THE CRIME WAS COMMITTED;**

9 **(II) THE CIRCUMSTANCES SURROUNDING THE CRIME;**

10 **(III) THE LENGTH OF TIME THAT HAS PASSED SINCE THE CRIME;**

11 **(IV) SUBSEQUENT WORK HISTORY;**

12 **(V) EMPLOYMENT AND CHARACTER REFERENCES; AND**

13 **(VI) OTHER EVIDENCE THAT DEMONSTRATES WHETHER THE**
 14 **LICENSEE POSES A THREAT TO THE PUBLIC HEALTH OR SAFETY.**

15 **(3) THE BOARD MAY NOT RENEW OR REINSTATE A LICENSE IF THE**
 16 **CRIMINAL HISTORY RECORD INFORMATION REQUIRED UNDER § 14-308.1 OF THIS**
 17 **TITLE HAS NOT BEEN RECEIVED.**

18 14-5D-14.

19 (a) Subject to the hearing provisions of § 14-405 of this title, the Board, on the
 20 affirmative vote of a majority of a quorum of the Board, may deny a license to any applicant,
 21 or a disciplinary panel, on the affirmative vote of a majority of a quorum of the disciplinary
 22 panel, may reprimand any licensee, place any licensee on probation, or suspend or revoke
 23 a license, if the applicant or licensee:

24 (27) Fails to practice under the supervision of a physician or violates the
 25 approved evaluation and treatment protocol; [or]

26 (28) Violates an order of the Board or a disciplinary panel, including any
 27 condition of probation; **OR**

28 **(29) FAILS TO SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK**
 29 **UNDER § 14-308.1 OF THIS TITLE.**

1 14-5D-16.

2 (a) **[On] SUBJECT TO SUBSECTION (C) OF THIS SECTION, ON** the application
3 of an individual whose license has been revoked, a disciplinary panel may reinstate a
4 revoked license.

5 (b) If a disciplinary panel reinstates a license under subsection (a) of this section,
6 the disciplinary panel shall notify the Board of the reinstatement.

7 **(C) A DISCIPLINARY PANEL MAY NOT REINSTATE A REVOKED LICENSE THAT**
8 **HAS BEEN REVOKED FOR A PERIOD OF MORE THAN 1 YEAR UNLESS THE LICENSEE:**

9 **(1) MEETS THE REQUIREMENTS FOR REINSTATEMENT AS**
10 **ESTABLISHED UNDER THIS TITLE; AND**

11 **(2) SUBMITS TO A CRIMINAL HISTORY RECORDS CHECK IN**
12 **ACCORDANCE WITH § 14-308.1 OF THIS TITLE.**

13 14-5E-09.

14 (b) The applicant shall:

15 (1) Be of good moral character; [and]

16 (2) Be at least 18 years old; AND

17 **(3) SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN**
18 **ACCORDANCE WITH § 14-308.1 OF THIS TITLE.**

19 14-5E-11.

20 (a) To apply for a license, an applicant shall:

21 **(1) SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN**
22 **ACCORDANCE WITH § 14-308.1 OF THIS TITLE;**

23 **[(1)] (2)** Submit an application to the Board on the form that the Board
24 requires; and

25 **[(2)] (3)** Pay to the Board the application fee set by the Board.

26 (b) **[The] SUBJECT TO SUBSECTION (C) OF THIS SECTION, THE** Board shall
27 issue a license to an applicant who meets the requirements of this subtitle.

1 **(C) (1) ON RECEIPT OF THE CRIMINAL HISTORY RECORD INFORMATION**
2 **OF AN APPLICANT FOR LICENSURE FORWARDED TO THE BOARD IN ACCORDANCE**
3 **WITH § 14-308.1 OF THIS TITLE, IN DETERMINING WHETHER TO ISSUE A LICENSE,**
4 **THE BOARD SHALL CONSIDER:**

5 **(I) THE AGE AT WHICH THE CRIME WAS COMMITTED;**

6 **(II) THE CIRCUMSTANCES SURROUNDING THE CRIME;**

7 **(III) THE LENGTH OF TIME THAT HAS PASSED SINCE THE CRIME;**

8 **(IV) SUBSEQUENT WORK HISTORY;**

9 **(V) EMPLOYMENT AND CHARACTER REFERENCES; AND**

10 **(VI) OTHER EVIDENCE THAT DEMONSTRATES WHETHER THE**
11 **APPLICANT POSES A THREAT TO THE PUBLIC HEALTH OR SAFETY.**

12 **(2) THE BOARD MAY NOT ISSUE A LICENSE IF THE CRIMINAL HISTORY**
13 **RECORD INFORMATION REQUIRED UNDER § 14-308.1 OF THIS TITLE HAS NOT BEEN**
14 **RECEIVED.**

15 14-5E-13.

16 **(G) (1) BEGINNING OCTOBER 1, 2016, THE BOARD SHALL REQUIRE A**
17 **CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 14-308.1 OF THIS**
18 **TITLE FOR:**

19 **(I) ANNUAL RENEWAL APPLICANTS AS DETERMINED BY**
20 **REGULATIONS ADOPTED BY THE BOARD; AND**

21 **(II) EACH FORMER LICENSEE WHO FILES FOR REINSTATEMENT**
22 **UNDER SUBSECTION (F) OF THIS SECTION AFTER FAILING TO RENEW THE LICENSE**
23 **FOR A PERIOD OF 1 YEAR OR MORE.**

24 **(2) ON RECEIPT OF THE CRIMINAL HISTORY RECORD INFORMATION**
25 **OF A LICENSEE FORWARDED TO THE BOARD IN ACCORDANCE WITH § 14-308.1 OF**
26 **THIS TITLE, IN DETERMINING WHETHER TO RENEW OR REINSTATE A LICENSE, THE**
27 **BOARD SHALL CONSIDER:**

28 **(I) THE AGE AT WHICH THE CRIME WAS COMMITTED;**

29 **(II) THE CIRCUMSTANCES SURROUNDING THE CRIME;**

1 **(III) THE LENGTH OF TIME THAT HAS PASSED SINCE THE CRIME;**

2 **(IV) SUBSEQUENT WORK HISTORY;**

3 **(V) EMPLOYMENT AND CHARACTER REFERENCES; AND**

4 **(VI) OTHER EVIDENCE THAT DEMONSTRATES WHETHER THE**
5 **LICENSEE POSES A THREAT TO THE PUBLIC HEALTH OR SAFETY.**

6 **(3) THE BOARD MAY NOT RENEW OR REINSTATE A LICENSE IF THE**
7 **CRIMINAL HISTORY RECORD INFORMATION REQUIRED UNDER § 14-308.1 OF THIS**
8 **TITLE HAS NOT BEEN RECEIVED.**

9 14-5E-16.

10 (a) Subject to the hearing provisions of § 14-405 of this title, the Board, on the
11 affirmative vote of a majority of the quorum of the Board, may deny a license to any
12 applicant, or a disciplinary panel, on the affirmative vote of a majority of the quorum of the
13 disciplinary panel, may reprimand any licensee, place any licensee on probation, or suspend
14 or revoke a license, if the applicant or licensee:

15 (27) Practices or attempts to practice a perfusion procedure or uses or
16 attempts to use perfusion equipment if the applicant or licensee has not received education
17 and training in the performance of the procedure or the use of the equipment; [or]

18 (28) Fails to cooperate with a lawful investigation of the Board or a
19 disciplinary panel; OR

20 **(29) FAILS TO SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK**
21 **UNDER § 14-308.1 OF THIS TITLE.**

22 14-5E-19.

23 (a) [On] **SUBJECT TO SUBSECTION (C) OF THIS SECTION, ON** the application
24 of an individual whose license has been revoked, a disciplinary panel, on the affirmative
25 vote of a majority of its full authorized membership, may reinstate a revoked license.

26 (b) If a disciplinary panel reinstates a license under subsection (a) of this section,
27 the disciplinary panel shall notify the Board of the reinstatement.

28 **(C) A DISCIPLINARY PANEL MAY NOT REINSTATE A REVOKED LICENSE THAT**
29 **HAS BEEN REVOKED FOR A PERIOD OF MORE THAN 1 YEAR UNLESS THE LICENSEE:**

30 **(1) MEETS THE REQUIREMENTS FOR REINSTATEMENT AS**
31 **ESTABLISHED UNDER THIS TITLE; AND**

1 **(2) SUBMITS TO A CRIMINAL HISTORY RECORDS CHECK IN**
2 **ACCORDANCE WITH § 14-308.1 OF THIS TITLE.**

3 14-5F-11.

4 **(G) AN APPLICANT SHALL SUBMIT TO A CRIMINAL HISTORY RECORDS**
5 **CHECK IN ACCORDANCE WITH § 14-308.1 OF THIS TITLE.**

6 14-5F-12.

7 To apply for a license, an applicant shall:

8 **(1) SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN**
9 **ACCORDANCE WITH § 14-308.1 OF THIS TITLE;**

10 **[(1)] (2)** Submit an application to the Board on a form that the Board
11 requires;

12 **[(2)] (3)** Pay to the Board an application fee set by the Board;

13 **[(3)] (4)** If the applicant has been licensed, certified, or registered to
14 practice naturopathic medicine in another state, submit all evidence relating to:

15 (i) Any disciplinary action taken or any administrative penalties
16 assessed against the applicant by the appropriate state licensing, certification, or
17 registration authority; and

18 (ii) Any consent agreements the applicant entered into that contain
19 conditions placed on the applicant's professional conduct and practice, including any
20 voluntary surrender of a license;

21 **[(4)] (5)** Complete and submit to the Board a Board-approved written
22 attestation that:

23 (i) States that the applicant has a collaboration and consultation
24 agreement with a physician licensed under this article;

25 (ii) Includes the name and license number of the physician with
26 whom the applicant has a collaboration and consultation agreement;

27 (iii) States that the applicant will refer patients to and consult with
28 physicians and other health care providers licensed or certified under this article as needed;
29 and

1 (iv) States that the applicant will require patients to sign a consent
2 form that states that the applicant's practice of naturopathic medicine is limited to the
3 scope of practice identified in § 14-5F-14 of this subtitle; and

4 ~~[(5)]~~ **(6)** Inform the physician named in the attestation that the physician
5 has been named.

6 14-5F-13.

7 **(A)** ~~[The]~~ **SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE** Board shall
8 issue a license to any applicant who meets the requirements of this subtitle.

9 **(B) (1) ON RECEIPT OF THE CRIMINAL HISTORY RECORD INFORMATION**
10 **OF AN APPLICANT FOR LICENSURE FORWARDED TO THE BOARD IN ACCORDANCE**
11 **WITH § 14-308.1 OF THIS TITLE, IN DETERMINING WHETHER TO ISSUE A LICENSE,**
12 **THE BOARD SHALL CONSIDER:**

13 **(I) THE AGE AT WHICH THE CRIME WAS COMMITTED;**

14 **(II) THE CIRCUMSTANCES SURROUNDING THE CRIME;**

15 **(III) THE LENGTH OF TIME THAT HAS PASSED SINCE THE CRIME;**

16 **(IV) SUBSEQUENT WORK HISTORY;**

17 **(V) EMPLOYMENT AND CHARACTER REFERENCES; AND**

18 **(VI) OTHER EVIDENCE THAT DEMONSTRATES WHETHER THE**
19 **APPLICANT POSES A THREAT TO THE PUBLIC HEALTH OR SAFETY.**

20 **(2) THE BOARD MAY NOT ISSUE A LICENSE IF THE CRIMINAL HISTORY**
21 **RECORD INFORMATION REQUIRED UNDER § 14-308.1 OF THIS TITLE HAS NOT BEEN**
22 **RECEIVED.**

23 14-5F-15.

24 **(D) (1) BEGINNING OCTOBER 1, 2016, THE BOARD SHALL REQUIRE A**
25 **CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 14-308.1 OF THIS**
26 **TITLE FOR:**

27 **(I) ANNUAL RENEWAL APPLICANTS AS DETERMINED BY**
28 **REGULATIONS ADOPTED BY THE BOARD; AND**

1 **(II) EACH FORMER LICENSEE WHO FILES FOR REINSTATEMENT**
 2 **UNDER § 14-5F-16(B) OF THIS SUBTITLE AFTER FAILING TO RENEW THE LICENSE**
 3 **FOR A PERIOD OF 1 YEAR OR MORE.**

4 **(2) ON RECEIPT OF THE CRIMINAL HISTORY RECORD INFORMATION**
 5 **OF A LICENSEE FORWARDED TO THE BOARD IN ACCORDANCE WITH § 14-308.1 OF**
 6 **THIS TITLE, IN DETERMINING WHETHER TO RENEW OR REINSTATE A LICENSE, THE**
 7 **BOARD SHALL CONSIDER:**

8 **(I) THE AGE AT WHICH THE CRIME WAS COMMITTED;**

9 **(II) THE CIRCUMSTANCES SURROUNDING THE CRIME;**

10 **(III) THE LENGTH OF TIME THAT HAS PASSED SINCE THE CRIME;**

11 **(IV) SUBSEQUENT WORK HISTORY;**

12 **(V) EMPLOYMENT AND CHARACTER REFERENCES; AND**

13 **(VI) OTHER EVIDENCE THAT DEMONSTRATES WHETHER THE**
 14 **LICENSEE POSES A THREAT TO THE PUBLIC HEALTH OR SAFETY.**

15 **(3) THE BOARD MAY NOT RENEW OR REINSTATE A LICENSE IF THE**
 16 **CRIMINAL HISTORY RECORD INFORMATION REQUIRED UNDER § 14-308.1 OF THIS**
 17 **TITLE HAS NOT BEEN RECEIVED.**

18 14-5F-16.

19 (a) (2) The Board shall issue a license to a naturopathic doctor who is on
 20 inactive status if the individual is otherwise entitled to be licensed under this subtitle and
 21 submits to the Board:

22 **(I) SATISFACTORY EVIDENCE OF COMPLIANCE WITH THE**
 23 **REQUIREMENTS OF § 14-308.1 OF THIS TITLE;**

24 **[(i)] (II) Satisfactory evidence of compliance with the continuing**
 25 **education requirements the Board adopts for this purpose; and**

26 **[(ii)] (III) A reinstatement fee set by the Board.**

27 14-5F-18.

28 (a) Subject to the hearing provisions of § 14-405 of this title, the Board, on the
 29 affirmative vote of a majority of a quorum of the Board, may deny a license to any applicant,
 30 or a disciplinary panel, on the affirmative vote of a majority of a quorum of the disciplinary

1 panel, may reprimand any licensee, place any licensee on probation, or suspend or revoke
2 a license of any licensee if the applicant or licensee:

3 (25) Abandons a patient; [or]

4 (26) Violates any provision of this title or any regulation adopted by the
5 Board; OR

6 **(27) FAILS TO SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK**
7 **UNDER § 14-308.1 OF THIS TITLE.**

8 14-5F-24.

9 (a) **[If] SUBJECT TO SUBSECTION (C) OF THIS SECTION, IF** the Board has
10 revoked or suspended the license of a licensee, the Board may not reinstate the license until
11 the Board is satisfied that the individual:

12 (1) Has complied with all the terms and conditions in the final order; and

13 (2) Is capable of safely engaging in the practice of naturopathic medicine.

14 (b) The Board may not reinstate the license of an individual whose license was
15 revoked by the Board within 6 months after the date of the revocation.

16 **(C) A DISCIPLINARY PANEL MAY NOT REINSTATE A SUSPENDED OR**
17 **REVOKED LICENSE THAT HAS BEEN SUSPENDED OR REVOKED FOR A PERIOD OF**
18 **MORE THAN 1 YEAR UNLESS THE LICENSEE:**

19 **(1) MEETS THE REQUIREMENTS FOR REINSTATEMENT AS**
20 **ESTABLISHED UNDER THIS TITLE; AND**

21 **(2) SUBMITS TO A CRIMINAL HISTORY RECORDS CHECK IN**
22 **ACCORDANCE WITH § 14-308.1 OF THIS TITLE.**

23 15-303.

24 (a) To qualify for a license, an applicant shall:

25 **(1) SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN**
26 **ACCORDANCE WITH § 14-308.1 OF THIS ARTICLE;**

27 **[(1)] (2)** Be of good moral character;

28 **[(2)] (3)** Demonstrate oral and written competency in the English
29 language as required by the Board;

1 ~~[(3)]~~ (4) Be at least 18 years old; and

2 ~~[(4)]~~ (5) (i) Be a graduate of a physician assistant training program
3 approved by the Board; or

4 (ii) Have passed the physician assistant national certifying
5 examination administered by the National Commission on Certification of Physician
6 Assistants prior to 1986, maintained all continuing education and recertification
7 requirements, and been in continuous practice since passage of the examination.

8 15-304.

9 An applicant for a license shall:

10 (1) **SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN**
11 **ACCORDANCE WITH § 14-308.1 OF THIS ARTICLE;**

12 ~~[(1)]~~ (2) Submit an application to the Board on the form that the Board
13 requires; and

14 ~~[(2)]~~ (3) Pay to the Board the application fee set by the Board.

15 15-305.

16 (A) ~~[The]~~ **SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE** Board shall
17 issue a license to an applicant who meets the requirements of this title.

18 (B) (1) **ON RECEIPT OF THE CRIMINAL HISTORY RECORD INFORMATION**
19 **OF AN APPLICANT FOR LICENSURE FORWARDED TO THE BOARD IN ACCORDANCE**
20 **WITH § 14-308.1 OF THIS ARTICLE, IN DETERMINING WHETHER TO ISSUE A LICENSE,**
21 **THE BOARD SHALL CONSIDER:**

22 (I) **THE AGE AT WHICH THE CRIME WAS COMMITTED;**

23 (II) **THE CIRCUMSTANCES SURROUNDING THE CRIME;**

24 (III) **THE LENGTH OF TIME THAT HAS PASSED SINCE THE CRIME;**

25 (IV) **SUBSEQUENT WORK HISTORY;**

26 (V) **EMPLOYMENT AND CHARACTER REFERENCES; AND**

27 (VI) **OTHER EVIDENCE THAT DEMONSTRATES WHETHER THE**
28 **APPLICANT POSES A THREAT TO THE PUBLIC HEALTH OR SAFETY.**

1 **(2) THE BOARD MAY NOT ISSUE A LICENSE IF THE CRIMINAL HISTORY**
2 **RECORD INFORMATION REQUIRED UNDER § 14-308.1 OF THIS ARTICLE HAS NOT**
3 **BEEN RECEIVED.**

4 15-307.

5 **(G) (1) BEGINNING OCTOBER 1, 2016, THE BOARD SHALL REQUIRE A**
6 **CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 14-308.1 OF THIS**
7 **ARTICLE FOR:**

8 **(I) ANNUAL RENEWAL APPLICANTS AS DETERMINED BY**
9 **REGULATIONS ADOPTED BY THE BOARD; AND**

10 **(II) EACH FORMER LICENSEE WHO FILES FOR REINSTATEMENT**
11 **UNDER THIS TITLE AFTER FAILING TO RENEW THE LICENSE FOR A PERIOD OF 1 YEAR**
12 **OR MORE.**

13 **(2) ON RECEIPT OF THE CRIMINAL HISTORY RECORD INFORMATION**
14 **OF A LICENSEE FORWARDED TO THE BOARD IN ACCORDANCE WITH § 14-308.1 OF**
15 **THIS ARTICLE, IN DETERMINING WHETHER TO RENEW OR REINSTATE A LICENSE,**
16 **THE BOARD SHALL CONSIDER:**

17 **(I) THE AGE AT WHICH THE CRIME WAS COMMITTED;**

18 **(II) THE CIRCUMSTANCES SURROUNDING THE CRIME;**

19 **(III) THE LENGTH OF TIME THAT HAS PASSED SINCE THE CRIME;**

20 **(IV) SUBSEQUENT WORK HISTORY;**

21 **(V) EMPLOYMENT AND CHARACTER REFERENCES; AND**

22 **(VI) OTHER EVIDENCE THAT DEMONSTRATES WHETHER THE**
23 **LICENSEE POSES A THREAT TO THE PUBLIC HEALTH OR SAFETY.**

24 **(3) THE BOARD MAY NOT RENEW OR REINSTATE A LICENSE IF THE**
25 **CRIMINAL HISTORY RECORD INFORMATION REQUIRED UNDER § 14-308.1 OF THIS**
26 **ARTICLE HAS NOT BEEN RECEIVED.**

27 15-308.

1 **(A) [The] SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE** Board, in
2 accordance with its regulations, shall reinstate the license of a physician assistant who has
3 failed to renew the license for any reason if the physician assistant:

4 (1) Meets the renewal requirements of § 15–307 of this subtitle;

5 (2) Pays to the Board the reinstatement fee set by the Board;

6 (3) Submits to the Board satisfactory evidence of compliance with the
7 qualifications and requirements established under this subtitle for license reinstatements;
8 and

9 (4) Meets any additional requirements set by the Board for reinstatement.

10 **(B) A DISCIPLINARY PANEL MAY NOT REINSTATE A SUSPENDED OR**
11 **REVOKED LICENSE THAT HAS BEEN SUSPENDED OR REVOKED FOR A PERIOD OF**
12 **MORE THAN 1 YEAR UNLESS THE LICENSEE:**

13 **(1) MEETS THE REQUIREMENTS FOR REINSTATEMENT AS**
14 **ESTABLISHED UNDER THIS TITLE; AND**

15 **(2) SUBMITS TO A CRIMINAL HISTORY RECORDS CHECK IN**
16 **ACCORDANCE WITH § 14–308.1 OF THIS ARTICLE.**

17 15–311.

18 Subject to the hearing provisions of § 15–313 of this subtitle, the Board, on the
19 affirmative vote of a majority of a quorum, may deny a license to any applicant for **[any]:**

20 **(1) ANY** of the reasons that are grounds for disciplinary action under §
21 15–314 of this subtitle; **AND**

22 **(2) FAILURE TO SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN**
23 **ACCORDANCE WITH § 14–308.1 OF THIS ARTICLE.**

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
25 1, 2015.