

HOUSE BILL 574

J2

5lr0886
CF SB 449

By: Delegates B. Robinson, Barron, Hill, McComas, and ~~M. Washington~~
M. Washington, Hammen, Angel, Bromwell, Cullison, Hayes, Kelly, Kipke,
Krebs, McDonough, McMillan, Miele, Morgan, Morhaim, Oaks,
Pena-Melnyk, Pendergrass, Reznik, Sample-Hughes, West, and K. Young

Introduced and read first time: February 12, 2015

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 15, 2015

CHAPTER _____

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 renewing certain licenses if certain criminal history records check information has
 2 not been received; altering the circumstances under which the Board may issue a
 3 license to an individual who is on inactive status; authorizing the Board to reinstate
 4 certain licenses under certain circumstances; prohibiting a disciplinary panel from
 5 reinstating certain revoked or suspended licenses except under certain
 6 circumstances; and generally relating to the licensure of physicians and allied health
 7 practitioners by the State Board of Physicians.

8 BY repealing and reenacting, with amendments,

9 Article – Health Occupations

10 Section 14–205(b)(1)(iii), 14–302, 14–302.1, 14–309(a), 14–312(c) and (d), 14–313,
 11 14–320(b), 14–404(a)(40) and (41), 14–409(a), 14–5A–10, 14–5A–11,
 12 14–5A–17(a)(26) and (27), 14–5A–19, 14–5B–09(b), 14–5B–10,
 13 14–5B–14(a)(26) and (27), 14–5B–16, 14–5C–09(b), 14–5C–11, 14–5C–12,
 14 14–5C–17(a)(27) and (28), 14–5C–19, 14–5D–08(b), 14–5D–09,
 15 14–5D–14(a)(27) and (28), 14–5D–16, 14–5E–09(b), 14–5E–11,
 16 14–5E–16(a)(27) and (28), 14–5E–19, 14–5F–12, 14–5F–13, 14–5F–16(a)(2),
 17 14–5F–18(a)(25) and (26), 14–5F–24, 15–303(a), 15–304, 15–305, 15–308, ~~and~~
 18 15–311, and 15–314(a)(41) and (42)

19 Annotated Code of Maryland

20 (2014 Replacement Volume)

21 BY adding to

22 Article – Health Occupations

23 Section 14–307(i), 14–308.1, 14–316(g), 14–404(a)(42), 14–5A–09(e), 14–5A–13(g),
 24 14–5A–17(a)(28), 14–5B–12(g), 14–5B–14(a)(28), 14–5C–14(g),
 25 14–5C–17(a)(29), 14–5D–12(h), 14–5D–14(a)(29), 14–5E–13(g),
 26 14–5E–16(a)(29), 14–5F–11(g), 14–5F–15(d), 14–5F–18(a)(27), ~~and~~ 15–307(g),
 27 and 15–314(a)(43)

28 Annotated Code of Maryland

29 (2014 Replacement Volume)

30 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

31 That the Laws of Maryland read as follows:

32 **Article – Health Occupations**

33 14–205.

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

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

1 1. [any] ANY of the reasons that are grounds for action under
2 § 14-404 of this title; OR

3 2. **FAILURE TO SUBMIT TO A CRIMINAL HISTORY**
4 **RECORDS CHECK IN ACCORDANCE WITH § 14-308.1 OF THIS TITLE;**
5 14-302.

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

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

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

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

16 (ii) Meets the requirements of § 14-302.1 of this subtitle;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 14-307.

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

27 **14-308.1.**

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

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

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

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

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

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

13 **(D) IN ACCORDANCE WITH §§ 10-201 THROUGH 10-229 OF THE CRIMINAL**
14 **PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE**
15 **BOARD AND TO THE INDIVIDUAL THE CRIMINAL HISTORY RECORD INFORMATION OF**
16 **THE INDIVIDUAL.**

17 **(E) IF CRIMINAL HISTORY RECORD INFORMATION IS REPORTED TO THE**
18 **CENTRAL REPOSITORY AFTER THE DATE OF THE INITIAL CRIMINAL HISTORY**
19 **RECORDS CHECK, THE CENTRAL REPOSITORY SHALL PROVIDE TO THE BOARD AND**
20 **THE INDIVIDUAL A REVISED PRINTED STATEMENT OF THE INDIVIDUAL'S STATE**
21 **CRIMINAL HISTORY RECORD.**

22 **(F) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY UNDER**
23 **THIS SECTION:**

24 **(1) IS CONFIDENTIAL;**

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

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

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

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 SUBTITLE;**

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

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

7 14-312.

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

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

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

14 [(2)] (3) Provides adequate evidence that the applicant:

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

16 (ii) 1. Practiced osteopathy and resided in this State on June 1,
17 1967;

18 2. Graduated in or after 1940 from an approved school of
19 osteopathy; or

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

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

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

26 [(1)] (2) [The applicant submits] **SUBMITS** the application fee set by the
27 Board under § 14-309 of this subtitle;

28 [(2)] (3) [The applicant provides] **PROVIDES** adequate evidence that the
29 applicant:

- 1 (i) Meets the qualifications otherwise required by this title;
- 2 (ii) Graduated after January 1, 1960 from an approved school of
3 osteopathy; and
- 4 (iii) Became licensed in the other state after passing in that state an
5 examination for the practice of medicine given by the appropriate authority in the other
6 state to graduates of approved medical schools; and

7 ~~[(3)]~~ (4) [The] SUBMITS EVIDENCE THAT THE other state waives the
8 examination of licensees of this State to a similar extent as this State waives the
9 examination of individuals licensed in that state.

10 14-313.

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

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

- 17 (I) THE AGE AT WHICH THE CRIME WAS COMMITTED;
- 18 (II) THE NATURE OF THE CRIME;
- 19 ~~(III)~~ (III) THE CIRCUMSTANCES SURROUNDING THE CRIME;
- 20 ~~(IV)~~ (IV) THE LENGTH OF TIME THAT HAS PASSED SINCE THE
21 CRIME;
- 22 ~~(V)~~ (V) SUBSEQUENT WORK HISTORY;
- 23 ~~(VI)~~ (VI) EMPLOYMENT AND CHARACTER REFERENCES; AND
- 24 ~~(VII)~~ (VII) OTHER EVIDENCE THAT DEMONSTRATES WHETHER
25 THE APPLICANT POSES A THREAT TO THE PUBLIC HEALTH OR SAFETY.

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

29 14-316.

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

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

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

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

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

14 **(II) THE NATURE OF THE CRIME;**

15 ~~**(III)**~~ **(III) THE CIRCUMSTANCES SURROUNDING THE CRIME;**

16 ~~**(IV)**~~ **(IV) THE LENGTH OF TIME THAT HAS PASSED SINCE THE**
 17 **CRIME;**

18 ~~**(V)**~~ **(V) SUBSEQUENT WORK HISTORY;**

19 ~~**(VI)**~~ **(VI) EMPLOYMENT AND CHARACTER REFERENCES; AND**

20 ~~**(VII)**~~ **(VII) OTHER EVIDENCE THAT DEMONSTRATES WHETHER**
 21 **THE LICENSEE POSES A THREAT TO THE PUBLIC HEALTH OR SAFETY.**

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

25 14-320.

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

28 (1) Submits to the Board:

1 (I) SATISFACTORY EVIDENCE OF COMPLIANCE WITH §
2 14-308.1 OF THIS SUBTITLE;

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

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

6 (2) Is otherwise entitled to be licensed.

7 14-404.

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

12 (40) Fails to keep adequate medical records as determined by appropriate
13 peer review; [or]

14 (41) Performs a cosmetic surgical procedure in an office or a facility that is
15 not:

16 (i) Accredited by:

17 1. The American Association for Accreditation of Ambulatory
18 Surgical Facilities;

19 2. The Accreditation Association for Ambulatory Health
20 Care; or

21 3. The Joint Commission on the Accreditation of Healthcare
22 Organizations; or

23 (ii) Certified to participate in the Medicare program, as enacted by
24 Title XVIII of the Social Security Act; OR

25 (42) FAILS TO SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK
26 UNDER § 14-308.1 OF THIS TITLE.

27 14-409.

28 (a) (1) Except as provided in subsection (b) of this section, a disciplinary panel
29 may reinstate the license of an individual whose license has been suspended or revoked
30 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 NATURE OF THE CRIME;

5 ~~(III)~~ (III) THE CIRCUMSTANCES SURROUNDING THE CRIME;

6 ~~(IV)~~ (IV) THE LENGTH OF TIME THAT HAS PASSED SINCE THE
7 CRIME;

8 ~~(V)~~ (V) SUBSEQUENT WORK HISTORY;

9 ~~(VI)~~ (VI) EMPLOYMENT AND CHARACTER REFERENCES; AND

10 ~~(VII)~~ (VII) OTHER EVIDENCE THAT DEMONSTRATES WHETHER
11 THE 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 14-5A-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 NATURE OF THE CRIME;

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

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

11 14-5A-17.

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

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

19 (27) Fails to practice under the supervision of a physician or violates a
20 supervisory order of a supervising physician; **OR**

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

23 14-5A-19.

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

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

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

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

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

5 14-5B-09.

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

7 (1) Be of good moral character;

8 (2) Be at least 18 years old;

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

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

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

15 (ii) Certification; AND

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

18 14-5B-10.

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

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

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

24 **[(2)] (3)** Pay to the Board the application fee set by the Board.

25 (b) **[The] SUBJECT TO SUBSECTION (C) 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 **(C) (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 NATURE OF THE CRIME;

5 ~~(III)~~ (III) THE CIRCUMSTANCES SURROUNDING THE CRIME;

6 ~~(IV)~~ (IV) THE LENGTH OF TIME THAT HAS PASSED SINCE THE
7 CRIME;

8 ~~(V)~~ (V) SUBSEQUENT WORK HISTORY;

9 ~~(VI)~~ (VI) EMPLOYMENT AND CHARACTER REFERENCES; AND

10 ~~(VII)~~ (VII) OTHER EVIDENCE THAT DEMONSTRATES WHETHER
11 THE 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 14-5B-12.

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 NATURE OF THE CRIME;

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

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

11 14-5B-14.

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

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

19 (27) Fails to practice under the supervision of a physician or violates a
 20 supervisory order of a supervising physician; **OR**

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

23 14-5B-16.

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

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

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

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

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

5 14-5C-09.

6 (b) The applicant shall:

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

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

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

11 14-5C-11.

12 To apply for a license, an applicant shall:

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

15 [(1)] **(2)** Submit an application to the Board on the form that the Board
 16 requires; and

17 [(2)] **(3)** Pay to the Board the application fee set by the Board.

18 14-5C-12.

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

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

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

26 **(II) THE NATURE OF THE CRIME;**

27 ~~**(III)**~~ **(III) THE CIRCUMSTANCES SURROUNDING THE CRIME;**

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

3 ~~(IV)~~ (V) **SUBSEQUENT WORK HISTORY;**

4 ~~(V)~~ (VI) **EMPLOYMENT AND CHARACTER REFERENCES; AND**

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

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

10 14-5C-14.

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

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

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

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

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

24 **(II) THE NATURE OF THE CRIME;**

25 ~~(II)~~ (III) **THE CIRCUMSTANCES SURROUNDING THE CRIME;**

26 ~~(III)~~ (IV) **THE LENGTH OF TIME THAT HAS PASSED SINCE THE**
27 **CRIME;**

28 ~~(IV)~~ (V) **SUBSEQUENT WORK HISTORY;**

29 ~~(V)~~ (VI) **EMPLOYMENT AND CHARACTER REFERENCES; AND**

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

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

6 14-5C-17.

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

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

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

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

20 14-5C-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 its full authorized membership, 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**

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

32 14-5D-08.

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 14-5D-09.

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

16 **(C) (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 NATURE OF THE CRIME;**

22 ~~**(III)**~~ **THE CIRCUMSTANCES SURROUNDING THE CRIME;**

23 ~~**(IV)**~~ **THE LENGTH OF TIME THAT HAS PASSED SINCE THE**
24 **CRIME;**

25 ~~**(V)**~~ **SUBSEQUENT WORK HISTORY;**

26 ~~**(VI)**~~ **EMPLOYMENT AND CHARACTER REFERENCES; AND**

27 ~~**(VII)**~~ **OTHER EVIDENCE THAT DEMONSTRATES WHETHER**
28 **THE 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 TITLE HAS NOT BEEN**
 3 **RECEIVED.**

4 14-5D-12.

5 **(H) (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 NATURE OF THE CRIME;**

19 ~~**(III)**~~ **(III) THE CIRCUMSTANCES SURROUNDING THE CRIME;**

20 ~~**(IV)**~~ **(IV) THE LENGTH OF TIME THAT HAS PASSED SINCE THE**
 21 **CRIME;**

22 ~~**(V)**~~ **(V) SUBSEQUENT WORK HISTORY;**

23 ~~**(VI)**~~ **(VI) EMPLOYMENT AND CHARACTER REFERENCES; AND**

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

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

29 14-5D-14.

1 (a) Subject to the hearing provisions of § 14–405 of this title, the Board, on the
2 affirmative vote of a majority of a quorum of the Board, may deny a license to any applicant,
3 or a disciplinary panel, on the affirmative vote of a majority of a quorum of the disciplinary
4 panel, may reprimand any licensee, place any licensee on probation, or suspend or revoke
5 a license, if the applicant or licensee:

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

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

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

12 14–5D–16.

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

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

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

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

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

24 14–5E–09.

25 (b) The applicant shall:

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

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

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

30 14–5E–11.

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 a license to an applicant who meets the requirements of this subtitle.

9 (c) (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 NATURE OF THE CRIME;**

15 ~~(iii)~~ (iii) **THE CIRCUMSTANCES SURROUNDING THE CRIME;**

16 ~~(iii)~~ (iv) **THE LENGTH OF TIME THAT HAS PASSED SINCE THE**
17 **CRIME;**

18 ~~(iv)~~ (v) **SUBSEQUENT WORK HISTORY;**

19 ~~(v)~~ (vi) **EMPLOYMENT AND CHARACTER REFERENCES; AND**

20 ~~(vi)~~ (vii) **OTHER EVIDENCE THAT DEMONSTRATES WHETHER**
21 **THE APPLICANT POSES A THREAT TO THE PUBLIC HEALTH OR SAFETY.**

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

25 14-5E-13.

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

1 (I) ANNUAL RENEWAL APPLICANTS AS DETERMINED BY
2 REGULATIONS ADOPTED BY THE BOARD; AND

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

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

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

11 (II) THE NATURE OF THE CRIME;

12 ~~(III)~~ (III) THE CIRCUMSTANCES SURROUNDING THE CRIME;

13 ~~(IV)~~ (IV) THE LENGTH OF TIME THAT HAS PASSED SINCE THE
14 CRIME;

15 ~~(V)~~ (V) SUBSEQUENT WORK HISTORY;

16 ~~(VI)~~ (VI) EMPLOYMENT AND CHARACTER REFERENCES; AND

17 ~~(VII)~~ (VII) OTHER EVIDENCE THAT DEMONSTRATES WHETHER
18 THE LICENSEE POSES A THREAT TO THE PUBLIC HEALTH OR SAFETY.

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

22 14-5E-16.

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

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

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

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

5 14-5E-19.

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

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

11 (C) A DISCIPLINARY PANEL MAY NOT REINSTATE A REVOKED LICENSE THAT
12 HAS BEEN REVOKED FOR A PERIOD OF 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 TITLE.

17 14-5F-11.

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

20 14-5F-12.

21 To apply for a license, an applicant shall:

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

24 [(1)] (2) Submit an application to the Board on a form that the Board
25 requires;

26 [(2)] (3) Pay to the Board an application fee set by the Board;

27 [(3)] (4) If the applicant has been licensed, certified, or registered to
28 practice naturopathic medicine in another state, submit all evidence relating to:

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

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

7 ~~[(4)]~~ **(5)** Complete and submit to the Board a Board-approved written
8 attestation that:

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

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

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

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

19 ~~[(5)]~~ **(6)** Inform the physician named in the attestation that the physician
20 has been named.

21 14-5F-13.

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

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

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

29 **(II) THE NATURE OF THE CRIME;**

30 ~~(III)~~ **(III) THE CIRCUMSTANCES SURROUNDING THE CRIME;**

31 ~~(IV)~~ **(IV) THE LENGTH OF TIME THAT HAS PASSED SINCE THE**
32 **CRIME;**

- 1 ~~(IV)~~ (V) SUBSEQUENT WORK HISTORY;
- 2 ~~(V)~~ (VI) EMPLOYMENT AND CHARACTER REFERENCES; AND
- 3 ~~(VI)~~ (VII) OTHER EVIDENCE THAT DEMONSTRATES WHETHER
- 4 THE APPLICANT POSES A THREAT TO THE PUBLIC HEALTH OR SAFETY.

5 (2) THE BOARD MAY NOT ISSUE A LICENSE IF THE CRIMINAL HISTORY

6 RECORD INFORMATION REQUIRED UNDER § 14-308.1 OF THIS TITLE HAS NOT BEEN

7 RECEIVED.

8 14-5F-15.

9 (D) (1) BEGINNING OCTOBER 1, 2016, THE BOARD SHALL REQUIRE A

10 CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 14-308.1 OF THIS

11 TITLE FOR:

12 (I) ANNUAL RENEWAL APPLICANTS AS DETERMINED BY

13 REGULATIONS ADOPTED BY THE BOARD; AND

14 (II) EACH FORMER LICENSEE WHO FILES FOR REINSTATEMENT

15 UNDER § 14-5F-16(B) OF THIS SUBTITLE AFTER FAILING TO RENEW THE LICENSE

16 FOR A PERIOD OF 1 YEAR OR MORE.

17 (2) ON RECEIPT OF THE CRIMINAL HISTORY RECORD INFORMATION

18 OF A LICENSEE FORWARDED TO THE BOARD IN ACCORDANCE WITH § 14-308.1 OF

19 THIS TITLE, IN DETERMINING WHETHER TO RENEW OR REINSTATE A LICENSE, THE

20 BOARD SHALL CONSIDER:

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

22 (II) THE NATURE OF THE CRIME;

23 ~~(III)~~ (III) THE CIRCUMSTANCES SURROUNDING THE CRIME;

24 ~~(IV)~~ (IV) THE LENGTH OF TIME THAT HAS PASSED SINCE THE

25 CRIME;

26 ~~(V)~~ (V) SUBSEQUENT WORK HISTORY;

27 ~~(VI)~~ (VI) EMPLOYMENT AND CHARACTER REFERENCES; AND

28 ~~(VII)~~ (VII) OTHER EVIDENCE THAT DEMONSTRATES WHETHER

29 THE LICENSEE POSES A THREAT TO THE PUBLIC HEALTH OR SAFETY.

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

4 14-5F-16.

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

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

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

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

13 14-5F-18.

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

19 (25) Abandons a patient; [or]

20 (26) Violates any provision of this title or any regulation adopted by the
21 Board; **OR**

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

24 14-5F-24.

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

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

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

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

3 (c) **A DISCIPLINARY PANEL MAY NOT REINSTATE A SUSPENDED OR**
4 **REVOKED LICENSE THAT HAS BEEN SUSPENDED OR REVOKED FOR A PERIOD OF**
5 **MORE THAN 1 YEAR UNLESS THE LICENSEE:**

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

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

10 15-303.

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

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

14 [(1)] (2) Be of good moral character;

15 [(2)] (3) Demonstrate oral and written competency in the English
16 language as required by the Board;

17 [(3)] (4) Be at least 18 years old; and

18 [(4)] (5) (i) Be a graduate of a physician assistant training program
19 approved by the Board; or

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

24 15-304.

25 An applicant for a license shall:

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

28 [(1)] (2) Submit an application to the Board on the form that the Board
29 requires; and

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

1 15-305.

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

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

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

9 (II) THE NATURE OF THE CRIME;

10 ~~(III)~~ (III) THE CIRCUMSTANCES SURROUNDING THE CRIME;

11 ~~(IV)~~ (IV) THE LENGTH OF TIME THAT HAS PASSED SINCE THE
12 CRIME;

13 ~~(V)~~ (V) SUBSEQUENT WORK HISTORY;

14 ~~(VI)~~ (VI) EMPLOYMENT AND CHARACTER REFERENCES; AND

15 ~~(VII)~~ (VII) OTHER EVIDENCE THAT DEMONSTRATES WHETHER
16 THE APPLICANT POSES A THREAT TO THE PUBLIC HEALTH OR SAFETY.

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

20 15-307.

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

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

26 (II) EACH FORMER LICENSEE WHO FILES FOR REINSTATEMENT
27 UNDER THIS TITLE AFTER FAILING TO RENEW THE LICENSE FOR A PERIOD OF 1 YEAR
28 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 ARTICLE, 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 NATURE OF THE CRIME;**

7 ~~**(III)**~~ **THE CIRCUMSTANCES SURROUNDING THE CRIME;**

8 ~~**(IV)**~~ **THE LENGTH OF TIME THAT HAS PASSED SINCE THE**
 9 **CRIME;**

10 ~~**(V)**~~ **SUBSEQUENT WORK HISTORY;**

11 ~~**(VI)**~~ **EMPLOYMENT AND CHARACTER REFERENCES; AND**

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

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

17 15-308.

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

21 (1) Meets the renewal requirements of § 15-307 of this subtitle;

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

23 (3) Submits to the Board satisfactory evidence of compliance with the
 24 qualifications and requirements established under this subtitle for license reinstatements;
 25 and

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

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

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

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

5 15-311.

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

8 **(1) ANY** of the reasons that are grounds for disciplinary action under §
9 15-314 of this subtitle; **AND**

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

12 15-314.

13 (a) Subject to the hearing provisions of § 15-315 of this subtitle, a disciplinary
14 panel, on the affirmative vote of a majority of the quorum, may reprimand any physician
15 assistant, place any physician assistant on probation, or suspend or revoke a license if the
16 physician assistant:

17 (41) Performs delegated medical acts beyond the scope of the delegation
18 agreement filed with the Board or after notification from the Board that an advanced duty
19 has been disapproved; [or]

20 (42) Performs delegated medical acts without the supervision of a physician;
21 **OR**

22 **(43) FAILS TO SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK**
23 **UNDER § 14-308.1 OF THIS ARTICLE.**

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