

# SENATE BILL 449

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CF HB 574

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By: **Senator Conway**

Introduced and read first time: February 6, 2015

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 17, 2015

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## 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 disseminated, 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

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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 certain licenses under certain circumstances; prohibiting a disciplinary panel from  
 2 reinstating certain revoked or suspended licenses except under certain  
 3 circumstances; and generally relating to the licensure of physicians and allied health  
 4 practitioners by the State Board of Physicians.

5 BY repealing and reenacting, with amendments,

6 Article – Health Occupations

7 Section 14–205(b)(1)(iii), 14–302, 14–302.1, 14–309(a), 14–312(c) and (d), 14–313,  
 8 14–320(b), 14–404(a)(40) and (41), 14–409(a), 14–5A–10, 14–5A–11,  
 9 14–5A–17(a)(26) and (27), 14–5A–19, 14–5B–09(b), 14–5B–10,  
 10 14–5B–14(a)(26) and (27), 14–5B–16, 14–5C–09(b), 14–5C–11, 14–5C–12,  
 11 14–5C–17(a)(27) and (28), 14–5C–19, 14–5D–08(b), 14–5D–09,  
 12 14–5D–14(a)(27) and (28), 14–5D–16, 14–5E–09(b), 14–5E–11,  
 13 14–5E–16(a)(27) and (28), 14–5E–19, 14–5F–12, 14–5F–13, 14–5F–16(a)(2),  
 14 14–5F–18(a)(25) and (26), 14–5F–24, 15–303(a), 15–304, 15–305, 15–308, ~~and~~  
 15 15–311, and 15–314(a)(41) and (42)

16 Annotated Code of Maryland  
 17 (2014 Replacement Volume)

18 BY adding to

19 Article – Health Occupations

20 Section 14–307(i), 14–308.1, 14–316(g), 14–404(a)(42), 14–5A–09(e), 14–5A–13(g),  
 21 14–5A–17(a)(28), 14–5B–12(g), 14–5B–14(a)(28), 14–5C–14(g),  
 22 14–5C–17(a)(29), 14–5D–12(h), 14–5D–14(a)(29), 14–5E–13(g),  
 23 14–5E–16(a)(29), 14–5F–11(g), 14–5F–15(d), 14–5F–18(a)(27), ~~and~~ 15–307(g),  
 24 and 15–314(a)(43)

25 Annotated Code of Maryland  
 26 (2014 Replacement Volume)

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

28 That the Laws of Maryland read as follows:

29 **Article – Health Occupations**

30 14–205.

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

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

36 1. [any] ANY of the reasons that are grounds for action under  
 37 § 14–404 of this title; OR

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

3 14-302.

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

21 14-307.

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

24 **14-308.1.**

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

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

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

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

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

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

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

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

17           **(F) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY UNDER**  
18 **THIS SECTION:**

19                 **(1) IS CONFIDENTIAL;**

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

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

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

27 14-309.

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

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

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



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

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

14-313.

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

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

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

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

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

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

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

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

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

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

14-316.

**(G) (1) BEGINNING OCTOBER 1, 2016, THE BOARD SHALL REQUIRE A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 14-308.1 OF THIS SUBTITLE 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 § 14-317 OF THIS SUBTITLE AFTER FAILING TO RENEW THE LICENSE FOR A  
5 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 SUBTITLE, IN DETERMINING WHETHER TO RENEW OR REINSTATE A LICENSE,  
9 THE 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 SUBTITLE HAS NOT BEEN RECEIVED.

22 14-320.

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

25 (1) Submits to the Board:

26 (I) SATISFACTORY EVIDENCE OF COMPLIANCE WITH §  
27 14-308.1 OF THIS SUBTITLE;

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



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

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

6 (I) MEETS THE REQUIREMENTS FOR REINSTATEMENT AS  
7 ESTABLISHED BY THE BOARD; AND

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

10 14-5A-09.

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

13 14-5A-10.

14 To apply for a license, an applicant shall:

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

17 [(1)] (2) Submit an application to the Board on the form that the Board  
18 requires; and

19 [(2)] (3) Pay to the Board the application fee set by the Board.

20 14-5A-11.

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

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;

- 1                   ~~(II)~~ (III)       **THE CIRCUMSTANCES SURROUNDING THE CRIME;**
- 2                   ~~(II)~~ (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 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 14-5A-13.

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 NATURE OF THE CRIME;**

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

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

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

1                   ~~(v)~~ (VI)       EMPLOYMENT AND CHARACTER REFERENCES; AND

2                   ~~(vi)~~ (VII)   OTHER EVIDENCE THAT DEMONSTRATES WHETHER  
3 THE 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 14-5A-17.

8           (a) Subject to the hearing provisions of § 14-405 of this title, the Board, on the  
9 affirmative vote of a majority of a quorum of the Board, may deny a license to any applicant,  
10 or a disciplinary panel, on the affirmative vote of a majority of a quorum of the disciplinary  
11 panel, may reprimand any licensee, place any licensee on probation, or suspend or revoke  
12 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 14-5A-19.

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, on the affirmative  
22 vote of a majority of the quorum of the disciplinary panel, may reinstate a 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 14-5B-09.

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

2 (1) Be of good moral character;

3 (2) Be at least 18 years old;

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

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

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

10 (ii) Certification; AND

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

13 14-5B-10.

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

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

17 ~~[(1)]~~ **(2)** Submit an application to the Board on the form that the Board  
18 requires; and

19 ~~[(2)]~~ **(3)** Pay to the Board the application fee set by the Board.

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

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

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

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

29 ~~**(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 APPLICANT 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 14-5B-12.

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 14-5B-14.

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

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

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

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

18 14-5B-16.

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

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

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

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

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

30 14-5C-09.

31           (b) The applicant shall:

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

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

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

5 14-5C-11.

6 To apply for a license, an applicant shall:

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

9 [(1)] (2) Submit an application to the Board on the form that the Board  
10 requires; and

11 [(2)] (3) Pay to the Board the application fee set by the Board.

12 14-5C-12.

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

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

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

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

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

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

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

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

26 ~~(VII)~~ (VII) **OTHER EVIDENCE THAT DEMONSTRATES WHETHER**  
27 **THE 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 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 14-5C-17.

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) Practices or attempts to practice a polysomnography procedure or uses  
7 or attempts to use polysomnography equipment if the applicant or licensee has not received  
8 education and training in the performance of the procedure or the use of the equipment;  
9 [or]

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

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

14 14–5C–19.

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

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

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

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

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

26 14–5D–08.

27 (b) The applicant shall:

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

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

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

1 14-5D-09.

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

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

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

7 ~~[(2)]~~ **(3)** Pay to the Board the application fee set by the Board.

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

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

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

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

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

18 ~~**(IV)**~~ **(IV) THE LENGTH OF TIME THAT HAS PASSED SINCE THE**  
 19 **CRIME;**

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

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

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

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

27 14-5D-12.

1           **(H) (1) BEGINNING OCTOBER 1, 2016, THE BOARD SHALL REQUIRE A**  
2 **CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 14-308.1 OF THIS**  
3 **TITLE 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 SUBSECTION (F) OF THIS SECTION AFTER FAILING TO RENEW THE LICENSE**  
8 **FOR A 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 TITLE, IN DETERMINING WHETHER TO RENEW OR REINSTATE A LICENSE, THE**  
12 **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 **TITLE HAS NOT BEEN RECEIVED.**

25 14-5D-14.

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

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

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

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

7 14-5D-16.

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

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

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

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

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

19 14-5E-09.

20 (b) The applicant shall:

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

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

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

25 14-5E-11.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 14-5E-13.

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

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

28                            **(II) EACH FORMER LICENSEE WHO FILES FOR REINSTATEMENT**  
29 **UNDER SUBSECTION (F) OF THIS SECTION AFTER FAILING TO RENEW THE LICENSE**  
30 **FOR A 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 TITLE, IN DETERMINING WHETHER TO RENEW OR REINSTATE A LICENSE, THE**  
 4 **BOARD SHALL CONSIDER:**

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

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

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

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

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

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

12                   ~~**(VII)**~~ **(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 **TITLE HAS NOT BEEN RECEIVED.**

17 14-5E-16.

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

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

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

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

30 14-5E-19.

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

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

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

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

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

12 14-5F-11.

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

15 14-5F-12.

16 To apply for a license, an applicant shall:

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

19 **[(1)] (2)** Submit an application to the Board on a form that the Board  
20 requires;

21 **[(2)] (3)** Pay to the Board an application fee set by the Board;

22 **[(3)] (4)** If the applicant has been licensed, certified, or registered to  
23 practice naturopathic medicine in another state, submit all evidence relating to:

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

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

1                    ~~[(4)]~~ **(5)**        Complete and submit to the Board a Board–approved written  
2 attestation that:

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

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

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

10                   (iv)      States that the applicant will require patients to sign a consent  
11 form that states that the applicant’s practice of naturopathic medicine is limited to the  
12 scope of practice identified in § 14–5F–14 of this subtitle; and

13                   ~~[(5)]~~ **(6)**        Inform the physician named in the attestation that the physician  
14 has been named.

15 14–5F–13.

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

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 TITLE, 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 NATURE OF THE CRIME;**

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

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

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

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

29                   ~~**(VII)**~~ **(VII)**      **OTHER EVIDENCE THAT DEMONSTRATES WHETHER**  
30 **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 14-5F-15.

5           **(D) (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 § 14-5F-16(B) OF THIS SUBTITLE 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 14-5F-16.

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

4 (I) **SATISFACTORY EVIDENCE OF COMPLIANCE WITH THE**  
5 **REQUIREMENTS OF § 14–308.1 OF THIS TITLE;**

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

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

9 14–5F–18.

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

15 (25) Abandons a patient; [or]

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

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

20 14–5F–24.

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

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

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

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

28 (C) **A DISCIPLINARY PANEL MAY NOT REINSTATE A SUSPENDED OR**  
29 **REVOKED LICENSE THAT HAS BEEN SUSPENDED OR REVOKED FOR A PERIOD OF**  
30 **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 15-303.

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

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

9           **[(1)] (2)** Be of good moral character;

10           **[(2)] (3)** Demonstrate oral and written competency in the English  
11 language as required by the Board;

12           **[(3)] (4)** Be at least 18 years old; and

13           **[(4)] (5)** (i) Be a graduate of a physician assistant training program  
14 approved by the Board; or

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

19 15-304.

20           An applicant for a license shall:

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

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 15-305.

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

1           **(B) (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 ARTICLE, 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 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 APPLICANT POSES A THREAT TO THE PUBLIC HEALTH OR SAFETY.**

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

17 15-307.

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

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

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

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

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

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

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

3                   ~~**(IV)**~~     **THE LENGTH OF TIME THAT HAS PASSED SINCE THE**  
4 **CRIME;**

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

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

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

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

12 15–308.

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

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

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

18                   (3) Submits to the Board satisfactory evidence of compliance with the  
19 **qualifications and requirements established under this subtitle for license reinstatements;**  
20 **and**

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

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

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

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

29 15–311.

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

3 (1) ANY of the reasons that are grounds for disciplinary action under §  
4 15–314 of this subtitle; AND

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

7 15–314.

8 (a) Subject to the hearing provisions of § 15–315 of this subtitle, a disciplinary  
9 panel, on the affirmative vote of a majority of the quorum, may reprimand any physician  
10 assistant, place any physician assistant on probation, or suspend or revoke a license if the  
11 physician assistant:

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

15 (42) Performs delegated medical acts without the supervision of a physician;  
16 OR

17 (43) FAILS TO SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK  
18 UNDER § 14–308.1 OF THIS ARTICLE.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
20 1, 2015.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.