SENATE BILL 449

J2 5lr0550
CF HB 574

By: **Senator Conway**
Introduced and read first time: February 6, 2015
Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 17, 2015

CHAPTER _____

AN ACT concerning

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

FOR the purpose of authorizing the State Board of Physicians and a disciplinary panel to take certain actions against certain applicants and licensees for failing to submit to a certain criminal history records check; requiring certain applicants for licensure by the State Board of Physicians to submit to a certain criminal history records check; altering the circumstances under which certain individuals and certain physicians are authorized to practice medicine in the State without a license; requiring certain applicants and licensees to apply to the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services for a certain criminal history records check and to submit to the Central Repository certain fingerprints and fees; requiring the Central Repository to forward to the Board and to certain individuals certain information under certain circumstances; providing that certain information is confidential, may not be redisseminated, and may be used only for certain purposes; authorizing certain individuals to contest certain information in accordance with certain provisions of law; altering the circumstances under which the Board may grant a certain waiver; requiring the Board, on receipt of certain information, to consider certain information in making certain determinations about certain applicants and licensees; requiring the Board to require certain criminal history records checks as a condition of license renewal beginning on a certain date; prohibiting the Board from renewing certain licenses if certain criminal history records check information has not been received; altering the circumstances under which the Board may issue a license to an individual who is on inactive status; authorizing the Board to reinstate

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.

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

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 14–205(b)(1)(iii), 14–302, 14–302.1, 14–309(a), 14–312(c) and (d), 14–313, 14–320(b), 14–404(a)(40) and (41), 14–409(a), 14–5A–10, 14–5A–11, 14–5A–17(a)(26) and (27), 14–5A–19, 14–5B–09(b), 14–5B–10, 14–5B–14(a)(26) and (27), 14–5B–16, 14–5C–09(b), 14–5C–11, 14–5C–12, 14–5C–17(a)(27) and (28), 14–5C–19, 14–5D–08(b), 14–5D–09, 14–5D–14(a)(27) and (28), 14–5D–16, 14–5E–09(b), 14–5E–11, 14–5E–16(a)(27) and (28), 14–5E–19, 14–5F–12, 14–5F–13, 14–5F–16(a)(2), 14–5F–18(a)(25) and (26), 14–5F–24, 15–303(a), 15–304, 15–305, 15–308, ~~and~~ 15–311 , and 15–314(a)(41) and (42)
Annotated Code of Maryland
(2014 Replacement Volume)

BY adding to
Article – Health Occupations
Section 14–307(i), 14–308.1, 14–316(g), 14–404(a)(42), 14–5A–09(e), 14–5A–13(g), 14–5A–17(a)(28), 14–5B–12(g), 14–5B–14(a)(28), 14–5C–14(g), 14–5C–17(a)(29), 14–5D–12(h), 14–5D–14(a)(29), 14–5E–13(g), 14–5E–16(a)(29), 14–5F–11(g), 14–5F–15(d), 14–5F–18(a)(27), ~~and~~ 15–307(g), and 15–314(a)(43)
Annotated Code of Maryland
(2014 Replacement Volume)

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

Article – Health Occupations

14–205.

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

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

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

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

14–302.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14–302.1.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14–307.

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

14–308.1.

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

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

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

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

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

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

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

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

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

(1) IS CONFIDENTIAL;

(2) MAY NOT BE REDISSEMINATED; AND

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

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

14–309.

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

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

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

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

14–312.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(VI)~~ (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:

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

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

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

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

(II) THE NATURE OF THE CRIME;

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

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

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

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

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

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

14–320.

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

(1) Submits to the Board:

(I) SATISFACTORY EVIDENCE OF COMPLIANCE WITH § 14–308.1 OF THIS SUBTITLE;

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

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

(2) Is otherwise entitled to be licensed.

14–404.

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

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

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

(i) Accredited by:

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

2. The Accreditation Association for Ambulatory Health Care; or

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

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

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

14–409.

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

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

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

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

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

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

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

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

14–5A–09.

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

14–5A–10.

To apply for a license, an applicant shall:

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

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

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

14–5A–11.

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

(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 TITLE, 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;

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

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

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

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

~~(VI)~~ (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 TITLE HAS NOT BEEN RECEIVED.

14–5A–13.

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

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

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

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

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

(II) THE NATURE OF THE CRIME;

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

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

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

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

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

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

14–5A–17.

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

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

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

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

14–5A–19.

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

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

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

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

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

14–5B–09.

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

(1) Be of good moral character;

(2) Be at least 18 years old;

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

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

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

(ii) Certification**; AND**

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

14–5B–10.

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

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

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

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

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

(C) (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 TITLE, 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;

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

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

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

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

~~(VI)~~ (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 TITLE HAS NOT BEEN RECEIVED.

14–5B–12.

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

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

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

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

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

(II) THE NATURE OF THE CRIME;

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

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

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

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

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

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

14–5B–14.

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

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

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

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

14–5B–16.

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

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

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

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

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

14–5C–09.

(b) The applicant shall:

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

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

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

14–5C–11.

To apply for a license, an applicant shall:

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

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

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

14–5C–12.

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

(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 TITLE, 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;

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

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

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

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

~~(VI)~~ (VII) OTHER EVIDENCE THAT DEMONSTRATES WHETHER THE LICENSEE 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 TITLE HAS NOT BEEN RECEIVED.

14–5C–14.

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

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

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

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

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

(II) THE NATURE OF THE CRIME;

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

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

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

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

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

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

14–5C–17.

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

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

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

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

14–5C–19.

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

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

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

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

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

14–5D–08.

(b) The applicant shall:

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

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

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

14–5D–09.

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

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

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

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

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

(C) (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 TITLE, 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;

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

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

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

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

~~(VI)~~ (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 TITLE HAS NOT BEEN RECEIVED.

14–5D–12.

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

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

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

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

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

(II) THE NATURE OF THE CRIME;

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

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

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

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

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

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

14–5D–14.

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

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

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

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

14–5D–16.

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

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

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

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

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

14–5E–09.

(b) The applicant shall:

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

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

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

14–5E–11.

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

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

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

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

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

(C) (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 TITLE, 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;

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

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

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

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

~~(VI)~~ (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 TITLE HAS NOT BEEN RECEIVED.

14–5E–13.

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

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

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

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

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

(II) THE NATURE OF THE CRIME;

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

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

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

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

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

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

14–5E–16.

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

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

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

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

14–5E–19.

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

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

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

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

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

14–5F–11.

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

14–5F–12.

To apply for a license, an applicant shall:

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

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

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

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

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

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

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

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

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

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

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

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

14–5F–13.

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

(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 TITLE, 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;

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

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

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

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

~~(VI)~~ (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 TITLE HAS NOT BEEN RECEIVED.

14–5F–15.

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

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

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

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

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

(II) THE NATURE OF THE CRIME;

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

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

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

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

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

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

14–5F–16.

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

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

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

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

14–5F–18.

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

(25) Abandons a patient; **[**or**]**

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

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

14–5F–24.

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

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

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

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

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

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

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

15–303.

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

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

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

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

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

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

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

15–304.

An applicant for a license shall:

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

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

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

15–305.

(A) [The**] SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE** Board shall issue a license to an 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 ARTICLE, 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;

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

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

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

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

~~(VI)~~ (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 ARTICLE HAS NOT BEEN RECEIVED.

15–307.

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

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

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

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

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

(II) THE NATURE OF THE CRIME;

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

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

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

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

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

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

15–308.

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

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

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

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

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

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

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

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

15–311.

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

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

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

15–314.

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

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

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

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

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

Approved:

_____

Governor.

_____

President of the Senate.

_____

Speaker of the House of Delegates.