

Department of Legislative Services  
Maryland General Assembly  
2017 Session

FISCAL AND POLICY NOTE  
Third Reader

House Bill 912

(Delegate Morales, *et al.*)

Health and Government Operations

Education, Health, and Environmental Affairs

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State Board of Examiners of Psychologists - Criminal History Records Checks -  
Renewals and Reinstatements

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This bill requires the State Board of Examiners of Psychologists, beginning March 2019, to begin a process requiring criminal history records checks (CHRCs) on specified renewal and reinstatement applications in accordance with existing procedures for CHRCs for initial applicants for licensure as a psychologist or registration as a psychology associate.

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Fiscal Summary

**State Effect:** The cost for a CHRC (\$50) is borne by the applicant; any additional workload for the State Board of Examiners of Psychologists to review additional CHRC results can be handled with existing budgeted resources.

**Local Effect:** None.

**Small Business Effect:** Minimal.

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Analysis

**Bill Summary:** The bill requires a CHRC to be performed on (1) selected annual renewal applicants as determined by regulations adopted by the board and (2) each former licensee or registrant who files for reinstatement after failing to renew the license or registration for a period of one year or more. An additional CHRC must be conducted every six years.

On receipt of the criminal history record information, in determining whether to renew a license or registration, the board must consider:

- the age at which the crime was committed;
- the circumstances surrounding the crime;
- the length of time that has passed since the crime;
- subsequent work history;
- employment and character references; and
- other evidence that demonstrates whether the licensee poses a threat to the public health or safety.

The board may not renew a license or registration if the criminal history record information has not been received.

**Current Law/Background:** Chapters 647 and 648 of 2010 require an applicant for licensure as a psychologist or registration as a psychology associate to submit to a State and national CHRC from the Central Repository of the Criminal Justice Information System (CJIS). The requirement applies to new applicants only.

Information obtained from CJIS must be kept confidential, may not be disseminated, and must be used only for licensing purposes. The subject of a CHRC may contest the contents of the printed statement issued by the Central Repository. The board may not issue a license or registration if the required criminal history records information has not been received. In addition, the board must consider certain factors related to an applicant's criminal history records information prior to granting a license or registration. The board is authorized to deny a license to any applicant who fails to submit to a CHRC.

There are 3,202 licensed psychologists in Maryland. In fiscal 2016, the board received 302 initial applications for licensure and 6 applications for reinstatement. There were 1,413 applications for renewal in fiscal 2016. The board advises that approximately 3% of CHRCs accompanying initial license applications return pertinent information but that all applications have been approved after discussions with the applicant.

The Department of Public Safety and Correctional Services advises that the cost per applicant for a State and federal CHRC is \$50.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of Health and Mental Hygiene; Department of Public Safety and Correctional Services; Department of Legislative Services

**Fiscal Note History:** First Reader - March 6, 2017  
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