

Chapter 769

(House Bill 912)

AN ACT concerning

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

FOR the purpose of requiring the State Board of Examiners of Psychologists to begin, by a certain date, a process of requiring criminal history records checks on selected renewal applicants as determined by regulations adopted by the Board and certain former licensees and registrants who file for reinstatement of a license or registration; requiring an additional criminal history records check to be performed on a certain schedule; requiring the Board to consider certain factors in determining whether to renew certain licenses and registrations; prohibiting the Board from renewing a license or registration under certain circumstances; and generally relating to the requirement by the State Board of Examiners of Psychologists for a criminal history records check.

BY adding to

Article – Health Occupations
Section 18–309(h)
Annotated Code of Maryland
(2014 Replacement Volume and 2016 Supplement)

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

Article – Health Occupations

18–309.

(H) (1) (I) BEGINNING MARCH 2019, THE BOARD SHALL BEGIN A PROCESS REQUIRING CRIMINAL HISTORY RECORDS CHECKS IN ACCORDANCE WITH § 18–302.1 OF THIS SUBTITLE 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 UNDER § 18–310 OF THIS SUBTITLE AFTER FAILING TO RENEW THE LICENSE OR REGISTRATION FOR A PERIOD OF 1 YEAR OR MORE.

(II) AN ADDITIONAL CRIMINAL HISTORY RECORDS CHECK SHALL BE PERFORMED:

1. 6 YEARS AFTER A RENEWAL APPLICANT SUBMITTED TO A CRIMINAL HISTORY RECORDS CHECK UNDER § 18-302(E) OF THIS SUBTITLE; AND

2. EVERY 6 YEARS AFTER A RENEWAL APPLICANT WAS REQUIRED TO SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK UNDER SUBPARAGRAPH (I)1 OF THIS PARAGRAPH.

(2) ON RECEIPT OF THE CRIMINAL HISTORY RECORD INFORMATION OF A LICENSEE FORWARDED TO THE BOARD IN ACCORDANCE WITH § 18-302.1 OF THIS SUBTITLE, IN DETERMINING WHETHER TO RENEW A LICENSE OR REGISTRATION, THE BOARD SHALL CONSIDER:

- (I) THE AGE AT WHICH THE CRIME WAS COMMITTED;**
- (II) THE CIRCUMSTANCES SURROUNDING THE CRIME;**
- (III) THE LENGTH OF TIME THAT HAS PASSED SINCE THE CRIME;**
- (IV) SUBSEQUENT WORK HISTORY;**
- (V) EMPLOYMENT AND CHARACTER REFERENCES; AND**

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

(3) THE BOARD MAY NOT RENEW A LICENSE OR REGISTRATION IF THE CRIMINAL HISTORY RECORD INFORMATION REQUIRED UNDER § 18-302.1 OF THIS SUBTITLE HAS NOT BEEN RECEIVED.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Approved by the Governor, May 25, 2017.