

**Maryland Health Occupations Boards**

4201 Patterson Avenue
Baltimore, MD 21215

Maryland Board of Dental Examiners

Spring Grove Hospital Center
55 Wade Avenue, Benjamin Rush Bldg.
Baltimore, MD 21228

Maryland Board of Nursing

4140 Patterson Avenue
Baltimore, MD 21215

Maryland Board of Physicians

4201 Patterson Avenue
Baltimore, MD 21215

Maryland Board of Pharmacy

4201 Patterson Avenue
Baltimore, MD 21215

**2023 SESSION
POSITION PAPER****BILL NO: SB 187****COMMITTEE: Finance****POSITION: SWA**

TITLE: Health Occupations – Licenses, Certificates, and Registrations – Immigrants**BILL ANALYSIS:**

Senate Bill (SB) 187 prohibits a health occupations board from denying a license to an immigrant if they meet certain requirements and requires each health occupations board to require each applicant for a license to disclose the Social Security number or Individual Taxpayer Identification Number of the applicant and record the number on the application.

POSITION AND RATIONALE:

The State Acupuncture Board; State Board of Examiners for Audiologists, Hearing Aid Dispensers, Speech-Language Pathologists and Music Therapists; State Board for Certification of Residential Child Care Program Professionals; State Board of Dental Examiners; State Board of Environmental Health Specialists; State Board of Nursing; State Board of Occupational Therapy Practice; State Board of Examiners in Optometry; State Board of Pharmacy; State Board of Physical Therapy Examiners; State Board of Physicians; State Board of Podiatric Medical Examiners; State Board of Professional Counselors and Therapists; State Board of Psychologists; and State Board of Social Work Examiners support with amendment SB 187.

This bill, as introduced, prohibits boards from denying a license, certification, or registration to an immigrant who meets certain educational, training, or professional requirement for licensure. The Boards support the apparent intent of this legislation that would prohibit any additional restrictions on licensure based on immigration status, however, as written, this bill would

seemingly create additional restrictions on the Boards' ability to deny a license that would limit Board discretion and would create unequal treatment between immigrants and U.S. citizens. Specifically, the Boards have discretion to deny licenses in certain circumstances, such as a violation of the practice act, and as currently worded, the Boards fear that this bill would remove such discretion for immigrant applicants. The Boards would support this bill with amendments that make it clear that boards cannot deny a license based solely on the applicant's status as an immigrant, but do not limit the Boards' ability to deny licenses when appropriate. For example, if an applicant has violated the standard of practice or committed unprofessional conduct in the practice of acupuncture elsewhere, current law allows the Board to assess the violation and deny the license if the applicant poses a threat to public safety. The Boards are concerned that the proposed language could be interpreted to be read that so long as the minimum qualifications for licensure are present, that the Boards would no longer be able to deny such a license. Therefore, the Boards recommend the following amendment:

Amendment 1

On page 4, strike lines 24-26 beginning with "IF THE INDIVIDUAL" and ending with "OR REGISTRATION." Insert, on line 24 after "IMMIGRANT", "...SOLELY ON THE BASIS OF THEIR STATUS AS AN IMMIGRANT."

Thank you for your consideration of this testimony. The State Acupuncture Board; State Board of Examiners for Audiologists, Hearing Aid Dispensers, Speech-Language Pathologists and Music Therapists; State Board for Certification of Residential Child Care Program Professionals; State Board of Dental Examiners; State Board of Environmental Health Specialists; State Board of Nursing; State Board of Occupational Therapy Practice; State Board of Examiners in Optometry; State Board of Pharmacy; State Board of Physical Therapy Examiners; State Board of Physicians; State Board of Podiatric Medical Examiners; State Board of Professional Counselors and Therapists; State Board of Psychologists; and State Board of Social Work Examiners respectfully requests a favorable report on SB 187 with proposed amendment.

If you have a question for a specific board, please contact Lillian Reese, the legislative liaison for the Boards, at 443-794-4757 or at lillian.reese@maryland.gov who will provide you with their contact information.

The opinion of the Boards expressed in this document does not necessarily reflect that of the Department of Health or the Administration.