

SB 175 - Optometry Board - Sponsor Testimony - Aug

Uploaded by: Malcolm Augustine

Position: FAV

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PRESIDENT PRO TEMPORE

Executive Nominations Committee

Education, Energy and the
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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

February 13, 2024

Senate Bill 175 - State Board of Examiners in Optometry - Criminal History Records Checks

Dear Colleagues,

I am pleased to present **Senate Bill 175 - State Board of Examiners in Optometry - Criminal History Records Checks**, which aims to implement criminal history records checks and incorporates the FBI RAP Back program, which provides health licensing boards with timely notifications in the event of an arrest, charge, or conviction of a licensee subsequent to the initial criminal history records check. The Board recognizes the importance of such measures in safeguarding the well-being and trust of Maryland's citizens in the practice of optometry.

As the primary sponsor of this crucial legislation, I believe that the proposed measures, along with the amendments made in collaboration with the Department of Health, are vital in reinforcing public safety and maintaining the high standards of the optometry profession in Maryland.

Senate Bill 175 is designed to implement criminal history records checks, accompanied by the inclusion of the FBI RAP Back program. This program serves as a proactive mechanism, notifying health licensing boards, including the State Board of Examiners in Optometry, when a licensee is arrested, charged, or convicted subsequent to the initial criminal history records check. This real-time notification system is an essential tool in our collective efforts to safeguard the well-being of Maryland's citizens.

The amendments to Senate Bill 175, crafted in coordination with the Department of Health, underscore our commitment to a well-thought-out and practical implementation strategy. By delaying the enforcement of criminal history records checks until January 1, 2026, and providing clarifying language on appropriate usage we align seamlessly with the Board's application renewal schedule, ensuring a smooth integration of these critical processes. Furthermore, the exemption of license renewal applicants, specifically active licensees, from the burden of repeated criminal history records checks every two years strikes a necessary balance between regulatory diligence and administrative efficiency.

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The Board of Examiners in Optometry, a key stakeholder in this legislation, stands in support of Senate Bill 175 with these amendments. This bill ensures that the Board can continue fulfilling its mandated responsibilities in protecting the citizens of Maryland through the credentialing, examination, licensing, and disciplinary processes for optometrists. It is noteworthy that fifteen health occupations boards already mandate criminal history records checks for their licensees, reflecting the industry's commitment to maintaining the highest standards and ensuring public trust.

The primary role of the Board is to protect the health and safety of consumers through the licensing and regulation of the practice of optometry. Senate Bill 175 grants the Board the necessary tools to properly protect the public through thorough investigations into an applicant or licensee's criminal history. The requirement for applicants and licensees to submit a criminal history record check (CHRC) and disclose relevant information is in line with best practices observed in health licensing boards across the country.

In conclusion, I urge your support for Senate Bill 175, as amended, and request a **favorable** report for **Senate Bill 175 - State Board of Examiners in Optometry - Criminal History Records Checks**.

Sincerely,

A handwritten signature in cursive script that reads "Malcolm Augustine".

Senator Malcolm Augustine

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Position: FWA



Wes Moore, Governor · Aruna Miller, Lt. Governor · Laura Herrera Scott, M.D., M.P.H., Secretary

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**2024 LEGISLATIVE SESSION
POSITION PAPER**

BILL NO: SB 175
COMMITTEE: FINANCE
POSITION: SUPPORT WITH AMENDMENTS

TITLE: State Board of Examiners in Optometry – Criminal History Records Check

BILL ANALYSIS: The Bill, with amendments, would require a licensee to begin the Criminal History Records Check (CHRC) process effective January 1, 2026.

POSITION AND RATIONALE: The Board of Examiners in Optometry (the “Board”) supports SB 175 with amendments.

SB 175 will ensure the Board continues their mandated responsibilities of protecting the citizens of Maryland through its credentialing, examination, licensing, and disciplinary process for optometrists. There are currently fifteen health occupations Boards that require licensees to complete a criminal history records check.

The Board recognizes that its primary role is to protect the health and safety of consumers through the licensing and regulation of the practice of Optometry. SB175 will grant the Board with the ability to properly protect the public, through investigations of an applicant or licensee’s criminal history. Applicants and licensees will be required to submit a criminal history record check (CHRC) and disclose information regarding their criminal history.

The Board is working with DLS on amendments that they are recommending for clarity.

The Board of Examiners in Optometry respectfully asks for a favorable report on SB 175, with amendments.

If you require additional information, please contact the Board’s Executive Director, Gwendolyn Joyner, at 410-764-5994, or Gwendolyn.Joyner@maryland.gov.

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