



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

Maryland State Board of Pharmacy

4201 Patterson Avenue

Baltimore, MD 21215

February 12, 2025

The Honorable C. T. Wilson
Chair, Economic Matters Committee
230 Taylor House Office Building
231 Taylor House Office Building
Annapolis, Maryland 21401

RE: HB 482 – Occupational Licensing and Certification – Criminal History – Predetermination Review Process - Letter of Concern

Dear Chair Wilson and Committee Members:

The State Board of Pharmacy (the “Board”), as well as the following health occupation boards: Board of Pharmacy, (the “Boards”) are submitting this Letter of Concern for HB 482 – Occupational Licensing and Certification – Criminal History – Predetermination Review Process.

While the purpose of the bill - to encourage the employment of nonviolent ex-offenders and remove barriers to their ability to demonstrate fitness for State-issued occupational credentials - is appreciated by the Board of Acupuncture and the Boards, HB 482 would limit the ability of the Boards to thoroughly verify that applicants meet all licensure standards and could potentially place undue burdens on applicants with criminal convictions hindering the bill’s purpose from being fully realized.

The requirement for a predetermination process creates multiple unintended hindrances for the issuance of health occupations credentials. The Boards already have laws and processes that are employed to thoroughly review applications that affirm a history of criminal activity of any kind. The Boards thoroughly review each applicant’s reported criminal history and use the balancing factors outlined in Criminal Procedures Article §1-209, Annotated Code of Maryland, when making determinations about licensure. Each report of criminal conviction is reviewed based on individual circumstances and outcomes, including the applicant having a voice in the process. It is for this reason that the Boards confidently assert that the denial of occupational health credentials is exceedingly rare. For example, the Board of Acupuncture has not denied a license based on a criminal background in the last ten years. Our current processes allow for individual applicant scenarios to be vetted in the interest of public safety and that result in mission driven outcomes - licensing and regulation that both protects the public and credentials qualified health practitioners. In some cases, these credentials are issued with conditions and/or support (e.g. participation in a rehabilitation program, professional counseling,

practice monitoring and/or supervision). A predetermination process fails to encompass such scenarios, and these situations are more common than denying an applicant's ability to be licensed.

Predetermination also presumes that all occupational licensing and certification boards operate in exactly the same way, thus failing to acknowledge nuances in professional expertise and constituency that impact credentialing decisions. Furthermore, the creation of a predetermination review process for criminal convictions, while well intended, could have a deleterious effect on applicants. As referenced earlier, denials of licensure for reasons of criminal conviction are exceedingly rare, and only take place after a thorough investigation and review of the context and circumstances surrounding the conviction. However, absent the full context and circumstances surrounding the conviction, in the interest of public safety, the Boards may be forced to err on the side of rejecting applications due to convictions that could potentially result in a denial of licensure but that might otherwise have been approved.

Finally, predetermination assumes the capacity of health occupations boards and commissions and their ability to fiscally support the increase in administrative processes. This fact is particularly salient considering that most of the health occupations boards and commissions have minimal staff resources.

The Boards appreciate the opportunity to emphasize that the denial of health occupation licenses and certifications solely based on the basis of the existence of a criminal conviction(s) are rare. Applicants are afforded due process with a significant amount of time and staff resources being dedicated to treating them fairly, respectfully, and with the intent to minimize unnecessary delays. Since a demonstrable history exists of not using a criminal conviction as a barrier to licensure the Boards conclude that HB 482 would not improve the licensing process for applicants nor enhance actions taken to ensure the protection of the public.

Therefore, the Boards would urge the Committee to submit an unfavorable report unless HB 482 is amended to remove the health occupations boards.

For more information, please contact Tiffany L. Smith Williams, Executive Director for the Board of Acupuncture at (410)764-5925 or at tiffany.smith-williams@maryland.gov; or Lillian Reese, Legislative Liaison for Health Occupations Boards & Commissions, at 443-794-4757 or lillian.reese@maryland.gov or Deena Speights-Napata, MA, Executive Director for the Board of Pharmacy at (410) 764-4753 or at deena.speights-napata@maryland.gov; or Julie Gaskins, Legislative Liaison for the Maryland Board of Pharmacy, at 410-764-4709 or Julie.gaskins2@maryland.gov .

Respectfully,



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