



DEPARTMENT OF HEALTH

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

**Maryland State Board of Acupuncture
Maryland Health Occupations Boards**
4201 Patterson Avenue
Baltimore, MD 21215

Maryland State Board of Dental Examiners
Spring Grove Hospital Center - Benjamin Rush Bldg.
55 Wade Ave/Tulip Drive
Catonsville, MD 21228

Maryland State Board of Nursing
4140 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 Acupuncture (the “Board”), as well as the following health occupation boards: the State Board of Audiologists, Hearing Aid Dispensers, Speech/Language Pathologists & Music Therapists; the State Board of Dental Examiners; the State Board of Nursing; the State Board of Occupational Therapy Practice; the State Board of Examiners in Optometry; the State Board of Physical Therapy Examiners; the State Board of Podiatric Medical Examiners; and the State Board of Social Work Examiners, (the “Boards”) are submitting this Letter of Concern for HB 482 – Occupational Licensing and Certification – Criminal History – Predetermination Review Process.

While the Boards understand that it is the policy of the State to encourage the employment of nonviolent ex–offenders and remove barriers to their ability to demonstrate fitness for State-issued occupational credentials, 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 obstacles for the issuance of health occupations credentials. The Boards adhere to laws that have established meticulous processes for reviewing, investigating, and determining licensure of applicants with a reported history

of criminal activity to ensure the safety and welfare of the general public. Additionally, in accordance with the procedural codes outlined in Criminal Procedures Article §1-209, Annotated Code of Maryland, each report of criminal conviction is reviewed by the Boards based on individual circumstances and outcomes.

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. In some cases, a board may issue credentials 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. It is for this reason that the Boards confidently assert that the denial of occupational health credentials is exceedingly rare.

Furthermore, the creation of a predetermination review process for criminal convictions, while well intended, could have a deleterious effect on applicants. In the absence of the full context and circumstances surrounding a 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. 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 of minimizing 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 the Health Occupations Boards & Commissions, at 443-794-4757 or lillian.reese@maryland.gov.

Respectfully,



Tiffany L. Smith-Williams, MHS CPM
Executive Director
Board of Acupuncture

The opinion of the Boards expressed in this letter of concern do not necessarily reflect that of the Department of Health or the Administration.