

# **HB 482- Criminal History - Predetermination Review**

Uploaded by: Christa McGee

Position: FAV



**House Bill 482 - Occupational Licensing and Certification - Criminal History -  
Predetermination Review Process**

**Position: Support**

Maryland REALTORS® supports HB 482, which would establish a process where an applicant seeking a real estate license could seek a predetermination from the Department of Labor as to whether their past crimes would bar them from licensure.

Maryland REALTORS® believes that that a criminal background pre-determination process would be helpful for those who are considering careers in real estate. Prior to applying for a real estate license, applicants are required to complete 60 hours of pre-licensing coursework and pass an examination. They are required to spend a considerable amount of time and expense before submitting their formal application for licensure.

Under HB 482, individuals would have the opportunity to request official predetermination from the Department prior to attending pre-licensing classes and passing an exam to know if they are disqualified from obtaining a license due to past criminal offenses.

Due to the reasons above, we recommend a favorable report.

**For more information contact  
lisa.may@mdrealtor.org or christa.mcgee@mdrealtor.org**

**HB 482\_Del Harrison\_FAV.pdf**

Uploaded by: Delegate Andrea Harrison

Position: FAV

ANDREA FLETCHER HARRISON  
*Legislative District 24*  
Prince George's County

Economic Matters Committee

*Subcommittees*

Alcoholic Beverages

Banking, Consumer Protection,  
and Commercial Law

Worker's Compensation



The Maryland House of Delegates  
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THE MARYLAND HOUSE OF DELEGATES  
ANNAPOLIS, MARYLAND 21401

**Written Testimony – HB 482 – Occupational Licensing and Certification – Criminal  
History – Predetermination Review Process**

**February 12, 2025**

Good afternoon, Chairman Wilson, Vice Chair Crosby, and members of the Economic Matters Committee.

For the record, I am Delegate Andrea Fletcher Harrison, and I am here today to introduce HB 482. I brought forth this bill last year and it was passed by this committee with amendments and voted out by the House. Unfortunately, it was never heard in the Senate. The amendments are incorporated into this piece of legislation.

I have brought forth this piece of legislation to reduce barriers to re-entry for persons who have been formerly incarcerated. It is important to me that people have second chances to lower chances of recidivism, encourage successful re-entry to society and our communities, and to help support Maryland businesses.

HB 482 creates a pre-clearance process for individuals with criminal records. That would require licensing agencies, if requested, to provide binding guidance as to whether an individual's criminal record would be prohibitive for licensure. That pre-clearance process would require the board to provide individualized consideration of the applicant's criminal record, including evidence of rehabilitation. Simply put, this bill would require licensing agencies to conduct honest and fair reviews of criminal records before returning citizens invest their valuable time and money pursuing a desired profession.

HB 482 is crucial because of its many societal and economic benefits. Current policies do not promote an equitable workforce. The Prison Policy Initiative, a nonprofit, nonpartisan research group has conducted studies about hiring previously incarcerated people. Their 2018 study shows that previously incarcerated people are 27 times more likely to be unemployed, which is higher than the unemployment rates during the Great Depression. This is especially true among marginalized groups.

Their study also showed that non-violent ex-offenders are willing to work. However, they struggle with getting a job for up to three years after their release, the most crucial years for successful re-entry. After years of struggle, the recidivism rate increases which stunts the rehabilitation progress and creates public safety risks due to the rising likelihood of recidivism.

Unfortunately, their record acts as a collateral consequence for years to decades later, no matter their qualifications or years since the offense happened. This prejudice impedes Marylanders from creating successful lives, communities, and families. With HB 482, we can unlock the 19 percent of Maryland jobs that require licensing and certificates while increasing public safety and encouraging reintegration.

The Society for Human Resource Management has a study that shows CEOs, managers, and workers are willing to hire and work alongside persons who have been formerly incarcerated. If the public is open to working with non-violent persons who have been formerly incarcerated, so should licensing authorities. Persons who have been formerly incarcerated can utilize the plethora of skills they had before prison, learned in prison, or after. This is especially true when their prior offenses do not hinder their ability to work or don't affect the safety of the people around them.

Everyone has a past, and it's our responsibility as lawmakers to show that the past doesn't define anyone. Change and progress are always possible; together, we can keep improving the quality of formerly incarcerated people in Maryland and the families, communities, and businesses affected by the structural barriers presented by licensing.

With that, I will turn it over to the rest of our panel, which will further explain why this is an important issue. Thank you for your time, and I urge a favorable report on HB 482.

**HB0482\_FAV\_RBIJ\_ODonnell.pdf**

Uploaded by: Maggie O'Donnell

Position: FAV



February 10, 2025

Re: HB 482

Dear Members of the Economic Matters Committee,

The Responsible Business Initiative for Justice (RBIJ) is an award-winning international nonprofit that works with companies to champion solutions that promote public safety, deliver justice, and strengthen communities. Since its inception, RBIJ has collaborated with companies of all sizes across two dozen states to advocate for practical policy reforms that expand workforce opportunities and stimulate economic growth. **We stand in support of the passage of HB 482, legislation that would strengthen the economy, expand the talent pool for businesses, and give hardworking Marylanders a meaningful second chance.**

Approximately one million people, or [22% of Maryland's adult population](#), have some form of criminal record. Even decades after release, these records can present an enormous obstacle to a person's ability to find and retain employment. For occupations that require a license, that barrier is even greater. In Maryland, [one in five workers](#) need to obtain an occupational license before they can begin work in fields as varied as plumbing, dentistry, nursing, law, and cosmetology. Unfortunately, the process can require substantial investments of time and money; in Maryland, the average license for low- and moderate-income jobs takes 532 days of education and experience, making the state the ninth most burdensome for licensing laws in the nation. Maryland's current laws also unnecessarily restrict individuals with criminal records, keeping potential employees out of the workforce and preventing willing employers from hiring them. Further, individuals with a criminal history are often unaware if their record will disqualify them from obtaining a license until they've completed all of the necessary education and experience.

The costs of this are huge — for businesses and communities alike. Marylanders are facing an ongoing labor shortage with [33 available workers for every 100 open jobs](#). As companies look to fill these vacancies, we should be working to ensure that people who want these jobs and have paid their dues to society can earn their licenses and enter the workforce. To keep the workforce growing, however, Maryland needs to ensure there is a strong and diverse talent pool for the businesses that call this state home — and those that plan to set roots here. Reducing barriers to licensing is a solution which would allow employers to tap into a vast, underutilized, and productive workforce.

The Responsible Business Initiative for Justice is the collective name for RBIJ USA (a fiscally sponsored project of NEO) and RBIJ UK (a non-profit community interest company (company number: 12100724))



Occupational licensing reform also saves tax dollars and increases prosperity. Data suggests that overly restrictive licensing laws reduce state and local tax revenue by preventing people from working. The Institute for Justice estimates that licensing costs Maryland's economy [\\$3.27 million](#) and leads to more than 23,000 fewer jobs every year. By removing or reducing barriers to employment, states can boost incomes, increase sales tax revenue, and reduce the need for long term government support.

For employers, it's also essential that employees and their families have a safe place to live and work. Since having a job is one of the most important factors in determining whether someone will reoffend, licensing reform will serve to make communities safer. Helping returning citizens reenter the workforce benefits everyone.

Establishing a predetermination review process and removing unnecessary barriers to occupational licensing are common-sense solutions to address the labor shortage, grow Maryland's economy, and reduce recidivism. We urge the legislature to pass HB 482.

Maggie O'Donnell  
Director of Policy & Advocacy  
Responsible Business Initiative for Justice (RBIJ)  
[maggie@rbij.org](mailto:maggie@rbij.org)



**HB0482\_FAV\_RBIJ\_ODonnell.pdf**

Uploaded by: Maggie O'Donnell

Position: FAV



February 10, 2025

Bill: HB 482

Committee: House Economic Matters

Position: Favorable

Dear Members of the Economic Matters Committee,

The Responsible Business Initiative for Justice (RBIJ) is an award-winning international nonprofit that works with companies to champion solutions that promote public safety, deliver justice, and strengthen communities. Since its inception, RBIJ has collaborated with companies of all sizes across two dozen states to advocate for practical policy reforms that expand workforce opportunities and stimulate economic growth. **We stand in support of the passage of HB 482, legislation that would strengthen the economy, expand the talent pool for businesses, and give hardworking Marylanders a meaningful second chance.**

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[www.rbij.org](http://www.rbij.org) | [info@rbij.org](mailto:info@rbij.org)



Occupational licensing reform also saves tax dollars and increases prosperity. Data suggests that overly restrictive licensing laws reduce state and local tax revenue by preventing people from working. The Institute for Justice estimates that licensing costs Maryland's economy [\\$3.27 million](#) and leads to more than 23,000 fewer jobs every year. By removing or reducing barriers to employment, states can boost incomes, increase sales tax revenue, and reduce the need for long term government support.

For employers, it's also essential that employees and their families have a safe place to live and work. Since having a job is one of the most important factors in determining whether someone will reoffend, licensing reform will serve to make communities safer. Helping returning citizens reenter the workforce benefits everyone.

Establishing a predetermination review process and removing unnecessary barriers to occupational licensing are common-sense solutions to address the labor shortage, grow Maryland's economy, and reduce recidivism. We urge the legislature to pass HB 482.

Maggie O'Donnell  
Director of Policy & Advocacy  
Responsible Business Initiative for Justice (RBIJ)  
[maggie@rbij.org](mailto:maggie@rbij.org)

**HB0482\_favorable\_w\_amendments\_JamelFreeman.pdf**

Uploaded by: Jamel Freeman

Position: FWA

Chair Wilson, Vice Chair Crosby and Members of the Economic Matters Committee:

Thank you for giving me the opportunity to testify in favorable support with amendments of House Bill 482. Also, thank you Delegate Harrison for sponsoring this bill – and for your support of amendments to add to the current procedures rather than replace them. My name is Jamel Freeman and I'm here today to share my personal experiences with the current state law and licensing processes.

In 2023 I began the application process for my alcohol and drug counseling certification. My application was first delayed for a conviction I had in 2000. The process was a yearlong and wrought with frustration partially due to staffing shortages which slowed the ability for the Department of Health to process applications within 60 days, which is a COMAR regulation. Unfortunately, the lack of transparency in the occupational licensing process for people with a non-violent criminal history was a significant contributor to my frustrations during this process. The current process costs me five potential job opportunities.

We should maintain the protections that are available for people whose criminal history is over seven years in the past. I urge the committee to not remove the current language of the statutes, listed on page 3 of the proposed legislation, Section (f) (2) lines 8 through 13: “If a period of 7 years or more has passed since an applicant completed serving the sentence for a crime, including all imprisonment, mandatory supervision, probation, and parole, and the applicant has not been charged with another crime other than a minor traffic violation, as defined in § 10-101 of this article, during that time, a department may not deny an occupational license or certificate to the applicant solely on the basis that the applicant was previously convicted of a crime.”

I respectfully disagree with last year's fiscal note, which suggests that this system of predetermination and transparency would deter individuals from pursuing licensure. Improved transparency, especially at the beginning of the process, would increase the likelihood of success for those seeking licensure – especially if these new processes are added to, rather than replace, the existing procedures.

I urge you to pass House Bill 482 with the proposed amendment, which will bring much-needed clarity and efficiency to the licensing process for people with criminal histories. This reform will empower individuals, like me, to achieve their goals without unnecessary obstacles. I respectfully request the Economic Matters Committee to support a favorable report to pass House Bill 482. Thank you all for your time and allowing me to share my experiences, strengths, and hopes.

Jamel Freeman

## Reference

Department of Legislative Services. (2025). EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] Indicate Matter Deleted from Existing law. \*hb0482\* HOUSE BILL 482. In Maryland General Assembly (pp. 1–4). General Assembly of Maryland Department of Legislative Services.  
<https://mgaleg.maryland.gov/2025RS/bills/hb/hb0482F.pdf>

# **SWASC - HB482 - Occupational Licensing and Certifi**

Uploaded by: UM SWASC

Position: FWA

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**TESTIMONY IN SUPPORT OF HB 482 WITH AMENDMENTS**  
**Occupational Licensing and Certification – Criminal History – Predetermination**  
**Review Process**  
*Economic Matters Committee*  
**February 12, 2025**

**Social Work Advocates for Social Change strongly supports HB 482 with proposed amendments that make occupational licensing or certification more available for individuals with criminal histories. This bill would establish a predetermination process for applicants to request a review of their criminal history to determine whether it would disqualify them from obtaining the license or certificate they are pursuing. It will also require certain Maryland departments to provide remedy steps for the individual. We seek amendments to ensure that the processes envisioned by the bill add to rather than replace existing procedures.**

**Social Work Advocates for Social Change respectfully proposes the following amendment:**

**Do not remove the statute, listed on page 3 of the proposed legislation, Section (f) (2) lines 8 through 13:**

*“If a period of 7 years or more has passed since an applicant completed serving the sentence for a crime, including all imprisonment, mandatory supervision, probation, and parole, and the applicant has not been charged with another crime other than a minor traffic violation, as defined in § 10-101 of this article, during that time, a department may not deny an occupational license or certificate to the applicant solely on the basis that the applicant was previously convicted of a crime.”*

The removal of these current protections could prevent formerly incarcerated individuals from being denied an occupational license after the existing seven year waiting period. **We understand and appreciate that the bill sponsor seeks to *expand opportunities for people with criminal histories to access occupational licenses and certificates. This amendment would add the new process envisioned by HB 482 for those seeking a criminal record review prior to seven years while maintaining the existing provisions for people with certain criminal histories that are older than seven years.***

**HB 482 with amendments could reduce recidivism.** One of the primary causes of recidivism is a lack of resources, specifically education, employment, and housing.<sup>1</sup> HB 482 directly or indirectly affects all three of these resources. Obtaining a license or

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<sup>1</sup> *What is recidivism? And why is addressing it key to reducing crime?* (2022). Stand Together. <https://standtogether.org/stories/strong-safe-communities/what-is-recidivism-and-why-is-addressing-it-key-to-reducing-repeat-crime>



certification requires education and has the potential to enhance a person's employment and income. Enhanced employment and income increase a person's ability to secure adequate housing. HB 482 begins to address one of the potential roadblocks in this process.

**HB 482 seeks to address racial inequities in Maryland's judicial system.** The potential to combat racial inequity in Maryland's criminal justice, correctional, and rehabilitation systems is significant. Black Marylanders make up 29% of Maryland's population; however, they are 71% of the state's prison population, amounting to over 11,360 individuals.<sup>2</sup> Of the 3,095 inmates released in 2023, around 2,200 were Black.<sup>3</sup> This bill will enhance transparency and remove barriers related to criminal histories for obtaining occupational licenses and certifications. Improved transparency and awareness for corrective action will enable greater access to employment, potentially higher earnings, and self-empowerment, especially for Black individuals with criminal records.

**HB 482 as amended could create more needed employees for small businesses.**

Maryland requires licensure or certification in 167 out of 331 occupations.<sup>4</sup> The passage of House Bill 482 could positively impact small business employers within the state, as it would potentially increase the pool of eligible, licensed, or certified employees. One such field of employment is an HVAC technician. Currently, there is a shortage of HVAC technicians, and the field is expected to grow by 15% over the next decade.<sup>5</sup> By removing barriers to licensure or certification for individuals with criminal histories, small businesses may find it easier to fill positions requiring professional licensure or certification, enhancing their operations and contributing to Maryland's economy.

**HB 482 as amended could have substantial fiscal benefits to the state's revenues.**

From a budgetary perspective, the bill's potential economic benefits are considerable. It requires only 180 new individuals with criminal histories to acquire licenses or certifications annually, with a net Maryland income of \$47,000 each, to offset the additional expense to the state budget.<sup>6</sup> Calculations based on the percentage of civilians requiring a license or certification for employment and the state's prison population, Maryland could see a potential \$2 million increase in annual tax revenue due to higher incomes of people with criminal histories acquiring a license or certificate. Using the HVAC technician example, as of January 2025, the average salary for an HVAC technician in Maryland was \$66,481 per year or \$31.96 per hour.<sup>7</sup> Compared to

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<sup>2</sup> Racial Equity Impact Note. (2024). In *Maryland General Assembly*. <https://mgaleg.maryland.gov/Pubs/BudgetFiscal/2024RS-HB0175-REIN.pdf>

<sup>3</sup> Racial Equity Impact Note. (2024). In *Maryland General Assembly*. <https://mgaleg.maryland.gov/Pubs/BudgetFiscal/2024RS-HB0175-REIN.pdf>

<sup>4</sup> Timmons, E., Norris, C., & Trudeau, N. (2024). A Snapshot of Occupational Licensing in Maryland. In *West Virginia University*. <https://csorwvu.com/maryland-snapshot/>

<sup>5</sup> *Maryland HVAC Training*. (2025). HVAC School. <https://www.hvacschool.org/maryland/#:~:text=The%20demand%20for%20trained%20and,to%20the%20Baltimore%20Business%20Journal>.

<sup>6</sup> Fiscal and Policy Note: Third Reader - Revised. (2024). In *Maryland General Assembly*. [https://mgaleg.maryland.gov/2024RS/fnotes/bil\\_0005/hb0175.pdf](https://mgaleg.maryland.gov/2024RS/fnotes/bil_0005/hb0175.pdf)

<sup>7</sup> *HVAC Technician: Average Salary in Maryland in 2025*. (2025). Talent. [https://www.talent.com/salary?job=hvac+technician&location=maryland#:~:text=\\$63%2C771,\\$68%2C806](https://www.talent.com/salary?job=hvac+technician&location=maryland#:~:text=$63%2C771,$68%2C806)



**Social Work Advocates  
for Social Change**

For more information, please contact

Jamel Freeman or Phil St. John

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the average wage a person with a misdemeanor criminal history makes 22% less per year.<sup>8</sup>

HB 482 with amendments presents a balanced and fair approach to improving the occupational licensing and certification process for individuals with criminal histories. It enhances economic opportunities for a significant portion of Maryland's population and begins to address racial disparities within the state's criminal justice system. We urge you to support this bill for the betterment of our community, economy, and overall social equity.

**Social Work Advocates for Social Change urges a favorable report on HB 482 with amendment.**

*Social Work Advocates for Social Change is a coalition of MSW students at the University of Maryland School of Social Work that seeks to promote equity and justice through public policy, and to engage the communities impacted by public policy in the policymaking process.*

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<sup>8</sup>

*Resource Guide for Maryland Journalists.* (2018). The Clean Slate Initiative.  
<https://www.cleanslateinitiative.org/maryland#:~:text=People%20convicted%20of%20a%20felony,an%20average%20of%2022%20percent.>

**HB 482 - BOPHARM - EM - LOC.pdf**

Uploaded by: Maryland State of

Position: UNF



## DEPARTMENT OF HEALTH

*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](mailto:tiffany.smith-williams@maryland.gov); or Lillian Reese, Legislative Liaison for Health Occupations Boards & Commissions, at 443-794-4757 or [lillian.reese@maryland.gov](mailto: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](mailto: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](mailto:Julie.gaskins2@maryland.gov) .

Respectfully,



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

Deena Speights-Napata, MA  
Executive Director  
Maryland Board of Pharmacy

**HB 482 - VARIOUS - EM - LOC.pdf**

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Position: UNF



## 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.

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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.*



**HB 482 - BOP - EM - LOC.pdf**

Uploaded by: State of Maryland (MD)

Position: UNF



# Board of Physicians

*Wes Moore, Governor · Aruna Miller, Lt. Governor · Harbhajan Ajrawat, M.D., Chair*

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## 2025 SESSION POSITION PAPER

**BILL NO.:** HB 482 – Occupational Licensing and Certification - Criminal History -  
Predetermination Review Process  
**COMMITTEE:** Economic Matters  
**POSITION:** Letter of Concern

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**TITLE:** Occupational Licensing and Certification - Criminal History -  
Predetermination Review Process

### **POSITION & RATIONALE:**

The Maryland Board of Physicians is respectfully submitting this letter of concern for House Bill 482 – Occupational Licensing and Certification - Criminal History - Predetermination Review Process (HB 482). While the intent of HB 482 is positive, the Board is concerned that in practice, HB 482 would limit the ability of the Board to thoroughly verify that applicants meet all licensure standards, and could potentially place even more burdens on applicants with criminal convictions.

Under current law, in order to obtain a health occupations license issued by the Board, applicants must submit a criminal history record check (CHRC) and disclose information regarding criminal history. The Board thoroughly reviews each applicant’s criminal history and uses the balancing factors outlined in Maryland Annotated Code, Criminal Procedure Article §1-209, when making determinations about licensure. It is exceedingly rare that the Board denies an application based solely on the grounds of a criminal conviction. For example, in fiscal year 2024, the Maryland Board of Physicians processed 8,004 CHRCs, including 163 with positive results, but did not deny a single application due to an applicant’s criminal history.

While denial of licensure is rare, the ability to properly investigate prior criminal history is essential to the Board’s mission of safeguarding the public through licensure of its health professionals. 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 based solely on a 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 Board 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. The Board would then need to establish an appeals process, which could be costly both for the Board and the applicants, and could potentially discourage applicants from ever submitting a full application following an initial rejection.

A predetermination process would also fail to encompass scenarios where the board approves the issuance of a license with conditions. For example, if a physician’s criminal history seems to indicate a history of drug or alcohol abuse, the Maryland Board of Physicians may choose to issue the license, but require, as a

condition of licensure, that the applicant participate in the Maryland Physician Rehabilitation Program for monitoring and counseling. Scenarios such as these are far more common than outright denials of licensure but would not be possible with the predetermination review outlined in HB 482.

The Board strongly believes that the application process should never place an undue burden on the applicant and has developed procedures to allow applicants with prior criminal convictions to be treated fairly, respectfully, and without unnecessary delay. Given the rarity of cases where a license was denied due to a prior criminal conviction, the Board believes that these procedures have been demonstrably effective in ensuring that a criminal conviction is not a barrier to licensure. However, HB 482 would restrict the Board's ability to properly protect the public. Therefore, the Maryland Board of Physicians would urge the Committee to submit an unfavorable report unless HB 482 is amended to remove the health occupations boards.

Thank you for your consideration. For more information, please contact Christine Farrelly, Executive Director, [Christine.Farrelly@maryland.gov](mailto:Christine.Farrelly@maryland.gov).

Sincerely,

A handwritten signature in black ink that reads "Harbhajan Ajrawat". The signature is written in a cursive, flowing style.

Harbhajan Ajrawat, M.D.  
Chair, Maryland Board of Physicians

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

**Deyo MD Testimony\_2025\_HB 482.pdf**

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Position: INFO

## Maryland Assembly Economic Matters Committee

*Written Testimony: Dr. Darwyn Deyo, PhD*

Chair Wilson, Vice Chair Crosby, and members of the Assembly Economic Matters Committee:

My name is Dr. Darwyn Deyo. I am an associate professor of economics at San José State University and director of regulatory frontiers research, including criminal justice reforms, with the Knee Regulatory Research Center at West Virginia University. My research focuses on the effects of occupational regulation on labor markets. I am writing today about the benefits to Marylanders from criminal records reforms for occupational licensing in HB 482. The main takeaways from my testimony are:

- HB 482 builds on Maryland’s previous criminal records reforms for occupational licensing.
- My research finds that criminal records reforms increased employment and reduced crime.
- HB 24-1004 could reduce systematic inequities for people reintegrating into society by reducing uncertainty for applicants and regulators.

### **Occupational licensing raises barriers to opportunity and employment**

There are significant opportunities for reducing licensing barriers in Maryland, according to the 2022 License to Work report, which I co-authored.<sup>1</sup> Maryland licenses dozens of blue-collar occupations that make it harder for people to work, and collateral consequences exacerbate economic inequities by making people pay twice for the same offense. This creates disproportionately high burdens for people simply trying to start over, especially after they have already paid a fine or were incarcerated. With over 1 in 5 Maryland workers needing a license, the potential impact of reforms is positive and large.

### **Criminal records reforms open doors and make communities safer**

Research has also found that higher licensing barriers are associated with higher recidivism rates, as aspiring workers are locked out of major labor markets.<sup>2</sup> Conversely, my research finds that criminal records reforms increase employment in licensed occupations and reduce crime, especially property crime.<sup>3</sup> When people are able to work in licensed occupations, there are positive spillovers to their families and communities. As employment and income go up, neighborhoods also become safer. In particular, predetermination reviews also make it easier for licensing applicants to focus on occupations for which they are eligible, instead of spending years training for a job from which they are barred.

### **HB 482 creates opportunities in Maryland by reducing systematic barriers**

With HB 482, Maryland has an opportunity to build on its previous reforms with a broad impact. Twenty-one states, including West Virginia, have passed similar reforms, creating opportunities that could attract workers to these states. Maryland could also expand HB 482 to prevent the use of so-called “good moral character” requirements by licensing boards and ban consideration of arrest records that did not lead to a conviction. Nineteen and twenty states have passed these reforms, respectively, although Maryland could be a regional leader. HB 482 has the potential to significantly improve public safety and economic opportunity in Maryland while clarifying the process for aspiring workers and licensing boards.

Darwyn Deyo, PhD

Associate Professor of Economics, San José State University  
Director of Regulatory Frontiers, Knee Regulatory Research Center

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<sup>1</sup> <https://ij.org/report/license-to-work-3/>

<sup>2</sup> <https://csel.asu.edu/research/publications/TurningShacklesintoBootstraps>

<sup>3</sup> <https://www.sciencedirect.com/science/article/abs/pii/S0165176524005792>