



Board of Physicians

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

2025 SESSION POSITION PAPER

BILL NO.: HB 482 – Occupational Licensing and Certification -
Criminal History - Predetermination Review Process
COMMITTEE: Finance & Education, Energy, and Environment
POSITION: Letter of Opposition

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

POSITION & RATIONALE:

The Maryland Board of Physicians (the Board) is respectfully submitting this letter of opposition to 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, 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 determining 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 Board 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, properly investigating prior criminal history is essential to the Board's mission of safeguarding the public through the 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 reject 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 issuing a license with conditions. For example, if a physician's criminal history seems to indicate a history of drug or alcohol abuse, the Board 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.

Under the amendment passed by the House, the Board would be required to process predetermination applications using its existing resources. This proposed mandate raises serious concerns about its impact on licensing timelines for physicians and the 13 allied health professions. To accommodate the additional workload, the Board would need to reallocate resources away from its core licensing functions, which could lead to delays in the issuance of licenses. Such delays may further strain an already challenged healthcare workforce, potentially limiting access to care and exacerbating workforce shortages at a time when efficiency and timeliness are critical.

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 rare cases where a license was denied due to a previous 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 protect the public properly. 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:

Michael Tran
Health Policy Analyst
Maryland Board of Physicians
(410) 764-378

Sincerely,



Christine A. Farrelly
Executive Director
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.