

SENATE BILL 175

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(PRE-FILED)

4r0936
CF 4r1048

By: **Senator Augustine**

Requested: October 12, 2023

Introduced and read first time: January 10, 2024

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Examiners in Optometry – Criminal History Records Checks**

3 FOR the purpose of requiring an applicant for a license to practice optometry or the renewal
4 of a license to submit to a criminal history records check; and generally relating to
5 criminal history records checks for optometry licenses.

6 BY repealing and reenacting, with amendments,

7 Article – Health Occupations

8 Section 11–302, 11–303, 11–306, 11–307.1, and 11–308

9 Annotated Code of Maryland

10 (2021 Replacement Volume and 2023 Supplement)

11 BY adding to

12 Article – Health Occupations

13 Section 11–302.1

14 Annotated Code of Maryland

15 (2021 Replacement Volume and 2023 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
17 That the Laws of Maryland read as follows:

18 **Article – Health Occupations**

19 11–302.

20 (a) To qualify for a license, an applicant shall be an individual who meets the
21 requirements of this section.

22 (b) The applicant shall be of good moral character.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (c) The applicant shall be at least 18 years old.

2 (d) (1) The applicant shall submit to the Board satisfactory evidence of
3 scholastic and professional education that is at least equal to the current standards set by
4 the Board. However, an applicant who is licensed to practice optometry in any other state
5 shall submit satisfactory evidence of scholastic and professional education that is at least
6 equal to the standards set by the Board at the time of the applicant's completion of
7 scholastic and professional education.

8 (2) On written request, the Board shall provide information as to the
9 current scholastic and professional education standards that the Board sets. In the case of
10 an out-of-state applicant the Board shall provide information on the educational and
11 professional standards in effect at the time of an applicant's completion of scholastic and
12 professional education.

13 (e) Except as otherwise provided in this subtitle, the applicant shall pass an
14 examination given by the Board under this subtitle.

15 **(F) THE APPLICANT SHALL SUBMIT TO A CRIMINAL HISTORY RECORDS**
16 **CHECK IN ACCORDANCE WITH § 11-302.1 OF THIS SUBTITLE.**

17 **11-302.1.**

18 **(A) IN THIS SECTION, "CENTRAL REPOSITORY" MEANS THE CRIMINAL**
19 **JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF**
20 **PUBLIC SAFETY AND CORRECTIONAL SERVICES.**

21 **(B) AN APPLICANT SHALL APPLY TO THE CENTRAL REPOSITORY FOR A**
22 **STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK.**

23 **(C) AS PART OF AN APPLICATION TO THE CENTRAL REPOSITORY FOR A**
24 **STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK, AN APPLICANT SHALL**
25 **COMPLETE AND SUBMIT TO THE CENTRAL REPOSITORY:**

26 **(1) A COMPLETE SET OF LEGIBLE FINGERPRINTS TAKEN IN A FORMAT**
27 **APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE DIRECTOR**
28 **OF THE FEDERAL BUREAU OF INVESTIGATION;**

29 **(2) THE FEE AUTHORIZED UNDER § 10-221(B)(7) OF THE CRIMINAL**
30 **PROCEDURE ARTICLE FOR ACCESS TO MARYLAND CRIMINAL HISTORY RECORDS;**
31 **AND**

32 **(3) THE MANDATORY PROCESSING FEE REQUIRED BY THE FEDERAL**
33 **BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY RECORDS CHECK.**

1 **(D) IN ACCORDANCE WITH §§ 10–201 THROUGH 10–229 OF THE CRIMINAL**
2 **PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE**
3 **BOARD AND THE INDIVIDUAL THE INDIVIDUAL’S CRIMINAL HISTORY RECORD**
4 **INFORMATION.**

5 **(E) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY UNDER**
6 **THIS SECTION:**

7 **(1) IS CONFIDENTIAL;**

8 **(2) MAY NOT BE REDISSEMINATED; AND**

9 **(3) SHALL BE USED ONLY FOR THE LICENSING PURPOSE AUTHORIZED**
10 **BY THIS TITLE.**

11 **(F) THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK UNDER THIS**
12 **SECTION MAY CONTEST THE CONTENTS OF THE CRIMINAL HISTORY RECORD**
13 **INFORMATION ISSUED BY THE CENTRAL REPOSITORY AS PROVIDED IN § 10–223 OF**
14 **THE CRIMINAL PROCEDURE ARTICLE.**

15 **(G) IF CRIMINAL HISTORY RECORD INFORMATION IS REPORTED TO THE**
16 **CENTRAL REPOSITORY AFTER THE DATE OF THE INITIAL CRIMINAL HISTORY**
17 **RECORDS CHECK, THE CENTRAL REPOSITORY SHALL PROVIDE TO THE BOARD AND**
18 **THE INDIVIDUAL REVISED CRIMINAL HISTORY RECORD INFORMATION FOR THE**
19 **INDIVIDUAL.**

20 11–303.

21 To apply for a license, an applicant shall:

22 (1) Submit an application to the Board on the form that the Board requires;

23 [and]

24 (2) Pay to the Board the application fee set by the Board; **AND**

25 **(3) SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN**
26 **ACCORDANCE WITH § 11–302.1 OF THIS SUBTITLE.**

27 11–306.

28 The Board shall issue a license to any applicant who:

29 (1) Meets the requirements of this title; [and]

1 (2) Pays to the Board the license fee set by the Board; **AND**

2 **(3) SUBMITS TO A CRIMINAL HISTORY RECORDS CHECK IN**
3 **ACCORDANCE WITH § 11-302.1 OF THIS SUBTITLE.**

4 11-307.1.

5 (a) An applicant for a limited license shall **[submit]:**

6 **(1) SUBMIT** to the Board:

7 **[(1)] (I)** An application on the form the Board requires; and

8 **[(2)] (II)** A written confirmation of participation from the institution in
9 which the applicant intends to participate in a postgraduate teaching, research, or training
10 program; **AND**

11 **(2) SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN**
12 **ACCORDANCE WITH § 11-302.1 OF THIS SUBTITLE.**

13 (b) The Board may waive the examination requirements of this subtitle and issue
14 a limited license to practice optometry to an individual who:

15 (1) Is qualified for a postgraduate teaching, research, or training position;

16 (2) Is applying to participate in a postgraduate teaching, research, or
17 training program approved by the Board under this subsection;

18 (3) Is eligible to sit for the Maryland licensure examination;

19 (4) Is licensed, at the time of application, to practice optometry in another
20 state; and

21 (5) Pays the fee set by the Board.

22 (c) A limited license authorizes the licensee for 1 year to practice optometry only:

23 (1) At the institution that has been approved by the Board and is
24 designated on the individual's license;

25 (2) At other institutions that are affiliated with the designated institution;
26 and

27 (3) On the patients of the designated institution or its affiliates.

28 (d) The Board may renew a limited license once for an additional 1-year term if

1 the holder:

2 (1) Otherwise meets the requirements of this section;

3 (2) Submits a renewal application to the Board on the form that the Board
4 requires; [and]

5 (3) Pays to the Board the limited license renewal fee set by the Board; **AND**

6 (4) **SUBMITS TO THE BOARD SATISFACTORY EVIDENCE OF HAVING**
7 **COMPLETED A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH §**
8 **11-302.1 OF THIS SUBTITLE.**

9 11-308.

10 (a) A license expires on the date set by the Board, unless the license is renewed
11 for an additional term as provided in this section. A license may not be renewed for a term
12 longer than 2 years.

13 (b) At least 1 month before a license expires, the Board shall send to the licensee,
14 by electronic means or first-class mail to the last known electronic or physical address of
15 the licensee, a renewal notice that states:

16 (1) The date on which the current license expires;

17 (2) The date by which the renewal application must be received by the
18 Board for the renewal to be issued and mailed before the license expires; and

19 (3) The amount of the renewal fee.

20 (c) Before the license expires, a licensee periodically may renew it for an
21 additional 2-year term, if the licensee:

22 (1) Otherwise is entitled to be licensed;

23 (2) Pays to the Board a renewal fee set by the Board; and

24 (3) Submits to the Board:

25 (i) A renewal application on the form that the Board requires; and

26 (ii) Satisfactory evidence of [compliance]:

27 **1. COMPLIANCE** with the continuing education
28 requirements set under this subtitle for license renewal; **AND**

