

**ENROLLED BILL**

-- Education, Health, and Environmental Affairs/Health and Government Operations --

Introduced by **Senator Conway**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_ M.

\_\_\_\_\_  
President.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Health Occupations - State Board of Nursing - Criminal History Records**  
3 **Checks**

4 FOR the purpose of requiring certain applicants for licensure or certification by the  
5 State Board of Nursing to submit to a certain criminal history records check;  
6 requiring certain applicants to submit certain fingerprints and certain fees to  
7 the Criminal Justice Information System Central Repository of the Department  
8 of Public Safety and Correctional Services under certain circumstances;  
9 requiring the Central Repository to forward certain information to the Board  
10 and to certain applicants; providing that certain information is confidential and  
11 may only be used for certain purposes; authorizing certain subjects to contest  
12 certain contents of certain printed statements; requiring certain applicants for  
13 licensure or certification to submit certain evidence to the Board; requiring the  
14 Board to consider certain facts and circumstances in determining whether to  
15 grant or renew certain licenses or certificates; prohibiting the Board from  
16 issuing certain licenses or certificates if certain criminal history record  
17 information has not been received; ~~requiring certain criminal history records~~

1 ~~checks as a condition of certain licensure renewal and certain certificate~~  
 2 ~~renewal on or before a certain date requiring the Board to begin a process of~~  
 3 ~~requiring certain criminal history records checks as a condition of certain~~  
 4 ~~licensure renewal and certain certificate renewal as determined by certain~~  
 5 ~~regulations; requiring prohibiting requiring the Board to revoke from issuing to~~  
 6 ~~revoke certain temporary licenses or certificates if certain criminal history~~  
 7 ~~record information reveals that certain applicants or licensees pleaded guilty or~~  
 8 ~~nolo contendere to acts that would constitute certain violations of the law in this~~  
 9 ~~State; authorizing the Board to deny certain licenses or certificates, grant~~  
 10 ~~certain probationary licenses, or reprimand, suspend, revoke, or place on~~  
 11 ~~probation certain licensees or certificate holders for the failure to submit to~~  
 12 ~~certain criminal history records checks; defining a certain term; and generally~~  
 13 ~~relating to the requirement for a criminal history records check by the State~~  
 14 ~~Board of Nursing.~~

15 BY renumbering

16 Article - Health Occupations  
 17 Section 8-316(a)(32) and (33), 8-6A-10(a)(32) and (33), and 8-6B-18(a)(26) and  
 18 (27), respectively  
 19 to be Section 8-316(a)(33) and (34), 8-6A-10(a)(33) and (34), and  
 20 8-6B-18(a)(27) and (28), respectively  
 21 Annotated Code of Maryland  
 22 (2005 Replacement Volume)

23 BY repealing and reenacting, with amendments,

24 Article - Health Occupations  
 25 Section 8-302(a), 8-304, 8-308(a), 8-312(e)(1), 8-315(a), ~~8-6A-05(e)(1)~~  
 26 ~~8-6A-05(c)~~, 8-6A-07(a), 8-6A-08(f), 8-6B-08(a), 8-6B-09(a), 8-6B-12(a),  
 27 and 8-6B-14(f)  
 28 Annotated Code of Maryland  
 29 (2005 Replacement Volume)

30 BY adding to

31 Article - Health Occupations  
 32 Section 8-303, 8-308(c), 8-312(f), 8-315(e), 8-316(a)(32), 8-6A-07(g),  
 33 8-6A-08(i), 8-6A-10(a)(32), 8-6B-12(c), 8-6B-14(j), and 8-6B-18(a)(26)  
 34 Annotated Code of Maryland  
 35 (2005 Replacement Volume)

36 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
 37 MARYLAND, That Section(s) 8-316(a)(32) and (33), 8-6A-10(a)(32) and (33), and  
 38 8-6B-18(a)(26) and (27), respectively, of Article - Health Occupations of the  
 39 Annotated Code of Maryland be renumbered to be Section(s) 8-316(a)(33) and (34),  
 40 8-6A-10(a)(33) and (34), and 8-6B-18(a)(27) and (28), respectively.

1 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
2 read as follows:

3 **Article - Health Occupations**

4 8-302.

5 (a) Except as otherwise provided in this title, to qualify for a license or  
6 certification, an applicant shall be an individual who SUBMITS TO A CRIMINAL  
7 HISTORY RECORDS CHECK IN ACCORDANCE WITH § 8-303 OF THIS SUBTITLE AND  
8 meets the requirements of this section.

9 8-303.

10 (A) IN THIS SECTION, "CENTRAL REPOSITORY" MEANS THE CRIMINAL JUSTICE  
11 INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC  
12 SAFETY AND CORRECTIONAL SERVICES.

13 (B) AS PART OF AN APPLICATION TO THE CENTRAL REPOSITORY FOR A STATE  
14 AND NATIONAL CRIMINAL HISTORY RECORDS CHECK, AN APPLICANT SHALL SUBMIT  
15 TO THE CENTRAL REPOSITORY:

16 (1) TWO COMPLETE SETS OF LEGIBLE FINGERPRINTS TAKEN ON FORMS  
17 APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE DIRECTOR OF  
18 THE FEDERAL BUREAU OF INVESTIGATION;

19 (2) THE FEE AUTHORIZED UNDER § 10-221(B)(7) OF THE CRIMINAL  
20 PROCEDURE ARTICLE FOR ACCESS TO STATE CRIMINAL HISTORY RECORDS; AND

21 (3) THE PROCESSING FEE REQUIRED BY THE FEDERAL BUREAU OF  
22 INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY RECORDS CHECK.

23 (C) IN ACCORDANCE WITH §§ 10-201 THROUGH 10-228 OF THE CRIMINAL  
24 PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE BOARD  
25 AND TO THE APPLICANT THE CRIMINAL HISTORY RECORD INFORMATION OF THE  
26 APPLICANT.

27 (D) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY UNDER THIS  
28 SECTION SHALL BE:

29 (1) CONFIDENTIAL AND MAY NOT BE REDISSEMINATED; AND

30 (2) USED ONLY FOR THE LICENSING PURPOSE AUTHORIZED BY THIS  
31 TITLE.

32 (E) THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK UNDER THIS  
33 SECTION MAY CONTEST THE CONTENTS OF THE PRINTED STATEMENT ISSUED BY  
34 THE CENTRAL REPOSITORY AS PROVIDED IN § 10-223 OF THE CRIMINAL PROCEDURE  
35 ARTICLE.

1 8-304.

2 To apply for a license to practice registered nursing or licensed practical nursing,  
3 an applicant shall:

4 (1) (I) SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN  
5 ACCORDANCE WITH § 8-303 OF THIS SUBTITLE; OR

6 (II) HAVE COMPLETED A CRIMINAL HISTORY RECORDS CHECK IN  
7 ACCORDANCE WITH § 8-303 OF THIS SUBTITLE THROUGH ANOTHER STATE BOARD OF  
8 NURSING WITHIN THE 5 YEARS PRECEDING THE DATE OF APPLICATION;

9 (2) Submit to the Board:

10 (i) An application on the form that the Board requires; [and]

11 (II) WRITTEN, VERIFIED EVIDENCE THAT THE REQUIREMENT OF  
12 ITEM (1) OF THIS SUBSECTION IS BEING MET OR HAS BEEN MET; AND

13 [(ii)] (III) Written, verified evidence of completion of the appropriate  
14 education requirements of § 8-302 of this subtitle; and

15 [(2)] (3) Pay to the Board the application fee set by the Board.

16 8-308.

17 (a) [The] SUBJECT TO SUBSECTION (C) OF THIS SECTION, THE Board shall  
18 issue the appropriate license to any applicant who meets the requirements for a  
19 license as:

20 (1) A registered nurse under this title; and

21 (2) A licensed practical nurse under this title.

22 (C) (1) ON RECEIPT OF THE CRIMINAL HISTORY RECORD INFORMATION OF  
23 AN APPLICANT FOR LICENSURE OR CERTIFICATION FORWARDED TO THE BOARD IN  
24 ACCORDANCE WITH § 8-303 OF THIS SUBTITLE, IN DETERMINING WHETHER TO  
25 GRANT A LICENSE OR A CERTIFICATE, THE BOARD SHALL CONSIDER:

26 (I) THE AGE AT WHICH THE CRIME WAS COMMITTED;

27 (II) THE CIRCUMSTANCES SURROUNDING THE CRIME;

28 (III) THE LENGTH OF TIME THAT HAS PASSED SINCE THE CRIME;

29 (IV) SUBSEQUENT WORK HISTORY;

30 (V) EMPLOYMENT AND CHARACTER REFERENCES; AND

31 (VI) OTHER EVIDENCE THAT DEMONSTRATES THAT THE APPLICANT  
32 DOES NOT POSE A THREAT TO THE PUBLIC HEALTH OR SAFETY.

1 (2) THE BOARD MAY NOT ISSUE A LICENSE OR A CERTIFICATE IF THE  
2 CRIMINAL HISTORY RECORD INFORMATION REQUIRED UNDER § 8-303 OF THIS  
3 SUBTITLE HAS NOT BEEN RECEIVED.

4 8-312.

5 (e) (1) [The] SUBJECT TO SUBSECTION (F) OF THIS SECTION, THE Board  
6 shall renew the license of each licensee who meets the requirements of this section.

7 (F) (1) (I) BEGINNING ON JANUARY 1, 2008, A LICENSEE SHALL SUBMIT  
8 TO A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 8-303 OF THIS  
9 SUBTITLE AS A CONDITION OF LICENSE RENEWAL AND SHALL SUBMIT TO AN  
10 ADDITIONAL CRIMINAL HISTORY RECORDS CHECK BEGINNING JANUARY 2008. THE  
11 BOARD SHALL BEGIN A PROCESS REQUIRING CRIMINAL HISTORY RECORDS CHECKS  
12 ON SELECTED ANNUAL RENEWAL APPLICANTS AS DETERMINED BY REGULATIONS  
13 ADOPTED BY THE BOARD IN ACCORDANCE WITH § 8-303 OF THIS SUBTITLE.

14 (II) AN ADDITIONAL CRIMINAL HISTORY RECORDS CHECK SHALL  
15 BE PERFORMED EVERY 10 YEARS THEREAFTER.

16 (2) ON RECEIPT OF THE CRIMINAL HISTORY RECORD INFORMATION OF  
17 A LICENSEE FORWARDED TO THE BOARD IN ACCORDANCE WITH § 8-303 OF THIS  
18 SUBTITLE, IN DETERMINING WHETHER TO RENEW A LICENSE, THE BOARD SHALL  
19 CONSIDER:

20 (I) THE AGE AT WHICH THE CRIME WAS COMMITTED;

21 (II) THE CIRCUMSTANCES SURROUNDING THE CRIME;

22 (III) THE LENGTH OF TIME THAT HAS PASSED SINCE THE CRIME;

23 (IV) SUBSEQUENT WORK HISTORY;

24 (V) EMPLOYMENT AND CHARACTER REFERENCES; AND

25 (VI) OTHER EVIDENCE THAT DEMONSTRATES THAT THE LICENSEE  
26 DOES NOT POSE A THREAT TO THE PUBLIC HEALTH OR SAFETY.

27 (3) THE BOARD MAY NOT RENEW A LICENSE IF THE CRIMINAL HISTORY  
28 RECORD INFORMATION REQUIRED UNDER § 8-303 OF THIS SUBTITLE HAS NOT BEEN  
29 RECEIVED.

30 8-315.

31 (a) The Board may issue a temporary license to any applicant who:

32 (1) SUBMITS TO A CRIMINAL HISTORY RECORDS CHECK IN  
33 ACCORDANCE WITH § 8-303 OF THIS SUBTITLE;

34 (2) Is licensed by any other state; and

1 [(2)] (3) Submits to the Board:

2 (i) An application on the form required by the Board; [and]

3 (II) WRITTEN, VERIFIED EVIDENCE THAT THE REQUIREMENT OF  
4 ITEM (1) OF THIS SUBSECTION ~~IS BEING HAS BEEN IS BEING~~ MET; AND

5 [(ii)] (III) Any other document required by the Board; and

6 (3) Pays the fee required by the Board.

7 (E) THE BOARD ~~SHALL REVOKE MAY NOT ISSUE~~ SHALL REVOKE A  
8 TEMPORARY LICENSE OR TEMPORARY CERTIFICATE IF THE CRIMINAL HISTORY  
9 RECORD INFORMATION FORWARDED TO THE BOARD IN ACCORDANCE WITH § 8-303  
10 OF THIS SUBTITLE REVEALS THAT THE APPLICANT, CERTIFICATE HOLDER, OR  
11 LICENSEE PLEADED GUILTY OR PLEADED NOLO CONTENDERE TO AN ACT THAT, IF  
12 COMMITTED IN THIS STATE, WOULD BE A VIOLATION UNDER § 8-316(A) OF THIS  
13 SUBTITLE OR AN ACT THAT, IF COMMITTED IN THIS STATE, WOULD BE A A  
14 VIOLATION UNDER § 8-6A-10(A) OR § 8-6B-18(A) OF THIS TITLE.

15 8-316.

16 (a) Subject to the hearing provisions of § 8-317 of this subtitle, the Board may  
17 deny a license or grant a probationary license to any applicant, reprimand any  
18 licensee, place any licensee on probation, or suspend or revoke the license of a licensee  
19 if the applicant or licensee:

20 (32) FAILS TO SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN  
21 ACCORDANCE WITH § 8-303 OF THIS SUBTITLE;

22 8-6A-05.

23 (c) (1) An applicant for a certificate shall:

24 (i) ~~SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN~~  
25 ~~ACCORDANCE WITH § 8 303 OF THIS TITLE;~~

26 ~~(H)~~ Submit an application to the Board on the form that the Board  
27 requires;

28 ~~(III)~~ ~~SUBMIT WRITTEN, VERIFIED EVIDENCE THAT THE~~  
29 ~~REQUIREMENT OF ITEM (1) OF THIS PARAGRAPH IS BEING MET;~~

30 ~~{(ii)}~~ ~~(IV)~~ Provide evidence, as required by the Board, of successful  
31 completion of an approved nursing assistant training program or an approved course  
32 in medication administration;

33 ~~{(iii)}~~ ~~(V)~~ Pay to the Board an application fee set by the Board;

34 ~~{(iv)}~~ ~~(VI)~~ Be of good moral character;

1                    {(v)}     (VII)    Be at least 16 years old to apply for certification as a  
2 nursing assistant; and

3                    {(vi)}    (VIII)   Be at least 18 years old to apply for certification as a  
4 medication technician.

5                    (2)     SUBJECT TO PARAGRAPH (1) OF THIS SUBSECTION, AN APPLICANT  
6 FOR CERTIFICATION AS A CERTIFIED NURSING ASSISTANT SHALL SUBMIT TO THE  
7 BOARD:

8                    (I)     1.     A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE  
9 WITH § 8-303 OF THIS TITLE; OR

10                   2.     EVIDENCE OF COMPLETION OF A CRIMINAL HISTORY  
11 RECORDS CHECK IN ACCORDANCE WITH § 8-303 OF THIS TITLE THROUGH ANOTHER  
12 STATE BOARD OF NURSING WITHIN THE 5 YEARS PRECEDING THE DATE OF  
13 APPLICATION; AND

14                   (II)    ON THE FORM REQUIRED BY THE BOARD, WRITTEN, VERIFIED  
15 EVIDENCE THAT THE REQUIREMENT OF ITEM (I) OF THIS PARAGRAPH IS BEING MET  
16 OR HAS BEEN MET.

17                   [(2)]   (3)     An applicant for certification as a certified medicine aide, in  
18 addition to the requirements under subsection (c)(1) of this section, shall submit an  
19 additional application to that effect to the Board on the form that the Board requires.

20                   [(3)]   (4)     An applicant for a certificate may not:

21                   (i)     Have committed any act or omission that would be grounds for  
22 discipline or denial of certification under this subtitle; and

23                   (ii)    Have a record of abuse, negligence, misappropriation of a  
24 resident's property, or any disciplinary action taken or pending in any other state or  
25 territory of the United States against the certification of the nursing assistant or  
26 medication technician in the state or territory.

27 8-6A-07.

28                   (a)     [The] SUBJECT TO SUBSECTION (G) OF THIS SECTION, THE Board shall  
29 issue a certificate to any applicant who meets the requirements of this subtitle.

30                   (G)     (1)     ON RECEIPT OF THE CRIMINAL HISTORY RECORD INFORMATION OF  
31 AN APPLICANT FOR ~~A CERTIFICATE~~ CERTIFICATION AS A CERTIFIED NURSING  
32 ASSISTANT FORWARDED TO THE BOARD IN ACCORDANCE WITH § 8-303 OF THIS  
33 TITLE, IN DETERMINING WHETHER TO GRANT A CERTIFICATE, THE BOARD SHALL  
34 CONSIDER:

35                   (I)     THE AGE AT WHICH THE CRIME WAS COMMITTED;

36                   (II)    THE CIRCUMSTANCES SURROUNDING THE CRIME;

- 1 (III) THE LENGTH OF TIME THAT HAS PASSED SINCE THE CRIME;  
 2 (IV) SUBSEQUENT WORK HISTORY;  
 3 (V) EMPLOYMENT AND CHARACTER REFERENCES; AND  
 4 (VI) OTHER EVIDENCE THAT DEMONSTRATES THAT THE APPLICANT  
 5 DOES NOT POSE A THREAT TO THE PUBLIC HEALTH OR SAFETY.

6 (2) THE BOARD MAY NOT ISSUE A CERTIFICATE IF THE CRIMINAL  
 7 HISTORY RECORD INFORMATION REQUIRED UNDER § 8-303 OF THIS TITLE HAS NOT  
 8 BEEN RECEIVED.

9 8-6A-08.

10 (f) [The] SUBJECT TO SUBSECTION (I) OF THIS SECTION, THE Board shall  
 11 renew the certificate of each nursing assistant or medication technician who meets  
 12 the requirements of this section.

13 (I) (1) (I) BEGINNING ON JANUARY 1, 2008, A CERTIFICATE HOLDER  
 14 SHALL SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH §  
 15 8-303 OF THIS TITLE AS A CONDITION OF RENEWAL AND SHALL SUBMIT TO AN  
 16 ADDITIONAL CRIMINAL HISTORY RECORDS CHECK BEGINNING JANUARY 2008. THE  
 17 BOARD SHALL BEGIN A PROCESS REQUIRING CRIMINAL HISTORY RECORDS CHECKS  
 18 ON SELECTED APPLICANTS FOR CERTIFICATION AS A CERTIFIED NURSING  
 19 ASSISTANT WHO RENEW THEIR CERTIFICATES EVERY 2 YEARS AS DETERMINED BY  
 20 REGULATIONS ADOPTED BY THE BOARD IN ACCORDANCE WITH § 8-303 OF THIS  
 21 TITLE.

22 (II) AN ADDITIONAL CRIMINAL HISTORY RECORDS CHECK SHALL  
 23 BE PERFORMED EVERY 10 YEARS THEREAFTER.

24 (2) ON RECEIPT OF THE CRIMINAL HISTORY RECORD INFORMATION OF  
 25 A CERTIFICATE HOLDER FORWARDED TO THE BOARD IN ACCORDANCE WITH § 8-303  
 26 OF THIS TITLE, IN DETERMINING WHETHER TO RENEW THE CERTIFICATE, THE  
 27 BOARD SHALL CONSIDER:

- 28 (I) THE AGE AT WHICH THE CRIME WAS COMMITTED;  
 29 (II) THE CIRCUMSTANCES SURROUNDING THE CRIME;  
 30 (III) THE LENGTH OF TIME THAT HAS PASSED SINCE THE CRIME;  
 31 (IV) SUBSEQUENT WORK HISTORY;  
 32 (V) EMPLOYMENT AND CHARACTER REFERENCES; AND  
 33 (VI) OTHER EVIDENCE THAT DEMONSTRATES THAT THE  
 34 CERTIFICATE HOLDER DOES NOT POSE A THREAT TO THE PUBLIC HEALTH OR  
 35 SAFETY.



1 (3) THE BOARD MAY NOT RENEW A CERTIFICATE IF THE CRIMINAL  
2 HISTORY RECORD INFORMATION REQUIRED UNDER § 8-303 OF THIS TITLE HAS NOT  
3 BEEN RECEIVED.

4 8-6A-10.

5 (a) Subject to the hearing provisions of § 8-317 of this title, the Board may  
6 deny a certificate or issue a probationary certificate to any applicant, reprimand any  
7 certificate holder, place any certificate holder on probation, or suspend or revoke the  
8 certificate of a certificate holder, if the applicant or certificate holder:

9 (32) FAILS TO SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN  
10 ACCORDANCE WITH § 8-303 OF THIS TITLE AS REQUIRED UNDER § 8-6A-05(C)(2) OF  
11 THIS SUBTITLE;

12 8-6B-08.

13 (a) To qualify for a license, an applicant shall be an individual who SUBMITS  
14 TO A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 8-303 OF THIS  
15 TITLE AND meets the requirements of this section.

16 8-6B-09.

17 (a) To apply for a license, an applicant shall:

18 (1) SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE  
19 WITH § 8-303 OF THIS TITLE;

20 (2) Submit to the Board:

21 (i) An application on the form that the Board requires; [and]

22 (II) WRITTEN, VERIFIED EVIDENCE THAT THE REQUIREMENT OF  
23 ITEM (1) OF THIS SUBSECTION IS BEING MET; AND

24 [(ii)] (III) Evidence of compliance with the requirements of §  
25 8-6B-08 of this subtitle; and

26 [(2)] (3) Pay to the Board a fee set by the Board.

27 8-6B-12.

28 (a) [The] SUBJECT TO SUBSECTION (C) OF THIS SECTION, THE Board shall  
29 issue a license to any applicant who:

30 (1) Meets the requirements of this subtitle; and

31 (2) Pays a license fee set by the Board.

32 (C) (1) ON RECEIPT OF THE CRIMINAL HISTORY RECORD INFORMATION OF  
33 AN APPLICANT FOR LICENSURE FORWARDED TO THE BOARD IN ACCORDANCE WITH §

1 8-303 OF THIS TITLE, IN DETERMINING WHETHER TO GRANT A LICENSE, THE BOARD  
2 SHALL CONSIDER:

- 3 (I) THE AGE AT WHICH THE CRIME WAS COMMITTED;
- 4 (II) THE CIRCUMSTANCES SURROUNDING THE CRIME;
- 5 (III) THE LENGTH OF TIME THAT HAS PASSED SINCE THE CRIME;
- 6 (IV) SUBSEQUENT WORK HISTORY;
- 7 (V) EMPLOYMENT AND CHARACTER REFERENCES; AND
- 8 (VI) OTHER EVIDENCE THAT DEMONSTRATES THAT THE APPLICANT  
9 DOES NOT POSE A THREAT TO THE PUBLIC HEALTH OR SAFETY.

10 (2) THE BOARD MAY NOT ISSUE A LICENSE IF THE CRIMINAL HISTORY  
11 RECORD INFORMATION REQUIRED UNDER § 8-303 OF THIS TITLE HAS NOT BEEN  
12 RECEIVED.

13 8-6B-14.

14 (f) [The] SUBJECT TO SUBSECTION (J) OF THIS SECTION, THE Board shall  
15 renew the license of each licensee who meets the requirements of this section.

16 (J) (1) ~~(I) BEGINNING ON JANUARY 1, 2008, A LICENSEE SHALL SUBMIT~~  
17 ~~TO A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 8-303 OF THIS~~  
18 ~~TITLE AS A CONDITION OF LICENSE RENEWAL AND SHALL SUBMIT TO AN~~  
19 ~~ADDITIONAL CRIMINAL HISTORY RECORDS CHECK BEGINNING JANUARY 2008. THE~~  
20 ~~BOARD SHALL BEGIN A PROCESS REQUIRING CRIMINAL HISTORY RECORDS CHECKS~~  
21 ~~ON SELECTED ANNUAL RENEWAL APPLICANTS AS DETERMINED BY REGULATIONS~~  
22 ~~ADOPTED BY THE BOARD IN ACCORDANCE WITH § 8-303 OF THIS TITLE.~~

23 (II) AN ADDITIONAL CRIMINAL HISTORY RECORDS CHECK SHALL  
24 BE PERFORMED EVERY 10 YEARS THEREAFTER.

25 (2) ON RECEIPT OF THE CRIMINAL HISTORY RECORD INFORMATION OF  
26 A LICENSEE FORWARDED TO THE BOARD IN ACCORDANCE WITH § 8-303 OF THIS  
27 TITLE, IN DETERMINING WHETHER TO RENEW A LICENSE, THE BOARD SHALL  
28 CONSIDER:

- 29 (I) THE AGE AT WHICH THE CRIME WAS COMMITTED;
- 30 (II) THE CIRCUMSTANCES SURROUNDING THE CRIME;
- 31 (III) THE LENGTH OF TIME THAT HAS PASSED SINCE THE CRIME;
- 32 (IV) SUBSEQUENT WORK HISTORY;
- 33 (V) EMPLOYMENT AND CHARACTER REFERENCES; AND

1 (VI) OTHER EVIDENCE THAT DEMONSTRATES THAT THE LICENSEE  
2 DOES NOT POSE A THREAT TO THE PUBLIC HEALTH OR SAFETY.

3 (3) THE BOARD MAY NOT RENEW A LICENSE IF THE CRIMINAL HISTORY  
4 RECORD INFORMATION REQUIRED UNDER § 8-303 OF THIS TITLE HAS NOT BEEN  
5 RECEIVED.

6 8-6B-18.

7 (a) Subject to the hearing provisions of § 8-317 of this title and § 8-6B-19 of  
8 this subtitle, the Board may deny a license to an applicant, grant a probationary  
9 license to an applicant, reprimand a licensee, place a licensee on probation, or  
10 suspend or revoke a license if the applicant or licensee:

11 (26) FAILS TO SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN  
12 ACCORDANCE WITH § 8-303 OF THIS TITLE;

13 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take  
14 effect October 1, 2006.