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By: **Senator Conway**  
Introduced and read first time: February 3, 2006  
Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable with amendments  
Senate action: Adopted with floor amendments  
Read second time: March 22, 2006

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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~~  
18 ~~checks as a condition of certain licensure renewal and certain certificate~~  
19 ~~renewal on or before a certain date~~ requiring the Board to begin a process of  
20 requiring certain criminal history records checks as a condition of certain  
21 licensure renewal and certain certificate renewal as determined by certain  
22 regulations; requiring prohibiting the Board to revoke from issuing certain  
23 temporary licenses or certificates if certain criminal history record information  
24 reveals that certain applicants or licensees pleaded guilty or nolo contendere to  
25 acts that would constitute certain violations of law in this State; authorizing the  
26 Board to deny certain licenses or certificates, grant certain probationary  
27 licenses, or reprimand, suspend, revoke, or place on probation certain licensees  
28 or certificate holders for the failure to submit to certain criminal history records

1 checks; defining a certain term; and generally relating to the requirement for a  
2 criminal history records check by the State Board of Nursing.

3 BY renumbering

4 Article - Health Occupations  
5 Section 8-316(a)(32) and (33), 8-6A-10(a)(32) and (33), and 8-6B-18(a)(26) and  
6 (27), respectively  
7 to be Section 8-316(a)(33) and (34), 8-6A-10(a)(33) and (34), and  
8 8-6B-18(a)(27) and (28), respectively  
9 Annotated Code of Maryland  
10 (2005 Replacement Volume)

11 BY repealing and reenacting, with amendments,

12 Article - Health Occupations  
13 Section 8-302(a), 8-304, 8-308(a), 8-312(e)(1), 8-315(a), ~~8-6A-05(e)(1)~~  
14 8-6A-05(c), 8-6A-07(a), 8-6A-08(f), 8-6B-08(a), 8-6B-09(a), 8-6B-12(a),  
15 and 8-6B-14(f)  
16 Annotated Code of Maryland  
17 (2005 Replacement Volume)

18 BY adding to

19 Article - Health Occupations  
20 Section 8-303, 8-308(c), 8-312(f), 8-315(e), 8-316(a)(32), 8-6A-07(g),  
21 8-6A-08(i), 8-6A-10(a)(32), 8-6B-12(c), 8-6B-14(j), and 8-6B-18(a)(26)  
22 Annotated Code of Maryland  
23 (2005 Replacement Volume)

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

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

31 **Article - Health Occupations**

32 8-302.

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

1 8-303.

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

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

8 (1) TWO COMPLETE SETS OF LEGIBLE FINGERPRINTS TAKEN ON FORMS  
9 APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE DIRECTOR OF  
10 THE FEDERAL BUREAU OF INVESTIGATION;

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

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

15 (C) IN ACCORDANCE WITH §§ 10-201 THROUGH 10-228 OF THE CRIMINAL  
16 PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE BOARD  
17 AND TO THE APPLICANT THE CRIMINAL HISTORY RECORD INFORMATION OF THE  
18 APPLICANT.

19 (D) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY UNDER THIS  
20 SECTION SHALL BE:

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

22 (2) USED ONLY FOR THE LICENSING PURPOSE AUTHORIZED BY THIS  
23 TITLE.

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

28 8-304.

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

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

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

36 (2) Submit to the Board:

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

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

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

6 [(2)] (3) Pay to the Board the application fee set by the Board.

7 8-308.

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

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

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

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

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

18 (II) THE CIRCUMSTANCES SURROUNDING THE CRIME;

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

20 (IV) SUBSEQUENT WORK HISTORY;

21 (V) EMPLOYMENT AND CHARACTER REFERENCES; AND

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

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

27 8-312.

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

30 (F) (1) (I) BEGINNING ON JANUARY 1, 2008, A LICENSEE SHALL SUBMIT  
31 TO A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 8-303 OF THIS  
32 SUBTITLE AS A CONDITION OF LICENSE RENEWAL AND SHALL SUBMIT TO AN  
33 ADDITIONAL CRIMINAL HISTORY RECORDS CHECK BEGINNING JANUARY 2008, THE

1 BOARD SHALL BEGIN A PROCESS REQUIRING CRIMINAL HISTORY RECORDS CHECKS  
 2 ON SELECTED ANNUAL RENEWAL APPLICANTS AS DETERMINED BY REGULATIONS  
 3 ADOPTED BY THE BOARD IN ACCORDANCE WITH § 8-303 OF THIS SUBTITLE.

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

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

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

11 (II) THE CIRCUMSTANCES SURROUNDING THE CRIME;

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

13 (IV) SUBSEQUENT WORK HISTORY;

14 (V) EMPLOYMENT AND CHARACTER REFERENCES; AND

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

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

20 8-315.

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

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

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

25 [(2)] (3) Submits to the Board:

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

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

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

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

31 (E) THE BOARD ~~SHALL REVOKE~~ MAY NOT ISSUE A TEMPORARY LICENSE OR  
 32 TEMPORARY CERTIFICATE IF THE CRIMINAL HISTORY RECORD INFORMATION

1 FORWARDED TO THE BOARD IN ACCORDANCE WITH § 8-303 OF THIS SUBTITLE  
 2 REVEALS THAT THE APPLICANT, CERTIFICATE HOLDER, OR LICENSEE PLEADED  
 3 GUILTY OR PLEADED NOLO CONTENDERE TO AN ACT THAT, IF COMMITTED IN THIS  
 4 STATE, WOULD BE A VIOLATION UNDER § 8-316(A) OF THIS SUBTITLE OR TO A  
 5 VIOLATION UNDER § 8-6A-10(A) OR § 8-6B-18(A) OF THIS TITLE.

6 8-316.

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

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

13 8-6A-05.

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

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

17 ~~(II)~~ Submit an application to the Board on the form that the Board  
 18 requires;

19 ~~(III)~~ ~~SUBMIT WRITTEN, VERIFIED EVIDENCE THAT THE~~  
 20 ~~REQUIREMENT OF ITEM (I) OF THIS PARAGRAPH IS BEING MET;~~

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

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

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

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

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

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

33 (1) 1. A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE  
 34 WITH § 8-303 OF THIS TITLE; OR

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

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

8 [(2)] (3) An applicant for certification as a certified medicine aide, in  
9 addition to the requirements under subsection (c)(1) of this section, shall submit an  
10 additional application to that effect to the Board on the form that the Board requires.

11 [(3)] (4) An applicant for a certificate may not:

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

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

18 8-6A-07.

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

21 (G) (1) ON RECEIPT OF THE CRIMINAL HISTORY RECORD INFORMATION OF  
22 AN APPLICANT FOR ~~A CERTIFICATE~~ CERTIFICATION AS A CERTIFIED NURSING  
23 ASSISTANT FORWARDED TO THE BOARD IN ACCORDANCE WITH § 8-303 OF THIS  
24 TITLE, IN DETERMINING WHETHER TO GRANT A CERTIFICATE, THE BOARD SHALL  
25 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.

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

1 8-6A-08.

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

5 (I) (1) ~~(I) BEGINNING ON JANUARY 1, 2008, A CERTIFICATE HOLDER~~  
6 ~~SHALL SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH §~~  
7 ~~8-303 OF THIS TITLE AS A CONDITION OF RENEWAL AND SHALL SUBMIT TO AN~~  
8 ~~ADDITIONAL CRIMINAL HISTORY RECORDS CHECK BEGINNING JANUARY 2008, THE~~  
9 BOARD SHALL BEGIN A PROCESS REQUIRING CRIMINAL HISTORY RECORDS CHECKS  
10 ON SELECTED APPLICANTS FOR CERTIFICATION AS A CERTIFIED NURSING  
11 ASSISTANT WHO RENEW THEIR CERTIFICATES EVERY 2 YEARS AS DETERMINED BY  
12 REGULATIONS ADOPTED BY THE BOARD IN ACCORDANCE WITH § 8-303 OF THIS  
13 TITLE.

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 CERTIFICATE HOLDER FORWARDED TO THE BOARD IN ACCORDANCE WITH § 8-303  
18 OF THIS TITLE, IN DETERMINING WHETHER TO RENEW THE CERTIFICATE, THE  
19 BOARD SHALL 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  
26 CERTIFICATE HOLDER DOES NOT POSE A THREAT TO THE PUBLIC HEALTH OR  
27 SAFETY.

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

31 8-6A-10.

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



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

4 8-6B-08.

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

8 8-6B-09.

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

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

12 (2) Submit to the Board:

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

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

16 [(ii)] (III) Evidence of compliance with the requirements of §  
17 8-6B-08 of this subtitle; and

18 [(2)] (3) Pay to the Board a fee set by the Board.

19 8-6B-12.

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

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

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

24 (C) (1) ON RECEIPT OF THE CRIMINAL HISTORY RECORD INFORMATION OF  
25 AN APPLICANT FOR LICENSURE FORWARDED TO THE BOARD IN ACCORDANCE WITH §  
26 8-303 OF THIS TITLE, IN DETERMINING WHETHER TO GRANT A LICENSE, THE BOARD  
27 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;

1 (V) EMPLOYMENT AND CHARACTER REFERENCES; AND

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

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

7 8-6B-14.

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

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

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

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

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

24 (II) THE CIRCUMSTANCES SURROUNDING THE CRIME;

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

26 (IV) SUBSEQUENT WORK HISTORY;

27 (V) EMPLOYMENT AND CHARACTER REFERENCES; AND

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

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

33 8-6B-18.

34 (a) Subject to the hearing provisions of § 8-317 of this title and § 8-6B-19 of  
35 this subtitle, the Board may deny a license to an applicant, grant a probationary

1 license to an applicant, reprimand a licensee, place a licensee on probation, or  
2 suspend or revoke a license if the applicant or licensee:

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

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