

HOUSE BILL 712

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By: **Delegates B. Robinson, DeBoy, Branch, Braveboy, Clippinger, Conaway, Hixson, Holmes, Howard, Ivey, Jones, McIntosh, Oaks, Pena–Melnyk, Tarrant, V. Turner, and M. Washington**

Introduced and read first time: February 4, 2013

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Health Occupations Boards – Criminal History Records Checks – General**
3 **Authority**

4 FOR the purpose of authorizing a health occupation board to adopt regulations
5 requiring applicants for an initial license or certificate to have a criminal
6 history records check in accordance with certain provisions of this Act;
7 authorizing a health occupation board to adopt regulations requiring certain
8 applicants for reinstatement of a lapsed license or certificate, removal from
9 inactive status, or renewal of a license or certificate to have a criminal history
10 records check in accordance with certain provisions of this Act; requiring an
11 applicant to submit certain fingerprints and fees to obtain a criminal history
12 records check; providing that information obtained in a criminal history records
13 check is confidential, may not be redisseminated, and may be used only for a
14 certain purpose; authorizing certain individuals to contest certain information
15 received from a criminal history records check; defining a certain term; and
16 generally relating to general authority of health occupations boards to require
17 criminal history records checks.

18 BY adding to

19 Article – Health Occupations
20 Section 1–220
21 Annotated Code of Maryland
22 (2009 Replacement Volume and 2012 Supplement)

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

25 **Article – Health Occupations**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **1-220.**

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

5 (B) (1) EACH HEALTH OCCUPATION BOARD AUTHORIZED TO ISSUE A
6 LICENSE OR CERTIFICATE UNDER THIS ARTICLE MAY ADOPT REGULATIONS
7 THAT REQUIRE AN APPLICANT FOR AN INITIAL LICENSE OR CERTIFICATE TO
8 HAVE A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH
9 SUBSECTION (C) OF THIS SECTION AS A CONDITION OF LICENSURE OR
10 CERTIFICATION.

11 (2) IF A HEALTH OCCUPATION BOARD ADOPTS REGULATIONS
12 UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE BOARD MAY ADOPT
13 REGULATIONS TO REQUIRE AN APPLICANT FOR ANY OF THE FOLLOWING TO
14 HAVE A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH
15 SUBSECTION (C) OF THIS SECTION:

16 (I) REINSTATEMENT OF A LAPSED LICENSE OR
17 CERTIFICATE;

18 (II) REMOVAL FROM INACTIVE STATUS; OR

19 (III) RENEWAL OF A LICENSE OR CERTIFICATE.

20 (C) (1) AS PART OF AN APPLICATION TO THE CENTRAL REPOSITORY
21 FOR A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK, AN
22 APPLICANT SHALL SUBMIT TO THE CENTRAL REPOSITORY:

23 (I) TWO COMPLETE SETS OF LEGIBLE FINGERPRINTS
24 TAKEN ON FORMS APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY
25 AND THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;

26 (II) THE FEE AUTHORIZED UNDER § 10-221(B)(7) OF THE
27 CRIMINAL PROCEDURE ARTICLE FOR ACCESS TO STATE CRIMINAL HISTORY
28 RECORDS; AND

29 (III) THE PROCESSING FEE REQUIRED BY THE FEDERAL
30 BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY RECORDS
31 CHECK.

1 **(2) IN ACCORDANCE WITH §§ 10-201 THROUGH 10-228 OF THE**
2 **CRIMINAL PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD**
3 **TO THE BOARD AND TO THE APPLICANT THE CRIMINAL HISTORY RECORD**
4 **INFORMATION OF THE APPLICANT.**

5 **(3) IF AN APPLICANT HAS MADE TWO OR MORE UNSUCCESSFUL**
6 **ATTEMPTS AT SECURING LEGIBLE FINGERPRINTS, THE BOARD MAY ACCEPT AN**
7 **ALTERNATE METHOD OF A CRIMINAL HISTORY RECORDS CHECK AS PERMITTED**
8 **BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE DIRECTOR OF THE**
9 **FEDERAL BUREAU OF INVESTIGATION.**

10 **(4) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY**
11 **UNDER THIS SECTION SHALL BE:**

12 **(I) CONFIDENTIAL AND MAY NOT BE REDISSEMINATED;**
13 **AND**

14 **(II) USED ONLY FOR THE LICENSING PURPOSE AUTHORIZED**
15 **BY THIS TITLE.**

16 **(5) THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK**
17 **UNDER THIS SECTION MAY CONTEST THE CONTENTS OF THE PRINTED**
18 **STATEMENT ISSUED BY THE CENTRAL REPOSITORY AS PROVIDED IN § 10-223**
19 **OF THE CRIMINAL PROCEDURE ARTICLE.**

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2013.