

## Chapter 48

**(Senate Bill 109)**

AN ACT concerning

**Health Occupations Boards – Criminal History Records Checks – Required**

FOR the purpose of requiring certain applicants and licensees of the Board of Examiners for Audiologists, Hearing Aid Dispensers, and Speech–Language Pathologists, the Board of Examiners of Nursing Home Administrators, the Board of Occupational Therapy Practice, and the Board of Podiatric Medical Examiners to submit to a certain criminal history records check; requiring certain applicants and licensees to apply to the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services for a certain criminal history records check and to submit to the Central Repository a certain set of fingerprints and fees; requiring the Central Repository to forward to certain health occupations boards ~~and to certain individuals~~ certain information under certain circumstances; providing that certain information is confidential, may not be redisseminated, and may be used only for certain purposes; authorizing certain individuals to contest certain information as provided in certain provisions of law; requiring certain health occupations boards, on receipt of a certain criminal history records check, to consider certain information in making certain determinations about certain applicants and licensees; prohibiting certain health occupations boards from issuing, renewing, or reinstating certain licenses if certain criminal history records check information has not been received; requiring certain unlicensed individuals and certain licensees of the State Board of Examiners of Nursing Home Administrators acting in a certain temporary capacity to submit to a certain criminal history records check; establishing certain exceptions to the requirement to submit to a criminal history records check; authorizing certain health occupations boards to take certain actions against certain applicants and licensees for failing to submit to a certain criminal history records check; and generally relating to criminal history records checks and licensing requirements for audiologists, speech–language pathologists, hearing aid dispensers, nursing home administrators, occupational therapists, and podiatrists.

BY repealing and reenacting, with amendments,

Article – Health Occupations

Section 2–302, 2–302.1, 2–302.2, 2–302.3, 2–303, 2–306, 2–308, 2–314(22) and (23),  
 9–301, 9–302(a), 9–303, 9–308, 9–311, 9–312.1, 9–314(b)(11) and (12), 10–302,  
 10–304, 10–308, 10–311, 10–315(12) and (13), 16–302, 16–303, 16–305, and  
 16–311(a)(26) and (27)

Annotated Code of Maryland

(2014 Replacement Volume and 2015 Supplement)

BY adding to

Article – Health Occupations

Section 2–303.1, 2–314(24), 9–302.1, 9–314(b)(13), 10–302.1, 10–315(14), 16–302.1,  
and 16–311(a)(28)

Annotated Code of Maryland

(2014 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, without amendments,

Article – Health Occupations

Section 9–314(a)

Annotated Code of Maryland

(2014 Replacement Volume and 2015 Supplement)

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

### **Article – Health Occupations**

2–302.

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

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

(c) The applicant shall:

(1) On or before September 30, 2007:

(i) Hold a master's or doctoral degree in audiology from an accredited educational institution which incorporates the academic course work and the minimum hours of supervised clinical training required by the regulations adopted by the Board; and

(ii) Have completed the period of supervised postgraduate professional practice in audiology as specified by the regulations adopted by the Board;

(2) On or after October 1, 2007, hold a doctoral degree in audiology from an accredited educational institution which incorporates the academic course work and the minimum hours of supervised clinical training required by the regulations adopted by the Board; or

(3) Qualify for a license under § 2–305 of this subtitle.

(d) Except as otherwise provided in this title, the applicant shall:

(1) Pass an examination in audiology required by the regulations adopted by the Board; and

(2) Complete training consistent with the standards established by:

- (i) The Accreditation Commission for Audiology Education; or
- (ii) The Counsel of Academic Accreditation.

(e) The applicant shall demonstrate oral competency.

**(F) THE APPLICANT SHALL SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 2-303.1 OF THIS SUBTITLE.**

2-302.1.

(a) On or after January 1, 2008, to qualify for an initial license to practice hearing aid dispensing, an applicant shall be an individual who meets the requirements of this section.

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

(c) The applicant shall:

(1) Be a graduate of an accredited 2-year postsecondary program with a diploma or degree; and

(2) Prior to taking the State licensing examination, provide proof of successful completion of the International Hearing Society Curriculum entitled "Distance Learning For Professionals in Hearing Health Sciences" or an equivalent course approved by the Board.

(d) (1) Except as otherwise provided in this subtitle, the applicant shall pass an examination given by the Board under this subtitle.

(2) Except for an applicant who holds a valid license to provide hearing aid dispenser services in another state, the applicant shall obtain 6 months' training under the supervision of a licensed hearing aid dispenser or licensed audiologist prior to taking the examination given by the Board.

(e) The applicant shall demonstrate oral competency.

**(F) THE APPLICANT SHALL SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 2-303.1 OF THIS SUBTITLE.**

2-302.2.

(a) To qualify for a license to practice speech–language pathology, an applicant shall be an individual who meets the requirements of this section.

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

(c) The applicant shall:

(1) Hold a master’s degree in the area of speech–language pathology from an educational institution which incorporates the academic course work and the minimum hours of supervised training required by the regulations adopted by the Board; and

(2) Have completed the period of supervised postgraduate professional practice in speech–language pathology as specified by the regulations adopted by the Board.

(d) Except as otherwise provided in this title, the applicant shall pass an examination in speech–language pathology as required by regulations adopted by the Board.

(e) The applicant shall demonstrate oral competency.

**(F) THE APPLICANT SHALL SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 2–303.1 OF THIS SUBTITLE.**

2–302.3.

(a) To qualify for a license to assist in the practice of speech–language pathology, an applicant shall be an individual who meets the requirements of this section.

(b) The applicant shall:

(1) Be of good moral character;

(2) Hold a baccalaureate degree in speech–language pathology or communication sciences and disorders from an accredited institution or other degree as provided for in regulations adopted by the Board;

(3) Have successfully completed the clinical observation hours and supervised clinical assisting experience hours required by the regulations adopted by the Board;

(4) After a period of supervised practice by a licensed speech–language pathologist, have successfully completed a competency skills checklist as provided for in regulations adopted by the Board; [and]

(5) Demonstrate oral competency; **AND**

**(6) SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 2-303.1 OF THIS SUBTITLE.**

(c) The Board may waive any of the qualifications required under this section as provided for in regulations adopted by the Board.

2-303.

To apply for a license, an applicant shall:

(1) Submit an application to the Board on the form that the Board requires;  
[and]

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

**(3) SUBMIT SATISFACTORY EVIDENCE OF HAVING COMPLETED A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 2-303.1 OF THIS SUBTITLE.**

2-303.1.

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

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

(1) ~~TWO COMPLETE SETS~~ ONE COMPLETE SET OF LEGIBLE FINGERPRINTS TAKEN IN A MANNER APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;

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

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

(C) IN ACCORDANCE WITH §§ 10-201 THROUGH 10-229 OF THE CRIMINAL PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE BOARD AND THE APPLICANT THE CRIMINAL HISTORY RECORD INFORMATION OF THE APPLICANT.

**(D) IF CRIMINAL HISTORY RECORD INFORMATION IS REPORTED TO THE CENTRAL REPOSITORY AFTER THE DATE OF THE INITIAL CRIMINAL HISTORY RECORDS CHECK, THE CENTRAL REPOSITORY SHALL PROVIDE TO THE BOARD ~~AND THE INDIVIDUAL~~ A REVISED PRINTED STATEMENT OF THE INDIVIDUAL'S STATE CRIMINAL HISTORY RECORD.**

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

~~**(F)**~~ **(E) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY UNDER THIS SECTION:**

- (1) IS CONFIDENTIAL;**
- (2) MAY NOT BE REDISSEMINATED; AND**
- (3) MAY BE USED ONLY FOR THE LICENSING PURPOSE AUTHORIZED BY THIS TITLE.**

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

2-306.

**(A) [The] SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE Board shall issue a license to any applicant who:**

- (1) Meets the requirements of this title; [and]**
- (2) Pays the license fee set by the Board; AND**
- (3) SUBMITS TO THE BOARD SATISFACTORY EVIDENCE OF HAVING COMPLETED A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 2-303.1 OF THIS SUBTITLE.**

**(B) (1) ON RECEIPT OF THE CRIMINAL HISTORY RECORD INFORMATION OF AN APPLICANT FOR LICENSURE FORWARDED TO THE BOARD IN ACCORDANCE**

**WITH § 2-303.1 OF THIS SUBTITLE, IN DETERMINING WHETHER TO GRANT A LICENSE, THE BOARD SHALL CONSIDER:**

- (I) THE AGE AT WHICH THE CRIME WAS COMMITTED;**
- (II) THE NATURE OF THE CRIME;**
- (III) THE CIRCUMSTANCES SURROUNDING THE CRIME;**
- (IV) THE LENGTH OF TIME THAT HAS PASSED SINCE THE CRIME;**
- (V) SUBSEQUENT WORK HISTORY;**
- (VI) EMPLOYMENT AND CHARACTER REFERENCES; AND**
- (VII) ANY OTHER EVIDENCE THAT DEMONSTRATES WHETHER THE APPLICANT POSES A THREAT TO THE PUBLIC HEALTH OR SAFETY.**

**(2) THE BOARD MAY NOT ISSUE A LICENSE IF THE CRIMINAL HISTORY RECORD INFORMATION REQUIRED UNDER § 2-303.1 OF THIS SUBTITLE HAS NOT BEEN RECEIVED.**

2-308.

(a) Except as provided for a limited license in §§ 2-310 through 2-310.3 of this subtitle, a license expires on the date set by the Board, unless the license is renewed for an additional term as provided in this section.

(b) At least 2 months before the license expires, the Board shall contact the licensee by electronic means or first-class mail at the last known electronic or physical address provided by the licensee and advise the licensee of:

- (1) The date on which the current license expires;
- (2) The date by which the renewal application must be received by the Board for the renewal to be issued and mailed before the license expires; and
- (3) The amount of the renewal fee.

(c) Before the license expires, the licensee periodically may renew it for an additional term, if the licensee:

- (1) Otherwise is entitled to be licensed;
- (2) Pays to the Board a renewal fee set by the Board; and

(3) Submits to the Board:

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

(ii) Evidence of compliance with any continuing education requirement set under this section for license renewal; [and]

(iii) Evidence that each audiometer in use has been calibrated within 12 months before the date the license is renewed; AND

**(IV) SATISFACTORY EVIDENCE OF HAVING COMPLETED A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 2-303.1 OF THIS SUBTITLE.**

(d) In addition to any other qualifications and requirements established by the Board, the Board, by rule or regulation, shall establish continuing education requirements as a condition to the renewal of licenses under this section.

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

(f) A licensee has a grace period of 30 days after a license expires in which to renew it retroactively, if the licensee:

(1) Otherwise is entitled to have the license renewed; and

(2) Pays to the Board the renewal fee and any late fee set by the Board.

**(G) (1) ON RECEIPT OF THE CRIMINAL HISTORY RECORD INFORMATION OF AN APPLICANT FOR LICENSURE FORWARDED TO THE BOARD IN ACCORDANCE WITH § 2-303.1 OF THIS SUBTITLE, IN DETERMINING WHETHER TO GRANT A LICENSE, THE BOARD SHALL CONSIDER:**

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

**(II) THE NATURE OF THE CRIME;**

**(III) THE CIRCUMSTANCES SURROUNDING THE CRIME;**

**(IV) THE LENGTH OF TIME THAT HAS PASSED SINCE THE CRIME;**

**(V) SUBSEQUENT WORK HISTORY;**

**(VI) EMPLOYMENT AND CHARACTER REFERENCES; AND**



**(VII) ANY OTHER EVIDENCE THAT DEMONSTRATES WHETHER THE APPLICANT POSES A THREAT TO THE PUBLIC HEALTH OR SAFETY.**

**(2) THE BOARD MAY NOT RENEW A LICENSE IF THE CRIMINAL HISTORY RECORD INFORMATION REQUIRED UNDER § 2-303.1 OF THIS SUBTITLE HAS NOT BEEN RECEIVED.**

**(3) UNLESS OTHERWISE REQUIRED, A RENEWAL APPLICANT WHO PREVIOUSLY HAS COMPLETED THE CRIMINAL HISTORY RECORDS CHECK AS REQUIRED FOR THE BOARD'S APPLICATION PROCESS DOES NOT HAVE TO SUBMIT TO A SUBSEQUENT CRIMINAL HISTORY RECORDS CHECK FOR LICENSE RENEWAL.**

2-314.

Subject to the hearing provisions of § 2-315 of this subtitle, the Board may deny a license or limited license to any applicant, reprimand any licensee or holder of a limited license, place any licensee or holder of a limited license on probation, or suspend or revoke a license or limited license if the applicant, licensee, or holder:

(22) Refuses, withholds from, denies, or discriminates against an individual with regard to the provision of professional services for which the licensee is licensed and qualified to render because the individual is HIV positive; [or]

(23) Pays or agrees to pay any sum to any person for bringing or referring a patient; OR

**(24) FAILS TO SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 2-303.1 OF THIS SUBTITLE.**

9-301.

(a) Except as otherwise provided in this section, an individual shall be licensed by the Board before the individual may practice as a nursing home administrator in this State.

(b) (1) Except as provided in paragraph (2) of this subsection, if a licensee leaves or is removed from a position as a nursing home administrator by death or for any other unexpected cause, the owner of the nursing home or other appropriate nursing home authority shall immediately:

(i) Designate a licensed nursing home administrator to serve in that capacity; and

(ii) Notify the Board of the designated licensed nursing home administrator's name.

(2) (i) In the event a nursing home administrator is not available, the owner or other appropriate nursing home authority may appoint a nonlicensed person to serve in the capacity of acting nursing home administrator for a period not to exceed 90 days.

(ii) The owner or other appropriate nursing home authority shall immediately notify the Board of the appointment and forward the credentials of the person appointed to the Board for evaluation to assure that the person appointed is experienced, trained, and competent.

(iii) The 90-day period begins on the date that the licensee leaves or is removed from the position as a nursing home administrator.

(iv) The Board may extend the 90-day period for a further period of not more than 30 days.

**(3) A LICENSED NURSING HOME ADMINISTRATOR DESIGNATED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 9-302.1 OF THIS SUBTITLE.**

**(4) A PERSON APPOINTED IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION SHALL SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 9-302.1 OF THIS SUBTITLE.**

**(5) THE BOARD MAY DENY APPROVAL OF AN APPOINTMENT UNDER PARAGRAPH (1) OR (2) OF THIS SUBSECTION BASED ON THE RESULTS OF A CRIMINAL HISTORY RECORDS CHECK REQUIRED UNDER PARAGRAPH (3) OR (4) OF THIS SUBSECTION AFTER CONSIDERATION OF THE FACTORS LISTED IN § 9-308(B)(1) OF THIS SUBTITLE.**

**(6) PARAGRAPHS (3) AND (4) OF THIS SUBSECTION DO NOT APPLY TO A PERSON LICENSED BY A HEALTH OCCUPATIONS BOARD WHO PREVIOUSLY HAS COMPLETED A CRIMINAL HISTORY RECORDS CHECK REQUIRED FOR LICENSURE.**

9-302.

(a) To qualify for a license, an applicant shall be an individual who [meets]:

**(1) SUBMITS TO A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 9-302.1 OF THIS SUBTITLE; AND**

**(2) MEETS** the requirements of this section.

9-302.1.

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

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

(1) ~~TWO COMPLETE SETS~~ ONE COMPLETE SET OF LEGIBLE FINGERPRINTS TAKEN IN A MANNER APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;

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

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

(C) IN ACCORDANCE WITH §§ 10-201 THROUGH 10-229 OF THE CRIMINAL PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE BOARD AND TO THE APPLICANT THE CRIMINAL HISTORY RECORD INFORMATION OF THE APPLICANT.

(D) IF CRIMINAL HISTORY RECORD INFORMATION IS REPORTED TO THE CENTRAL REPOSITORY AFTER THE DATE OF THE INITIAL CRIMINAL HISTORY RECORDS CHECK, THE CENTRAL REPOSITORY SHALL PROVIDE TO THE BOARD ~~AND THE INDIVIDUAL~~ A REVISED PRINTED STATEMENT OF THE INDIVIDUAL'S STATE CRIMINAL HISTORY RECORD.

~~(E) IF THE APPLICANT HAS MADE THREE OR MORE UNSUCCESSFUL ATTEMPTS AT SECURING LEGIBLE FINGERPRINTS, THE BOARD MAY ACCEPT AN ALTERNATE METHOD OF A CRIMINAL HISTORY RECORDS CHECK AS PERMITTED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION.~~

~~(F)~~ (E) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY UNDER THIS SECTION:

(1) IS CONFIDENTIAL;

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

**(3) MAY BE USED ONLY FOR THE PURPOSES AUTHORIZED BY THIS TITLE.**

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

9-303.

To apply for a license, an applicant shall:

**(1) Submit an application to the Board on the form that the Board requires;**  
[and]

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

**(3) SUBMIT SATISFACTORY EVIDENCE OF HAVING COMPLETED A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 9-302.1 OF THIS SUBTITLE.**

9-308.

**(A) [The] SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE Board shall issue a license certificate and a license card to any applicant who meets the requirements of this title.**

**(B) (1) ON RECEIPT OF THE CRIMINAL HISTORY RECORD INFORMATION OF AN APPLICANT FOR LICENSURE FORWARDED TO THE BOARD IN ACCORDANCE WITH § 9-302.1 OF THIS SUBTITLE, IN DETERMINING WHETHER TO GRANT A LICENSE, THE BOARD SHALL CONSIDER:**

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

**(II) THE NATURE OF THE CRIME;**

**(III) THE CIRCUMSTANCES SURROUNDING THE CRIME;**

**(IV) THE LENGTH OF TIME THAT HAS PASSED SINCE THE CRIME;**

**(V) SUBSEQUENT WORK HISTORY;**

**(VI) EMPLOYMENT AND CHARACTER REFERENCES; AND**

**(VII) ANY OTHER EVIDENCE THAT DEMONSTRATES WHETHER THE APPLICANT POSES A THREAT TO THE PUBLIC HEALTH OR SAFETY.**

**(2) THE BOARD MAY NOT ISSUE A LICENSE IF THE CRIMINAL HISTORY RECORD INFORMATION REQUIRED UNDER § 9-302.1 OF THIS SUBTITLE HAS NOT BEEN RECEIVED.**

9-311.

(a) A license expires on the second anniversary of its effective date, unless the license is renewed for a 2-year term as provided in this section.

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

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

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

(3) The amount of the renewal fee.

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

(1) Otherwise is entitled to be licensed;

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

(3) Submits to the Board:

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

(ii) Satisfactory evidence of compliance with any continuing education and other qualifications and requirements set under this section for license renewal.

(d) (1) In addition to any other qualifications and requirements established by the Board, the Board may set continuing education requirements as a condition to the renewal of licenses under this section.

(2) If a continuing education program relates to federal or State regulation, policy and procedures, or law, the Board, in its sole discretion, may grant a request for accreditation of the program.

(e) The Board shall renew the license of and issue a renewal card to each licensee who meets the requirements of this section.

**(F) (1) BEGINNING OCTOBER 1, 2016, THE BOARD SHALL REQUIRE A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 9-302.1 OF THIS SUBTITLE FOR:**

**(I) LICENSURE RENEWAL APPLICANTS; AND**

**(II) EACH FORMER LICENSEE WHO FILES FOR REINSTATEMENT UNDER § 9-312 OF THIS SUBTITLE AFTER FAILING TO RENEW THE LICENSE FOR A PERIOD OF 1 YEAR OR MORE.**

**(2) ON RECEIPT OF THE CRIMINAL HISTORY RECORD INFORMATION OF A LICENSEE FORWARDED TO THE BOARD IN ACCORDANCE WITH § 9-302.1 OF THIS SUBTITLE, IN DETERMINING WHETHER TO GRANT A LICENSE, THE BOARD SHALL CONSIDER:**

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

**(II) THE NATURE OF THE CRIME;**

**(III) THE CIRCUMSTANCES SURROUNDING THE CRIME;**

**(IV) THE LENGTH OF TIME THAT HAS PASSED SINCE THE CRIME;**

**(V) SUBSEQUENT WORK HISTORY;**

**(VI) EMPLOYMENT AND CHARACTER REFERENCES; AND**

**(VII) ANY OTHER EVIDENCE THAT DEMONSTRATES WHETHER THE LICENSEE POSES A THREAT TO THE PUBLIC HEALTH OR SAFETY.**

**(3) THE BOARD MAY NOT RENEW OR REINSTATE A LICENSE IF THE CRIMINAL HISTORY RECORD INFORMATION REQUIRED UNDER § 9-302.1 OF THIS SUBTITLE HAS NOT BEEN RECEIVED.**

**(4) UNLESS OTHERWISE REQUIRED, A RENEWAL APPLICANT WHO PREVIOUSLY HAS COMPLETED THE CRIMINAL HISTORY RECORDS CHECK AS**

**REQUIRED FOR THE BOARD'S APPLICATION PROCESS DOES NOT HAVE TO SUBMIT TO A SUBSEQUENT CRIMINAL HISTORY RECORDS CHECK FOR LICENSE RENEWAL.**

9-312.1.

(a) If an individual has been licensed by the Board to practice as a nursing home administrator in the State in accordance with the requirements of this subtitle, the individual may be licensed subsequently as a nursing home administrator on inactive status, retaining the licensee's original license number.

(b) (1) The Board shall place a licensee on inactive status if the licensee submits to the Board:

(i) An application for inactive status on the form required by the Board; and

(ii) The inactive status fee set by the Board.

(2) A licensee's inactive status expires on the second anniversary of its effective date, unless the licensee renews the inactive status for a 2-year term as provided in this section.

(3) The Board shall provide a licensee who has complied with the requirements of paragraph (1) of this subsection with written notification of:

(i) The date that the licensee's inactive status becomes effective;

(ii) The date that the licensee's 2-year term of inactive status expires; and

(iii) The consequences of:

1. Not renewing inactive status before expiration of the 2-year term of inactive status; and

2. Not resuming active status within the 5-year period of inactive status, beginning on the first day of inactive status.

(c) A licensee on inactive status may not practice as a nursing home administrator in the State.

(d) The Board shall issue a license to a licensee who is on inactive status if the licensee:

(1) Completes an application form for reactivation of a license before expiration of the 2-year term of inactive status on the form required by the Board;

(2) Complies with the renewal requirements in effect at the time the licensee seeks to reactivate the license;

(3) Meets the continuing education requirements set by the Board;

(4) Has not practiced as a nursing home administrator in the State while on inactive status;

(5) Pays all appropriate fees set by the Board;

(6) Has been on inactive status for less than 5 years; and

(7) Is otherwise entitled to be licensed.

(e) Before the Board may reactivate the license of an individual who has been on inactive status for 5 years or more, the individual shall:

(1) Submit a new application;

(2) Pay all appropriate fees set by the Board;

(3) Complete a Board approved 1-month administrator refresher program;

[and]

(4) Pass the State's standards examination; AND

**(5) SUBMIT SATISFACTORY EVIDENCE OF HAVING COMPLETED A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 9-302.1 OF THIS SUBTITLE.**

(f) A nursing home administrator whose inactive license expires before the nursing home administrator returns to active licensure shall meet the reinstatement requirements of § 9-312 of this subtitle.

9-314.

(a) The Board shall investigate and take appropriate action as to any complaint filed with the Board that alleges that a licensee has failed to meet any standard of the Board.

(b) Subject to the hearing provisions of § 9-315 of this subtitle, the Board may deny a license or limited license to any applicant, reprimand any licensee or holder of a limited license, place any licensee or holder of a limited license on probation, suspend or revoke a license or limited license, or impose a civil fine if the applicant, holder, or licensee:



(11) Commits an act of unprofessional conduct in the licensee's practice as a nursing home administrator; [or]

(12) Refuses, withholds from, denies, or discriminates against an individual with regard to the provision of professional services for which the licensee is licensed and qualified to render because the individual is HIV positive; **OR**

**(13) FAILS TO SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 9-302.1 OF THIS SUBTITLE.**

10-302.

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

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

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

(d) An applicant for an occupational therapist license shall have successfully:

(1) Graduated from an educational program in occupational therapy that is recognized by the Board and accredited by ACOTE or any other nationally recognized programmatic accrediting agency; and

(2) Completed the equivalent of at least 6 months of supervised, full-time field work experience at a recognized educational institution or in a training program approved by the educational institution where the applicant met the academic requirements.

(e) An applicant for an occupational therapy assistant license shall have successfully:

(1) Graduated from an educational program for occupational therapy assistants that is recognized by the Board and accredited by ACOTE or any other nationally recognized programmatic accrediting agency; and

(2) Completed the equivalent of at least 4 months of supervised, full-time field work experience at a recognized educational institution or in a training program approved by the educational institution where the applicant met the academic requirements.

(f) The applicant shall pass the appropriate examination given by NBCOT or any other national credentialing organization.

(G) THE APPLICANT SHALL SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 10-302.1 OF THIS SUBTITLE.

**10-302.1.**

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

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

(1) ~~TWO COMPLETE SETS~~ ONE COMPLETE SET OF LEGIBLE FINGERPRINTS TAKEN IN A MANNER APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;

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

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

(C) IN ACCORDANCE WITH §§ 10-201 THROUGH 10-229 OF THE CRIMINAL PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE BOARD AND TO THE APPLICANT THE CRIMINAL HISTORY RECORD INFORMATION OF THE APPLICANT.

(D) IF CRIMINAL HISTORY RECORD INFORMATION IS REPORTED TO THE CENTRAL REPOSITORY AFTER THE DATE OF THE INITIAL CRIMINAL HISTORY RECORDS CHECK, THE CENTRAL REPOSITORY SHALL PROVIDE TO THE BOARD ~~AND THE INDIVIDUAL~~ A REVISED PRINTED STATEMENT OF THE INDIVIDUAL'S STATE CRIMINAL HISTORY RECORD.

~~(E) IF THE APPLICANT HAS MADE THREE OR MORE UNSUCCESSFUL ATTEMPTS AT SECURING LEGIBLE FINGERPRINTS, THE BOARD MAY ACCEPT AN ALTERNATE METHOD OF A CRIMINAL HISTORY RECORDS CHECK AS PERMITTED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION.~~

~~(F)~~ (E) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY UNDER THIS SECTION:

- (1) IS CONFIDENTIAL;
- (2) MAY NOT BE REDISSEMINATED; AND
- (3) SHALL BE USED ONLY FOR THE LICENSING PURPOSE AUTHORIZED BY THIS TITLE.

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

10-304.

- (a) To apply for a license, an applicant shall:
  - (1) Submit an application to the Board in the form required by the Board;  
[and]
  - (2) Pay to the Board the application fee set by the Board; AND
  - (3) SUBMIT TO A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 10-302.1 OF THIS SUBTITLE.

(b) If an applicant is required under this title to take an examination, the applicant shall submit the application and fee at least 30 days before the date of the examination that the applicant is required to take.

10-308.

(a) [The] SUBJECT TO SUBSECTION (C) OF THIS SECTION, THE Board shall issue the appropriate license to an applicant who meets the requirements of this title for that license.

(b) (1) Licensees shall present an original current license to the employer as part of the employment process.

(2) Except as otherwise provided in this subsection, each licensee shall display the license conspicuously in the office or place of employment of the licensee.

(3) If a licensee is unable to display the license, the licensee shall present the original license to the client at the request of the client or the client's designated decision maker.

**(c) (1) ON RECEIPT OF THE CRIMINAL HISTORY RECORD INFORMATION OF AN APPLICANT FOR LICENSURE FORWARDED TO THE BOARD IN ACCORDANCE WITH § 10-302.1 OF THIS SUBTITLE, IN DETERMINING WHETHER TO GRANT A LICENSE, THE BOARD SHALL CONSIDER:**

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

**(VII) ANY OTHER EVIDENCE THAT DEMONSTRATES WHETHER THE APPLICANT POSES A THREAT TO THE PUBLIC HEALTH OR SAFETY.**

**(2) THE BOARD MAY NOT ISSUE A LICENSE IF THE CRIMINAL HISTORY RECORD INFORMATION REQUIRED UNDER § 10-302.1 OF THIS SUBTITLE HAS NOT BEEN RECEIVED.**

10-311.

(a) A license expires on a date set by the Board, unless the license is renewed for an additional term as provided in this section.

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

- (1) The date on which the current license expires;
- (2) The date by which the renewal application must be received by the Board for the renewal to be issued and mailed before the license expires; and
- (3) The amount of the renewal fee.

(c) Except as otherwise provided in this title, before the license expires, the licensee periodically may renew it for an additional term, if the licensee:

- (1) Otherwise is entitled to be licensed;

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

(3) Submits to the Board:

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

(ii) Satisfactory evidence of compliance with any continuing competency requirements and other qualifications and requirements set under this section for license renewal; **AND**

**(III) SATISFACTORY EVIDENCE OF HAVING COMPLETED A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 10-302.1 OF THIS SUBTITLE.**

(d) In addition to any other qualifications and requirements established by the Board, the Board may establish continuing competency requirements as a condition to the renewal of licenses under this section.

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

(f) The Board shall renew the license of an occupational therapist or an occupational therapy assistant who has failed to renew the license for any reason if the occupational therapist or occupational therapy assistant:

(1) Applies for renewal within 30 days after the deadline for renewal;

(2) Meets the renewal requirements of this section;

(3) Pays to the Board the renewal fee set by the Board; and

(4) Pays to the Board the late fee set by the Board.

**(G) (1) ON RECEIPT OF THE CRIMINAL HISTORY RECORD INFORMATION OF AN APPLICANT FOR LICENSURE FORWARDED TO THE BOARD IN ACCORDANCE WITH § 10-302.1 OF THIS SUBTITLE, IN DETERMINING WHETHER TO GRANT A LICENSE, THE BOARD SHALL CONSIDER:**

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

**(II) THE NATURE OF THE CRIME;**

**(III) THE CIRCUMSTANCES SURROUNDING THE CRIME;**

**(IV) THE LENGTH OF TIME THAT HAS PASSED SINCE THE CRIME;**

**(V) SUBSEQUENT WORK HISTORY;**

**(VI) EMPLOYMENT AND CHARACTER REFERENCES; AND**

**(VII) ANY OTHER EVIDENCE THAT DEMONSTRATES WHETHER THE APPLICANT POSES A THREAT TO THE PUBLIC HEALTH OR SAFETY.**

**(2) THE BOARD MAY NOT RENEW A LICENSE IF THE CRIMINAL HISTORY RECORD INFORMATION REQUIRED UNDER § 10-302.1 OF THIS SUBTITLE HAS NOT BEEN RECEIVED.**

**(3) UNLESS OTHERWISE REQUIRED, A RENEWAL APPLICANT WHO HAS PREVIOUSLY COMPLETED THE CRIMINAL HISTORY RECORDS CHECK AS REQUIRED FOR THE BOARD'S APPLICATION PROCESS DOES NOT HAVE TO SUBMIT TO A SUBSEQUENT CRIMINAL HISTORY RECORDS CHECK FOR LICENSE RENEWAL.**

10-315.

Subject to the hearing provisions of § 10-316 of this subtitle, the Board may deny a license or temporary license to any applicant, reprimand any licensee or holder of a temporary license, place any licensee or holder of a temporary license on probation, or suspend or revoke a license or temporary license if the applicant, licensee, or holder:

**(12) Submits a false statement to collect a fee; [or]**

**(13) Refuses, withholds from, denies, or discriminates against an individual with regard to the provision of professional services for which the licensee is licensed and qualified to render because the individual is HIV positive; OR**

**(14) FAILS TO SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 10-302.1 OF THIS SUBTITLE.**

16-302.

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

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

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

(d) The applicant shall be a graduate of a school or college of podiatry that is accredited by the Council on Education of the American Podiatric Medical Association and approved by the Board.

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

(f) The Board may require an applicant to complete a postgraduate podiatric residency program in:

(1) A health care facility licensed or approved by the Department;

(2) A program approved by the Council on Education of the American Podiatric Medical Association or its successor; or

(3) A program approved by the Board.

(g) (1) The Board shall require as part of its examination or licensing procedures that an applicant for a license to practice podiatry demonstrate an oral competency in the English language.

(2) Graduation from a recognized English-speaking undergraduate school after at least 3 years of enrollment, or from a recognized English-speaking professional school is acceptable as proof of proficiency in the oral communication of the English language under this section.

(3) By regulation, the Board shall develop a procedure for testing individuals who because of their speech impairment are unable to complete satisfactorily a Board approved standardized test of oral competency.

(4) If any disciplinary charges or action that involves a problem with the oral communication of the English language are brought against a licensee under this title, the Board shall require the licensee to take and pass a Board approved standardized test of oral competency.

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

#### **16-302.1.**

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

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

(1) ~~TWO COMPLETE SETS~~ ONE COMPLETE SET OF LEGIBLE FINGERPRINTS TAKEN IN A MANNER APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;

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

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

(C) IN ACCORDANCE WITH §§ 10-201 THROUGH 10-229 OF THE CRIMINAL PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE BOARD AND THE APPLICANT THE CRIMINAL HISTORY RECORD INFORMATION OF THE APPLICANT.

~~(D) IF AN APPLICANT HAS MADE THREE OR MORE UNSUCCESSFUL ATTEMPTS AT SECURING LEGIBLE FINGERPRINTS, THE BOARD MAY ACCEPT AN ALTERNATE METHOD OF A CRIMINAL HISTORY RECORDS CHECK AS ALLOWED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION.~~

~~(E)~~ (D) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY UNDER THIS SECTION:

(1) IS CONFIDENTIAL;

(2) MAY NOT BE REDISSEMINATED; AND

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

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

16-303.

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

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

[and]



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

**(3) SUBMIT TO A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 16-302.1 OF THIS SUBTITLE.**

(b) If the applicant is licensed and has practiced in another state, the applicant shall submit proof of practice that is sufficient to demonstrate current clinical proficiency, as specified in regulations adopted by the Board.

16-305.

(a) The Board shall issue a license to any applicant who, by the affirmative vote of a majority of the full authorized membership of the Board, meets the requirements of this title.

(b) The Board shall include on each license that the Board issues:

(1) The signature of the Secretary of the Department of Health and Mental Hygiene attesting that the individual meets the requirements of this title; and

(2) A serial number that corresponds to an entry in the registration records of the Board.

**(c) (1) ON RECEIPT OF THE CRIMINAL HISTORY RECORD INFORMATION OF AN APPLICANT FOR LICENSURE FORWARDED TO THE BOARD IN ACCORDANCE WITH § 16-302.1 OF THIS SUBTITLE, IN DETERMINING WHETHER TO GRANT A LICENSE, THE BOARD SHALL CONSIDER:**

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

**(II) THE NATURE OF THE CRIME;**

**(III) THE CIRCUMSTANCES SURROUNDING THE CRIME;**

**(IV) THE LENGTH OF TIME THAT HAS PASSED SINCE THE CRIME;**

**(V) SUBSEQUENT WORK HISTORY;**

**(VI) EMPLOYMENT AND CHARACTER REFERENCES; AND**

**(VII) ANY OTHER EVIDENCE THAT DEMONSTRATES WHETHER THE APPLICANT POSES A THREAT TO THE PUBLIC HEALTH OR SAFETY.**

**(2) THE BOARD MAY NOT ISSUE A LICENSE IF THE CRIMINAL HISTORY RECORD INFORMATION REQUIRED UNDER § 16-302.1 OF THIS SUBTITLE HAS NOT BEEN RECEIVED.**

16-311.

(a) Subject to the hearing provisions of § 16-313 of this subtitle, the Board, on the affirmative vote of a majority of its members then serving, may deny a license or a limited license to any applicant, reprimand any licensee or holder of a limited license, impose an administrative monetary penalty not exceeding \$50,000 on any licensee or holder of a limited license, place any licensee or holder of a limited license on probation, or suspend or revoke a license or a limited license if the applicant, licensee, or holder:

(26) Fails to display the notice required under § 16-404 of this title; [or]

(27) Fails to cooperate with a lawful investigation conducted by the Board;

**OR**

**(28) FAILS TO SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 16-302.1 OF THIS SUBTITLE.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

**Approved by the Governor, April 12, 2016.**