

SENATE BILL 109

J2

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(PRE-FILED)

By: **Chair, Education, Health, and Environmental Affairs Committee (By Request
– Departmental – Health and Mental Hygiene)**

Requested: October 6, 2015

Introduced and read first time: January 13, 2016

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 10, 2016

CHAPTER _____

1 AN ACT concerning

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

3 FOR the purpose of requiring certain applicants and licensees of the Board of Examiners
4 for Audiologists, Hearing Aid Dispensers, and Speech–Language Pathologists, the
5 Board of Examiners of Nursing Home Administrators, the Board of Occupational
6 Therapy Practice, and the Board of Podiatric Medical Examiners to submit to a
7 certain criminal history records check; requiring certain applicants and licensees to
8 apply to the Criminal Justice Information System Central Repository of the
9 Department of Public Safety and Correctional Services for a certain criminal history
10 records check and to submit to the Central Repository a certain set of fingerprints
11 and fees; requiring the Central Repository to forward to certain health occupations
12 boards ~~and to certain individuals~~ certain information under certain circumstances;
13 providing that certain information is confidential, may not be redisseminated, and
14 may be used only for certain purposes; authorizing certain individuals to contest
15 certain information as provided in certain provisions of law; requiring certain health
16 occupations boards, on receipt of a certain criminal history records check, to consider
17 certain information in making certain determinations about certain applicants and
18 licensees; prohibiting certain health occupations boards from issuing, renewing, or
19 reinstating certain licenses if certain criminal history records check information has
20 not been received; requiring certain unlicensed individuals and certain licensees of
21 the State Board of Examiners of Nursing Home Administrators acting in a certain
22 temporary capacity to submit to a certain criminal history records check;
23 establishing certain exceptions to the requirement to submit to a criminal history

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 records check; authorizing certain health occupations boards to take certain actions
2 against certain applicants and licensees for failing to submit to a certain criminal
3 history records check; and generally relating to criminal history records checks and
4 licensing requirements for audiologists, speech–language pathologists, hearing aid
5 dispensers, nursing home administrators, occupational therapists, and podiatrists.

6 BY repealing and reenacting, with amendments,
7 Article – Health Occupations
8 Section 2–302, 2–302.1, 2–302.2, 2–302.3, 2–303, 2–306, 2–308, 2–314(22) and (23),
9 9–301, 9–302(a), 9–303, 9–308, 9–311, 9–312.1, 9–314(b)(11) and (12), 10–302,
10 10–304, 10–308, 10–311, 10–315(12) and (13), 16–302, 16–303, 16–305, and
11 16–311(a)(26) and (27)
12 Annotated Code of Maryland
13 (2014 Replacement Volume and 2015 Supplement)

14 BY adding to
15 Article – Health Occupations
16 Section 2–303.1, 2–314(24), 9–302.1, 9–314(b)(13), 10–302.1, 10–315(14), 16–302.1,
17 and 16–311(a)(28)
18 Annotated Code of Maryland
19 (2014 Replacement Volume and 2015 Supplement)

20 BY repealing and reenacting, without amendments,
21 Article – Health Occupations
22 Section 9–314(a)
23 Annotated Code of Maryland
24 (2014 Replacement Volume and 2015 Supplement)

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

27 **Article – Health Occupations**

28 2–302.

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

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

32 (c) The applicant shall:

33 (1) On or before September 30, 2007:

34 (i) Hold a master’s or doctoral degree in audiology from an
35 accredited educational institution which incorporates the academic course work and the

1 minimum hours of supervised clinical training required by the regulations adopted by the
2 Board; and

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

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

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

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

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

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

14 (i) The Accreditation Commission for Audiology Education; or

15 (ii) The Counsel of Academic Accreditation.

16 (e) The applicant shall demonstrate oral competency.

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

19 2–302.1.

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

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

24 (c) The applicant shall:

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

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

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

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

7 (e) The applicant shall demonstrate oral competency.

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

10 2-302.2.

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

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

14 (c) The applicant shall:

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

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

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

23 (e) The applicant shall demonstrate oral competency.

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

26 2-302.3.

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

29 (b) The applicant shall:

30 (1) Be of good moral character;

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

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

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

10 (5) Demonstrate oral competency; AND

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

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

15 2–303.

16 To apply for a license, an applicant shall:

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

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

20 **(3) SUBMIT SATISFACTORY EVIDENCE OF HAVING COMPLETED A**
21 **STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH**
22 **§ 2–303.1 OF THIS SUBTITLE.**

23 **2–303.1.**

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

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

30 **(1) ~~TWO COMPLETE SETS~~ ONE COMPLETE SET OF LEGIBLE**
31 **FINGERPRINTS TAKEN IN A MANNER APPROVED BY THE DIRECTOR OF THE**

1 CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF
2 INVESTIGATION;

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

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

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

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

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

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

23 (1) IS CONFIDENTIAL;

24 (2) MAY NOT BE REDISSEMINATED; AND

25 (3) MAY BE USED ONLY FOR THE LICENSING PURPOSE AUTHORIZED
26 BY THIS TITLE.

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

31 2-306.

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

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

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

5 **(3) SUBMITS TO THE BOARD SATISFACTORY EVIDENCE OF HAVING**
6 **COMPLETED A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK IN**
7 **ACCORDANCE WITH § 2-303.1 OF THIS SUBTITLE.**

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

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

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

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

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

16 **(V) SUBSEQUENT WORK HISTORY;**

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

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

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

23 2-308.

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

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

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

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

4 (3) The amount of the renewal fee.

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

7 (1) Otherwise is entitled to be licensed;

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

9 (3) Submits to the Board:

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

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

13 (iii) Evidence that each audiometer in use has been calibrated within
14 12 months before the date the license is renewed; AND

15 (IV) **SATISFACTORY EVIDENCE OF HAVING COMPLETED A STATE**
16 **AND NATIONAL CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH §**
17 **2-303.1 OF THIS SUBTITLE.**

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

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

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

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

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

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

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

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

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

16 2-314.

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

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

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

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

28 9-301.

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

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

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

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

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

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

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

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

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

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

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

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

4 9-302.

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

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

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

9 **9-302.1.**

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

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

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

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

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

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

28 **(D) IF CRIMINAL HISTORY RECORD INFORMATION IS REPORTED TO THE**
29 **CENTRAL REPOSITORY AFTER THE DATE OF THE INITIAL CRIMINAL HISTORY**
30 **RECORDS CHECK, THE CENTRAL REPOSITORY SHALL PROVIDE TO THE BOARD ~~AND~~**
31 **~~THE INDIVIDUAL~~ A REVISED PRINTED STATEMENT OF THE INDIVIDUAL’S STATE**
32 **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:

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

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

12 9-311.

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

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

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

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

21 (3) The amount of the renewal fee.

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

24 (1) Otherwise is entitled to be licensed;

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

26 (3) Submits to the Board:

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

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

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

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

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

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

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

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

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

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

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

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

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

27 **(V) SUBSEQUENT WORK HISTORY;**

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

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

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

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

8 9-312.1.

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

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

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

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

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

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

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

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

26 (iii) The consequences of:

27 1. Not renewing inactive status before expiration of the
28 2-year term of inactive status; and

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

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

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

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

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

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

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

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

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

14 (7) Is otherwise entitled to be licensed.

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

17 (1) Submit a new application;

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

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

20 [and]

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

22 **(5) SUBMIT SATISFACTORY EVIDENCE OF HAVING COMPLETED A**
23 **STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH**
24 **§ 9-302.1 OF THIS SUBTITLE.**

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

28 9-314.

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

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

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

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

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

15 10–302.

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

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

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

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

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

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

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

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

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

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

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

9 **10-302.1.**

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

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

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

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

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

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

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

33 (E) ~~IF THE APPLICANT HAS MADE THREE OR MORE UNSUCCESSFUL~~
34 ~~ATTEMPTS AT SECURING LEGIBLE FINGERPRINTS, THE BOARD MAY ACCEPT AN~~

~~1 ALTERNATE METHOD OF A CRIMINAL HISTORY RECORDS CHECK AS PERMITTED BY~~
~~2 THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE DIRECTOR OF THE~~
~~3 FEDERAL BUREAU OF INVESTIGATION.~~

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

6 (1) IS CONFIDENTIAL;

7 (2) MAY NOT BE REDISSEMINATED; AND

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

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

14 10-304.

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

16 (1) Submit an application to the Board in the form required by the Board;

17 [and]

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

19 (3) SUBMIT TO A STATE AND NATIONAL CRIMINAL HISTORY RECORDS
20 CHECK IN ACCORDANCE WITH § 10-302.1 OF THIS SUBTITLE.

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

24 10-308.

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

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

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

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

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

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

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

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

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

14 **(V) SUBSEQUENT WORK HISTORY;**

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

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

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

21 10-311.

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

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

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

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

30 (3) The amount of the renewal fee.

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

3 (1) Otherwise is entitled to be licensed;

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

5 (3) Submits to the Board:

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

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

10 (iii) **SATISFACTORY EVIDENCE OF HAVING COMPLETED A STATE**
11 **AND NATIONAL CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH §**
12 **10-302.1 OF THIS SUBTITLE.**

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

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

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

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

22 (2) Meets the renewal requirements of this section;

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

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

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

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

- 1 **(II) THE NATURE OF THE CRIME;**
2 **(III) THE CIRCUMSTANCES SURROUNDING THE CRIME;**
3 **(IV) THE LENGTH OF TIME THAT HAS PASSED SINCE THE CRIME;**
4 **(V) SUBSEQUENT WORK HISTORY;**
5 **(VI) EMPLOYMENT AND CHARACTER REFERENCES; AND**
6 **(VII) ANY OTHER EVIDENCE THAT DEMONSTRATES WHETHER**
7 **THE APPLICANT POSES A THREAT TO THE PUBLIC HEALTH OR SAFETY.**

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

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

15 10-315.

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

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

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

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

26 16-302.

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

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

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

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

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

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

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

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

12 (3) A program approved by the Board.

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

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

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

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

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

29 **16-302.1.**

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

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

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

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

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

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

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

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

23 (1) IS CONFIDENTIAL;

24 (2) MAY NOT BE REDISSEMINATED; AND

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

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

31 16-303.

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

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

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

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

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

9 16-305.

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

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

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

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

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

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

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

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

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

26 **(V) SUBSEQUENT WORK HISTORY;**

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

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

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

4 16-311.

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

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

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

13 **OR**

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

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.