

HOUSE BILL 381

J2

4lr1048
CF SB 175

By: **Delegate Hill**

Introduced and read first time: January 17, 2024

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Examiners in Optometry – Criminal History Records Checks**

3 FOR the purpose of requiring an applicant for a license to practice optometry or the renewal
4 of a license to submit to a criminal history records check; and generally relating to
5 criminal history records checks for optometry licenses.

6 BY repealing and reenacting, with amendments,
7 Article – Health Occupations
8 Section 11–302, 11–303, 11–306, 11–307.1, and 11–308
9 Annotated Code of Maryland
10 (2021 Replacement Volume and 2023 Supplement)

11 BY adding to
12 Article – Health Occupations
13 Section 11–302.1
14 Annotated Code of Maryland
15 (2021 Replacement Volume and 2023 Supplement)

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

18 **Article – Health Occupations**

19 11–302.

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

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (d) (1) The applicant shall submit to the Board satisfactory evidence of
2 scholastic and professional education that is at least equal to the current standards set by
3 the Board. However, an applicant who is licensed to practice optometry in any other state
4 shall submit satisfactory evidence of scholastic and professional education that is at least
5 equal to the standards set by the Board at the time of the applicant's completion of
6 scholastic and professional education.

7 (2) On written request, the Board shall provide information as to the
8 current scholastic and professional education standards that the Board sets. In the case of
9 an out-of-state applicant the Board shall provide information on the educational and
10 professional standards in effect at the time of an applicant's completion of scholastic and
11 professional education.

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

14 **(F) THE APPLICANT SHALL SUBMIT TO A CRIMINAL HISTORY RECORDS**
15 **CHECK IN ACCORDANCE WITH § 11-302.1 OF THIS SUBTITLE.**

16 **11-302.1.**

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

20 **(B) AN APPLICANT SHALL APPLY TO THE CENTRAL REPOSITORY FOR A**
21 **STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK.**

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

25 **(1) A COMPLETE SET OF LEGIBLE FINGERPRINTS TAKEN IN A FORMAT**
26 **APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE DIRECTOR**
27 **OF THE FEDERAL BUREAU OF INVESTIGATION;**

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

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

33 **(D) IN ACCORDANCE WITH §§ 10-201 THROUGH 10-229 OF THE CRIMINAL**

1 **PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE**
2 **BOARD AND THE INDIVIDUAL THE INDIVIDUAL'S CRIMINAL HISTORY RECORD**
3 **INFORMATION.**

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

14 **(G) IF CRIMINAL HISTORY RECORD INFORMATION IS REPORTED TO THE**
15 **CENTRAL REPOSITORY AFTER THE DATE OF THE INITIAL CRIMINAL HISTORY**
16 **RECORDS CHECK, THE CENTRAL REPOSITORY SHALL PROVIDE TO THE BOARD AND**
17 **THE INDIVIDUAL REVISED CRIMINAL HISTORY RECORD INFORMATION FOR THE**
18 **INDIVIDUAL.**

19 11-303.

20 To apply for a license, an applicant shall:

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

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

24 **(3) SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN**
25 **ACCORDANCE WITH § 11-302.1 OF THIS SUBTITLE.**

26 11-306.

27 The Board shall issue a license to any applicant who:

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

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

1 **(3) SUBMITS TO A CRIMINAL HISTORY RECORDS CHECK IN**
2 **ACCORDANCE WITH § 11-302.1 OF THIS SUBTITLE.**

3 11-307.1.

4 (a) An applicant for a limited license shall **[submit]:**

5 **(1) SUBMIT** to the Board:

6 **[(1)] (I)** An application on the form the Board requires; and

7 **[(2)] (II)** A written confirmation of participation from the institution in
8 which the applicant intends to participate in a postgraduate teaching, research, or training
9 program; **AND**

10 **(2) SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN**
11 **ACCORDANCE WITH § 11-302.1 OF THIS SUBTITLE.**

12 (b) The Board may waive the examination requirements of this subtitle and issue
13 a limited license to practice optometry to an individual who:

14 (1) Is qualified for a postgraduate teaching, research, or training position;

15 (2) Is applying to participate in a postgraduate teaching, research, or
16 training program approved by the Board under this subsection;

17 (3) Is eligible to sit for the Maryland licensure examination;

18 (4) Is licensed, at the time of application, to practice optometry in another
19 state; and

20 (5) Pays the fee set by the Board.

21 (c) A limited license authorizes the licensee for 1 year to practice optometry only:

22 (1) At the institution that has been approved by the Board and is
23 designated on the individual's license;

24 (2) At other institutions that are affiliated with the designated institution;
25 and

26 (3) On the patients of the designated institution or its affiliates.

27 (d) The Board may renew a limited license once for an additional 1-year term if
28 the holder:

1 (1) Otherwise meets the requirements of this section;

2 (2) Submits a renewal application to the Board on the form that the Board
3 requires; [and]

4 (3) Pays to the Board the limited license renewal fee set by the Board; AND

5 (4) **SUBMITS TO THE BOARD SATISFACTORY EVIDENCE OF HAVING**
6 **COMPLETED A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH §**
7 **11-302.1 OF THIS SUBTITLE.**

8 11-308.

9 (a) A license expires on the date set by the Board, unless the license is renewed
10 for an additional term as provided in this section. A license may not be renewed for a term
11 longer than 2 years.

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

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

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

18 (3) The amount of the renewal fee.

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

21 (1) Otherwise is entitled to be licensed;

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

23 (3) Submits to the Board:

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

25 (ii) Satisfactory evidence of [compliance]:

26 1. **COMPLIANCE** with the continuing education
27 requirements set under this subtitle for license renewal; AND

28 2. **HAVING COMPLETED A CRIMINAL HISTORY RECORDS**

1 **CHECK IN ACCORDANCE WITH § 11-302.1 OF THIS SUBTITLE.**

2 (d) The Board shall renew the license of and issue a renewal certificate to each
3 licensee who meets the requirements of this section.

4 (e) If an optometrist does not renew a license before its expiration date, the Board
5 shall send to the optometrist a notice stating that the license will expire 30 days after the
6 notice is sent unless the optometrist applies for renewal within the grace period.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2024.