HB 1420

Department of Legislative Services

Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1420 (Joint Audit and Evaluation Committee)
Health and Judiciary

Health Occupations - Criminal History Records Checks

The bill establishes and standardizes language requiring criminal history records checks (CHRCs) for individuals regulated by certain health occupations boards. An applicant must apply to the Criminal Justice Information System Central Repository (CJIS-CR) in the Department of Public Safety and Correctional Services (DPSCS) by submitting (1) a complete set of legible fingerprints in a format approved by the Director of CJIS-CR and the Federal Bureau of Investigation (FBI); (2) the fee for Maryland criminal history records; and (3) the mandatory FBI fee for a national CHRC. CJIS-CR must forward an individual's record to the individual and the respective board. Information obtained through a CHRC is confidential, may not be re-disseminated, and may only be used for licensing. The subject of a CHRC may contest its contents. If criminal history record information is reported to CJIS-CR after the date of the initial CHRC, CJIS-CR must provide revised information to the board and the individual. The bill also makes conforming changes. **The bill takes effect June 1, 2026.**

Fiscal Summary

State Effect: The affected health occupations boards can implement any administrative changes using existing budgeted resources. DPSCS general fund revenues and expenditures increase by an indeterminate amount beginning in FY 2028 as a result of additional CHRCs required under the bill, as discussed below.

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Bill Summary: The health occupations boards impacted under the bill are: Acupuncture, Dental Examiners, Dietetic Practice, Environmental Health Specialists, Morticians and Funeral Directors, Nursing, Optometry, Pharmacy, Physical Therapy, Podiatric, Psychologists, and Residential Child Care Program Professionals.

For boards that already require CHRCs in statute, the existing CHRC text is generally repealed or altered to fit the standard language under the bill. This includes Morticians and Funeral Directors, Nursing, Pharmacy (for wholesale distributors and registered pharmacy interns), Physical Therapy, Podiatric, Psychologists, and Residential Child Care Program Professionals. Though the CHRC process under the bill is substantially similar for each board, any differences are outlined below.

State Acupuncture Board

Beginning July 1, 2027, applicants for an initial license to practice acupuncture must submit to a CHRC. For individuals licensed before January 1, 2028, a licensee must submit satisfactory evidence of a CHRC as part of the licensee's first license renewal after January 1, 2028.

Board of Dental Examiners

Beginning October 1, 2027, the board must require a CHRC for license or certificate renewal applicants and each former licensee or certificate holder who files for reinstatement after failing to renew a license or certificate. The board may not issue, renew, or reinstate a license or certificate if the CHRC information has not been received.

Upon receiving criminal history record information of an applicant, in determining whether to grant a license or certificate, the board must consider (1) the age at which the crime was committed; (2) the circumstance surrounding the crime; (3) the length of time that has passed since the crime; (4) subsequent work history; (5) employment and character references; and (6) other evidence that demonstrates whether the applicant poses a threat to the public health or safety.

Failure to submit to a CHRC is also added to the list of disciplinary grounds on which the board may take action against a dentist or dental hygienist.

Board of Dietetic Practice

Beginning July 1, 2027, an applicant for an initial license as a dietician-nutritionist must submit to a CHRC. For individuals licensed before July 1, 2027, a licensee must submit

satisfactory evidence of a CHRC as part of the licensee's first license renewal after January 1, 2028.

Failure to submit to a CHRC is also added to the list of disciplinary grounds on which the board may take action against a dietician-nutritionist.

Board of Environmental Health Specialists

Beginning July 1, 2027, an applicant for an initial environmental health specialist license or an applicant for the reactivation of an inactive or nonrenewed license must submit to a CHRC. For individuals licensed before July 1, 2027, a licensee must submit satisfactory evidence of a CHRC as part of the licensee's first license renewal after July 1, 2027. The board may not issue, reactivate, or reinstate a license if CHRC information has not been received.

Board of Nursing

The board must require a CHRC for (1) applicants for certification as a forensic nurse examiner or workers' compensation case manager; (2) selected annual renewal applicants for certification as a forensic nurse examiner or workers' compensation manager, as required by board regulations; and (3) applicants for reinstatement as a forensic nurse examiner or workers' compensation case manager if the applicant failed to renew for one year or more. For certification as a nursing assistant, medicine aide, dialysis technician, or medication technician, an applicant must submit written verification that the CHRC requirement has been met.

Board of Examiners in Optometry

Beginning August 1, 2026, the board must require a CHRC for optometrists seeking license renewal (as determined by board regulations) and reinstatement. The board may not issue, renew, or reinstate a license if the CHRC information has not been received. The board may only reactivate a licensee on inactive status if the licensee attests that they have submitted to a CHRC.

Failure to submit to a CHRC is also added to the list of disciplinary grounds on which the board may take action against an optometrist.

Board of Pharmacy

An applicant for an initial license to practice pharmacy must submit to a CHRC. The board may not issue a license if CHRC information has not been received.

Beginning July 1, 2027, the board must require all licensees who were initially licensed without a CHRC to submit to a CHRC upon renewal, as set in board regulations. An applicant for reinstatement whose license has been expired for two or more years must also submit to a CHRC.

If a wholesale distributor is located outside the State, the designated representative of the permit holder and the representative's immediate supervisor must submit to a CHRC before renewing the permit.

Upon receiving criminal history record information of an applicant, in determining whether to grant a license or certificate, the board must consider (1) the age at which the crime was committed; (2) the circumstance surrounding the crime; (3) the length of time that has passed since the crime; (4) subsequent work history; (5) employment and character references; and (6) other evidence that demonstrates whether the applicant poses a threat to the public health or safety.

Board of Physical Therapy Examiners

Beginning July 1, 2027, the board must require all licensees who were initially licensed without a CHRC to submit to a CHRC upon renewal in accordance with board regulations.

Current Law: Generally, applications for licensure, certification, or registration from health occupations boards include questions regarding past disciplinary actions. Based on an applicant's responses, a board may investigate an applicant. If a board determines that an individual made incomplete or false statements about disciplinary or criminal actions, the board may pursue disciplinary action for fraudulently or deceptively obtaining or attempting to obtain a license, certificate, or registration.

There are currently five health occupations boards that do not require CHRCs in statute: Acupuncture, Dental Examiners, Dietetic Practice, Environmental Health Specialists, and Pharmacy. **Exhibit 1** shows the licenses, certificates, permits, and registrations issued by each board under the bill and whether the credential currently requires a CHRC.

Exhibit 1
Criminal History Records Check Requirements Under Current Law

Board	Occupation	Required
Acupuncture	Acupuncturist	**No**
Dental Examiners	Dentist (all licenses)	**No**
	Dental Hygienist (all licenses)	**No**
	Dental Radiation Technologist	**No**
Dietetic Practice	Dietician-Nutritionist	**No**
Environmental Health Specialists	Environmental Health Specialist	**No**
Morticians and Funeral Directors	Funeral Director	Yes
	Mortician	Yes
	Apprentice	Yes
	Executor	Yes
	Surviving Spouse	Yes
	Pre-need Trustee	Yes
Nursing	Forensic Nurse Examiner	Yes*
	Workers' Compensation Case Manager	Yes*
	Registered Nurse	Yes
	Practical Nurse	Yes
	Advanced Practice Registered Nurse	Yes
	Nursing Assistant	Yes
	Dialysis Technician	Yes
	Medication Technician	**No**
	Electrologist	Yes
	Direct-entry Midwife	Yes
	Certified Midwife	Yes
Optometry	Optometrist	Yes
Pharmacy	Pharmacist	**No**
	Pharmacy Technician	**No**
	Pharmacy Intern	Yes**
	Wholesale Distributor	Yes
Physical Therapy	Physical Therapist	Yes
	Limited Physical Therapist	Yes
Podiatric	Podiatrist	Yes
Psychologists	Psychologist	Yes
	Psychology Associate	Yes
Residential Child Care Program Professionals	Program Administrator	Yes
	Residential Child and Youth Care Practitioner	Yes

*Maryland regulations (COMAR 10.27.21.03 and COMAR 10.27.16.03) require a forensic nurse examiner or workers' compensation case manager to be licensed as a registered nurse, which requires a criminal history records check.
**A pharmacy intern applicant must submit to a State criminal history record check, but not national.

Source: Department of Legislative Services

Additionally, of the boards that currently require CHRCs, four do not require subsequent alerts of criminal activity: Morticians and Funeral Directors, Physical Therapy, Podiatric and Psychologists.

Criminal History Records Checks and the Central Repository

CJIS-CR within DPSCS collects, manages, and disseminates Maryland criminal history record information for criminal justice and noncriminal justice (*e.g.*, employment and licensing) purposes. Each individual who uses CJIS-CR to conduct a CHRC is required to pay $50.00 for a State and national CHRC, including a $20 fingerprinting fee, a $12.00 FBI fee, and an $18 fee to CJIS-CR.

State Fiscal Effect: The boards of Acupuncture, Dental Examiners, Dietetic Practice, Environmental Health Specialists, and Pharmacy can likely absorb the responsibility of receiving and tracking CHRCs with existing budgeted resources.

As of April 2025, the Board of Pharmacy had 32,748 active licensees, the Board of Dental Examiners had 15,091, the Board of Dietetic Practice had 2,912, the Board of Acupuncture had 1,213, and the Board of Environmental Health specialists had 620.

DPSCS advises that it can conduct any additional CHRCs under the bill with existing budgeted resources. However, the Department of Legislative Services advises that the bill would require a significant number of additional CHRCs beginning in fiscal 2028 – up to 52,584 – therefore, DPSCS may require additional staff to handle the increased workload. To the extent that DPSCS requires additional staff, DPSCS general fund expenditures increase beginning in fiscal 2028.

State Revenues: For each additional CHRC that CJIS-CR conducts, it charges an $18 fee. Thus, DPSCS general fund revenues increase from the fees from applicants for new or existing credentials under their respective health occupations boards. DPSCS revenues could increase by up to $946,512 in fiscal 2028 should all affected licensees pay the fee. However, CHRCs will likely be spread across several fiscal years as licensees apply for renewal.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: SB 806 (Chair, Joint Audit and Evaluation Committee) - Finance.

Information Source(s): Maryland Department of Health; Department of Public Safety and Correctional Services; Department of Legislative Services

Fiscal Note History: First Reader - March 1, 2026
rh/jc

Analysis by: Eliana R. Prober

Direct Inquiries to:
(410) 946-5510
(301) 970-5510