



Board of Nursing

Wes Moore, Governor · Aruna Miller, Lt. Governor · Laura Herrera Scott, M.D., M.P.H., Secretary

January 23, 2024

The Honorable Delegate C. T. Wilson
Chair, Economic Matters Committee
Room 231 House Office Building
Annapolis, MD 21401-1991

RE: Occupational Licensing and Certification – Criminal History – Prohibited Disclosures and Predetermination Review Process – Letter of Opposition

Dear Chair Wilson and Committee Members:

The Maryland Board of Nursing (the Board) respectfully submits this letter of opposition for House Bill (HB) 175 – Occupational Licensing and Certification – Criminal History – Prohibited Disclosures and Predetermination Review Process. This bill alters certain provisions regarding the prohibition on certain departments of State Government from denying an occupational license or certificate to an applicant solely on the basis of the criminal history of the applicant by prohibiting a department from requiring disclosure of certain actions on an application and establishing a pre – determination review process.

The proposed legislation, as written, would jeopardize the state of Maryland’s participation in the Nurse Licensure Compact, as it prohibits an agency from requiring an applicant for an occupational license or certificate to disclose, as part of an application, participation in a diversion program. MD Health Occupations Article § 8-7A-01 states that “each party state shall require the following for an applicant to obtain or retain a multistate license in the home state: (8) is not currently enrolled in an alternative program; and (9) is subject to self-disclosure requirements regarding current participation in an alternative (i.e., diversion) program.”

House Bill 175 substantially deviates from the NLC requirements and hinders the Board’s ability to perform its administrative duties to regulate the rules of the Compact. If the state were found to be in violation of the NLC, the subsequent consequences for the direct nursing workforce would be catastrophic. Out-of-state registered nurses and licensed practical nurses would be prohibited from administering telehealth or direct care until they received a single-state license. The Board could potentially receive thousands of endorsement applications, which would further exacerbate processing delays and operational, information technology, and staffing challenges. The state has been a member state of the NLC since 1999. It is critical to maintain the state’s participation in the nursing workforce, hospitals, and long-term care settings.

The Board is additionally concerned about the provisions relating to the predetermination review of an applicant's eligibility for an occupational license or certificate. In practice, it is exceedingly rare that the Board denies a license based solely on the grounds of a criminal conviction. The Board thoroughly reviews each criminal conviction and requests the applicant submit a detailed letter of explanation and court certified or true test copies of court documents. The Board's mission of safeguarding the public relies on its ability to properly investigate prior criminal history. HB 175 would remove the requirement that applicants disclose certain criminal history, such as non-violent offenses and crimes that did not result in imprisonment. But many of these types of offenses can be extremely serious when issuing licenses to nurses and related professions.

Our last concern is that the use of a predetermination program involves a request of predetermination from the Maryland Department of Health, rather than the Maryland Board of Nursing. This would alter the structure of health occupations licensing as it is done in Maryland, as typically Boards make that determination, rather than the Department.

For the reasons discussed above, the Maryland Board of Nursing respectfully submits this letter of opposition for HB 175.

I hope this information is useful. For more information, please contact Ms. Mitzi Fishman, Director of Legislative Affairs, at mitzi.fishman@maryland.gov or 410-585-2049, or Ms. Rhonda Scott, Executive Director, at rhonda.scott2@maryland.gov or 410-585-1953.

Sincerely,



Gary N. Hicks
Board President

The opinion of the Board expressed in this document does not necessarily reflect that of the Department of Health or the Administration.