

MNA screening testimony.pdf

Uploaded by: Jamie DeMarco

Position: FAV



Committee: Senate Finance

Bill Number: SB806

Date: March 3rd, 2026

Position: Favorable

Dear Beidle, Vice-Chair Hayes, and members of the Senate Finance Committee,

The Maryland Nurses Association urges a **Favorable Report on SB806**. This legislation will add criminal background checks to all health occupations and residential child care program professionals. It will also require additional background checks for those positions every 6 years going forward.

This is an important step to ensure the safety of our members and the patients we serve. When hiring for positions that will be caring for children and patients, employers should have the full scope of information available about a person's criminal history. SB806 would not forbid employers from hiring applicants who have a criminal history, nor should it, but requiring employers to take the additional step of completing a background check is a prudent measure. If a person has been convicted of a violent crime against a child, that information needs to be known before they are considered for a childcare position, not after they have already been given the position.

Background checks are a routine process for all sorts of jobs from summer camp counselors to accountants. It is time to bring health occupations and residential childcare programs into the list of professions that must run a criminal background check before offering someone the position.

We urge a favorable report on SB806

Respectfully,

A handwritten signature in black ink that reads "Jamie DeMarco". The signature is fluid and cursive, with a long horizontal stroke at the end.

Jamie DeMarco
Registered Lobbyist,
Maryland Nurses Association
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SB 806 - Various boards - LOS .docx.pdf

Uploaded by: Laurie Kendall-Ellis

Position: FAV



DEPARTMENT OF HEALTH

Wes Moore, Governor · Aruna Miller, Lt. Governor · Meena Seshamani, M.D., Ph.D., Secretary

Health Occupations Boards
4201 Patterson Avenue
Baltimore, Maryland 21215

Maryland Board of Nursing
4140 Patterson Avenue
Baltimore, Maryland 21215

Maryland Board of Dental Examiners
Spring Grove Hospital Center/Rush Bldg.
55 Wade Avenue/Tulip Drive
Catonsville, Maryland 21228

2026 SESSION POSITION PAPER

BILL NO: SB 806
COMMITTEE: Finance
POSITION: Support

TITLE: Health Occupations – Criminal History Records Checks

BILL ANALYSIS: To establish and alter requirements related to criminal history records checks for certain licenses and certificates issued by certain health occupations boards.

POSITION AND RATIONALE: The following Boards support SB 806: The Maryland Board of Acupuncture, the Maryland Board for Certification of Residential Child Care Program Professionals, the Maryland Board of Dental Examiners, the Maryland Board of Dietetic Practice, the Maryland Board of Environmental Health Specialists, the Maryland Board of Morticians and Funeral Directors, the Maryland Board of Nursing, the Maryland Board of Optometry, the Maryland Board of Pharmacy, the Maryland Board of Physical Therapy Examiners, the Maryland Board of Podiatric Medical Examiners, and the Maryland Board of Examiners of Psychologists (the “Boards”).

Various health occupations boards currently do not require criminal history records checks (CHRC) as a condition of licensure and some do not receive subsequent alerts of criminal activity (Record of Arrest and Prosecution or Rap Back). Two boards need to update CHRC in their statute for license renewals and reinstatements. The Office of Legislative Audits (OLA) submitted a report on April 9, 2025, that recommended that all of the health occupations boards require criminal background checks when an individual applies to become a licensed health

professional/and or Rap Back. Concerns were that several active licensees convicted of crimes of moral turpitude were not identified. In order to add CHRC, statutes for the boards included in SB 806 need to be amended.

For these reasons, the Boards support SB 806 and request a favorable report.

If you require more information, please contact Lillian Reese, Legislative Liaison for the Health Occupations Boards, at 443-794-4757 or lillian.reese@maryland.gov.

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

SB806_SreedharPotarazuMDMBA_FAV

Uploaded by: Sreedhar Potarazu, MD, MBA

Position: FAV

Written Testimony for Senate Bill 806

Health Occupations – Criminal History Records Checks

Before the Maryland Senate Finance Committee

Cross-Referenced Legislation: House Bill 1420

Submitted by: Sreedhar Potarazu, MD, MBA

Dear Chair, Vice Chair, and Members of the Committee,

My name is **Sreedhar Potarazu, MD, MBA**, and I respectfully submit this testimony in strong support of **Senate Bill 806 (SB 806)**. My endorsement is rooted in personal experience navigating Maryland's occupational licensing process after a conviction, as well as in the broader public policy imperative that licensing standards be transparent, evidence-based, and equitable for all applicants.

SB 806 proposes meaningful reforms to how Maryland's health occupations boards incorporate criminal history information into licensing decisions. Specifically, the bill updates criminal history record check requirements for numerous health professions and directs licensing authorities to consider individualized factors such as the age of the applicant at the time of the offense, the circumstances surrounding the crime, and evidence of rehabilitation when evaluating licensure eligibility.

These reforms represent a progressive step forward, yet they also raise an important legislative coherence issue: **unless SB 806 is harmonized with HB 1420 and other related criminal history evaluation statutes, conflicting statutory language may undermine their shared goals and perpetuate uncertainty for applicants, regulators, and boards alike.**

Harmonization of Statutory Standards

1. Avoiding Conflicting Evaluation Frameworks

SB 806 operates within a broader regulatory ecosystem that includes HB 1420 and existing licensing statutes addressing criminal history review.

Without harmonization, health boards may be subject to multiple, potentially inconsistent directives regarding how criminal convictions are weighed in licensing determinations.

Administrative ambiguity can lead to:

- Variable application of moral character assessments across professions;
- Uncertainty regarding the legal weight assigned to historical convictions;
- Inconsistent procedural expectations among licensing agencies.

When statutory directives are not aligned, agencies are forced to resolve ambiguity through internal interpretation, which can produce outcome variability that is unrelated to applicant merit or public safety risk.

2. Alignment with Predetermination and Transparency Principles in HB 1420

Although SB 806 does not explicitly establish a predetermination review mechanism, it should be read in conjunction with the policy direction embodied in HB 1420.

HB 1420 advances the principle that applicants should have meaningful insight into how criminal history will affect licensure decisions before investing substantial financial and professional resources into a career pathway.

Harmonization between SB 806 and HB 1420 would help ensure that:

- Applicants receive consistent guidance across health professions;
- Boards apply criminal history evaluation factors uniformly;
- Licensing outcomes are grounded in transparent statutory criteria rather than variable administrative discretion.

3. Temporal Evaluation — Emphasis on Time Since Conviction

Maryland licensing policy appropriately recognizes that the passage of time is a critical indicator in assessing rehabilitation and risk.

A framework that emphasizes **time since conviction**, rather than focusing exclusively on post-release duration, reflects a more accurate understanding of behavioral rehabilitation.

Rehabilitation is not confined to the period following release from incarceration. Educational advancement, vocational skill development, cognitive and behavioral transformation, and character maturation can occur during incarceration.

Therefore, statutory interpretation should avoid implicitly assuming that incarceration is a period devoid of personal or professional growth.

4. Clarifying Moral Character Assessment Standards

Traditional “good moral character” language in licensing law has often produced inconsistent outcomes when applied without operational definitions.

SB 806 should be implemented in a manner that prioritizes:

- Evidence of rehabilitation;
- Compliance with legal obligations;
- Current fitness to practice;
- Professional competence and demonstrated behavioral stability.

Evaluations should distinguish between historical conduct that has already been adjudicated and present indicators of professional suitability.

Avoiding Administrative Delay as a Barrier to Employment

Licensing systems that permit indefinite review periods risk creating functional barriers to employment even in the absence of formal denial.

Meaningful due process requires both access to review and reasonable temporal certainty.

Establishing clear expectations for review timelines will help ensure that criminal history evaluation processes do not inadvertently recreate the barriers that these reforms are intended to reduce.

Public Safety and Workforce Access Are Complementary Goals

Strengthening reentry pathways does not weaken public safety.

Research in correctional behavioral science demonstrates that recidivism risk declines substantially with time and with evidence of post-conviction stability. A licensing framework that integrates temporal distance from conviction, rehabilitation evidence, and current fitness assessment is more likely to identify genuinely high-risk applicants than frameworks relying primarily on static historical markers.

Conclusion

SB 806 represents an important advancement in Maryland's effort to modernize occupational licensing policy for health professions. When harmonized with HB 1420, the bill has the potential to create a coherent statutory framework that balances public safety, workforce needs, and rehabilitation policy.

Maryland has an opportunity to demonstrate national leadership by building a licensing system that recognizes rehabilitation while maintaining rigorous professional standards.

For these reasons, I respectfully urge the Committee to issue a favorable report on SB 806 and to consider statutory or interpretive language that ensures alignment with HB 1420 and related criminal history licensing reforms.

Thank you for your consideration.

Respectfully submitted,

Sreedhar Potarazu, MD, MBA

SB 806 - FIN - Various boards - Support.docx (1).p

Uploaded by: State of Maryland (MD)

Position: FAV



DEPARTMENT OF HEALTH

Wes Moore, Governor · Aruna Miller, Lt. Governor · Meena Seshamani, M.D., Ph.D., Secretary

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SB806_MACDS_FWA.pdf

Uploaded by: Sarah Price

Position: FWA



SB806 Health Occupations - Criminal History Records Checks
Finance Committee
March 3, 2026

Position: Favorable with Amendments

Background: SB806 would extend the requirement for licensees to undergo a criminal background check to multiple health occupations boards in Maryland.

Comments: The Maryland Association of Chain Drug Stores (MACDS) would respectfully recommend several amendments to SB806 Health Occupations - Criminal History Records Checks, which as introduced would impose criminal background check requirements on all licensees applying under the jurisdiction of the Board of Pharmacy. At this time, while individual company requirements may vary, regulations require pharmacy technician license applicants to undergo a background check which does not require a fingerprinting process, and pharmacy license applicants are not required to submit to any background check under the Board of Pharmacy.

MACDS is aware that the Office of Legislative Audits issued a recommendation in 2025 to impose background checks on license applicants under various health occupations boards in Maryland due to several active licensees in Maryland who had been convicted of crimes of moral turpitude. As Maryland as a state strongly encourages reentry and has taken such steps as prohibiting the inclusion of criminal history questions from job applications, **MACDS would recommend that any licensing decisions made based on the background checks required by SB806 exclusively consider crimes of moral turpitude.**

Additionally, **MACDS would respectfully request that SB806 be amended to strike the language from page 27, line 11 to page 28, line 17**, which as written would require pharmacy technician license applicants to undergo a full background check including fingerprinting. The fingerprinting requirement, which can add several weeks to the background check process, adds additional steps to an already constrained timeline for pharmacy technician applicants. Pharmacy technicians are required to complete a complex training program, which can include up to 400 hours of training and multiple scheduled classes. Applicants then have 6 months to apply and receive confirmation of their registration from the Board of Pharmacy to continue working. Pharmacy technicians who work on a part-time basis often face difficulties in completing the requirements within the allowed timeline. Removing the fingerprinting requirement and allowing the existing background check requirement to stand would address the possibility of SB806 exacerbating this issue.

Alternatively, should the Committee wish to maintain the requirements in SB806 as written, MACDS would suggest following the lead of our neighbors in Virginia and

extending the amount of time allowed for pharmacy technicians to complete their training from 6 months to 2 years, with the following language:

§12-6B-02.

(5) Complete a pharmacy technician training program approved by the Board that:

(i) Includes 160 hours of work experience; and

(ii) Is no longer than [6 months] **2 Years**' duration; and

This timeline extension would alleviate the pressure imposed by the fingerprinting requirement, which if delayed could impact a pharmacy technician applicant's ability to complete the necessary training within the time allowed by regulation.

MACDS would respectfully urge the Committee's consideration of the proffered language to address concerns among our members regarding the requirements proposed by SB806. Thank you for your attention.