

SENATE BILL 109

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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

A BILL ENTITLED

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 certain fingerprints and fees;
11 requiring the Central Repository to forward to certain health occupations boards and
12 to certain individuals certain information under certain circumstances; providing
13 that certain information is confidential, may not be redisseminated, and may be used
14 only for certain purposes; authorizing certain individuals to contest certain
15 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
24 records check; authorizing certain health occupations boards to take certain actions
25 against certain applicants and licensees for failing to submit to a certain criminal
26 history records check; and generally relating to criminal history records checks and
27 licensing requirements for audiologists, speech–language pathologists, hearing aid
28 dispensers, nursing home administrators, occupational therapists, and podiatrists.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, with amendments,
2 Article – Health Occupations
3 Section 2–302, 2–302.1, 2–302.2, 2–302.3, 2–303, 2–306, 2–308, 2–314(22) and (23),
4 9–301, 9–302(a), 9–303, 9–308, 9–311, 9–312.1, 9–314(b)(11) and (12), 10–302,
5 10–304, 10–308, 10–311, 10–315(12) and (13), 16–302, 16–303, 16–305, and
6 16–311(a)(26) and (27)
7 Annotated Code of Maryland
8 (2014 Replacement Volume and 2015 Supplement)

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

15 BY repealing and reenacting, without amendments,
16 Article – Health Occupations
17 Section 9–314(a)
18 Annotated Code of Maryland
19 (2014 Replacement Volume and 2015 Supplement)

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

22 **Article – Health Occupations**

23 2–302.

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

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

27 (c) The applicant shall:

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

29 (i) Hold a master’s or doctoral degree in audiology from an
30 accredited educational institution which incorporates the academic course work and the
31 minimum hours of supervised clinical training required by the regulations adopted by the
32 Board; and

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

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

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

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

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

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

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

11 (ii) The Counsel of Academic Accreditation.

12 (e) The applicant shall demonstrate oral competency.

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

15 2–302.1.

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

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

20 (c) The applicant shall:

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

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

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

29 (2) Except for an applicant who holds a valid license to provide hearing aid
30 dispenser services in another state, the applicant shall obtain 6 months’ training under the

1 supervision of a licensed hearing aid dispenser or licensed audiologist prior to taking the
2 examination given by the Board.

3 (e) The applicant shall demonstrate oral competency.

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

6 2-302.2.

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

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

10 (c) The applicant shall:

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

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

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

19 (e) The applicant shall demonstrate oral competency.

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

22 2-302.3.

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

25 (b) The applicant shall:

26 (1) Be of good moral character;

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

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

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

7 (5) Demonstrate oral competency; AND

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

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

12 2–303.

13 To apply for a license, an applicant shall:

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

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

17 **(3) SUBMIT SATISFACTORY EVIDENCE OF HAVING COMPLETED A**
18 **STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH**
19 **§ 2–303.1 OF THIS SUBTITLE.**

20 **2–303.1.**

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

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

27 **(1) TWO COMPLETE SETS OF LEGIBLE FINGERPRINTS TAKEN IN A**
28 **MANNER APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE**
29 **DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;**

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

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

3 **(C) IN ACCORDANCE WITH §§ 10-201 THROUGH 10-229 OF THE CRIMINAL**
4 **PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE**
5 **BOARD AND THE APPLICANT THE CRIMINAL HISTORY RECORD INFORMATION OF**
6 **THE APPLICANT.**

7 **(D) IF CRIMINAL HISTORY RECORD INFORMATION IS REPORTED TO THE**
8 **CENTRAL REPOSITORY AFTER THE DATE OF THE INITIAL CRIMINAL HISTORY**
9 **RECORDS CHECK, THE CENTRAL REPOSITORY SHALL PROVIDE TO THE BOARD AND**
10 **THE INDIVIDUAL A REVISED PRINTED STATEMENT OF THE INDIVIDUAL'S STATE**
11 **CRIMINAL HISTORY RECORD.**

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

17 **(F) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY UNDER**
18 **THIS SECTION:**

19 **(1) IS CONFIDENTIAL;**

20 **(2) MAY NOT BE REDISSEMINATED; AND**

21 **(3) MAY BE USED ONLY FOR THE LICENSING PURPOSE AUTHORIZED**
22 **BY THIS TITLE.**

23 **(G) THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK UNDER THIS**
24 **SECTION MAY CONTEST THE CONTENTS OF THE PRINTED STATEMENT ISSUED BY**
25 **THE CENTRAL REPOSITORY AS PROVIDED IN § 10-223 OF THE CRIMINAL**
26 **PROCEDURE ARTICLE.**

27 2-306.

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

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

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

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

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

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

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

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

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

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

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

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

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

19 2-308.

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

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

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

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

29 (3) The amount of the renewal fee.

1 (c) Before the license expires, the licensee periodically may renew it for an
2 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;

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

9 (iii) Evidence that each audiometer in use has been calibrated within
10 12 months before the date the license is renewed; AND

11 (IV) **SATISFACTORY EVIDENCE OF HAVING COMPLETED A STATE
12 AND NATIONAL CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH §
13 2-303.1 OF THIS SUBTITLE.**

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

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

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

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

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

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

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

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

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

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

2 (V) SUBSEQUENT WORK HISTORY;

3 (VI) EMPLOYMENT AND CHARACTER REFERENCES; AND

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

6 (2) THE BOARD MAY NOT RENEW A LICENSE IF THE CRIMINAL
7 HISTORY RECORD INFORMATION REQUIRED UNDER § 2-303.1 OF THIS SUBTITLE
8 HAS NOT BEEN RECEIVED.

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

13 2-314.

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

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

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

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

25 9-301.

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

29 (b) (1) Except as provided in paragraph (2) of this subsection, if a licensee
30 leaves or is removed from a position as a nursing home administrator by death or for any

1 other unexpected cause, the owner of the nursing home or other appropriate nursing home
2 authority shall immediately:

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

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

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

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

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

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

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

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

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

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

33 9-302.

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

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

4 (2) MEETS the requirements of this section.

5 **9-302.1.**

6 (A) IN THIS SECTION, "CENTRAL REPOSITORY" MEANS THE CRIMINAL
7 JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF
8 PUBLIC SAFETY AND CORRECTIONAL SERVICES.

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

12 (1) TWO COMPLETE SETS OF LEGIBLE FINGERPRINTS TAKEN IN A
13 MANNER APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE
14 DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;

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

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

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

23 (D) IF CRIMINAL HISTORY RECORD INFORMATION IS REPORTED TO THE
24 CENTRAL REPOSITORY AFTER THE DATE OF THE INITIAL CRIMINAL HISTORY
25 RECORDS CHECK, THE CENTRAL REPOSITORY SHALL PROVIDE TO THE BOARD AND
26 THE INDIVIDUAL A REVISED PRINTED STATEMENT OF THE INDIVIDUAL'S STATE
27 CRIMINAL HISTORY RECORD.

28 (E) IF THE APPLICANT HAS MADE THREE OR MORE UNSUCCESSFUL
29 ATTEMPTS AT SECURING LEGIBLE FINGERPRINTS, THE BOARD MAY ACCEPT AN
30 ALTERNATE METHOD OF A CRIMINAL HISTORY RECORDS CHECK AS PERMITTED BY
31 THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE DIRECTOR OF THE
32 FEDERAL BUREAU OF INVESTIGATION.

1 **(F) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY UNDER**
2 **THIS SECTION:**

3 **(1) IS CONFIDENTIAL;**

4 **(2) MAY NOT BE REDISSEMINATED; AND**

5 **(3) MAY BE USED ONLY FOR THE PURPOSES AUTHORIZED BY THIS**
6 **TITLE.**

7 **(G) THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK UNDER THIS**
8 **SECTION MAY CONTEST THE CONTENTS OF THE PRINTED STATEMENT ISSUED BY**
9 **THE CENTRAL REPOSITORY AS PROVIDED IN § 10-223 OF THE CRIMINAL**
10 **PROCEDURE ARTICLE.**

11 9-303.

12 To apply for a license, an applicant shall:

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

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

16 **(3) SUBMIT SATISFACTORY EVIDENCE OF HAVING COMPLETED A**
17 **STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH**
18 **§ 9-302.1 OF THIS SUBTITLE.**

19 9-308.

20 **(A) [The] SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE Board shall**
21 **issue a license certificate and a license card to any applicant who meets the requirements**
22 **of this title.**

23 **(B) (1) ON RECEIPT OF THE CRIMINAL HISTORY RECORD INFORMATION**
24 **OF AN APPLICANT FOR LICENSURE FORWARDED TO THE BOARD IN ACCORDANCE**
25 **WITH § 9-302.1 OF THIS SUBTITLE, IN DETERMINING WHETHER TO GRANT A**
26 **LICENSE, THE BOARD SHALL CONSIDER:**

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

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

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

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

10 9-311.

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

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

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

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

19 (3) The amount of the renewal fee.

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

22 (1) Otherwise is entitled to be licensed;

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

24 (3) Submits to the Board:

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

26 (ii) Satisfactory evidence of compliance with any continuing
27 education and other qualifications and requirements set under this section for license
28 renewal.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 9-312.1.

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

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

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

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

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

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

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

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

23 (iii) The consequences of:

24 1. Not renewing inactive status before expiration of the
25 2-year term of inactive status; and

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

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

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

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

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

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

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

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

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

10 (7) Is otherwise entitled to be licensed.

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

13 (1) Submit a new application;

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

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

16 [and]

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

18 **(5) SUBMIT SATISFACTORY EVIDENCE OF HAVING COMPLETED A**
19 **STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH**
20 **§ 9-302.1 OF THIS SUBTITLE.**

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

24 9-314.

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

28 (b) Subject to the hearing provisions of § 9-315 of this subtitle, the Board may
29 deny a license or limited license to any applicant, reprimand any licensee or holder of a

1 limited license, place any licensee or holder of a limited license on probation, suspend or
2 revoke a license or limited license, or impose a civil fine if the applicant, holder, or licensee:

3 (11) Commits an act of unprofessional conduct in the licensee's practice as a
4 nursing home administrator; [or]

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

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

10 10-302.

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

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

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

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

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

19 (2) Completed the equivalent of at least 6 months of supervised, full-time
20 field work experience at a recognized educational institution or in a training program
21 approved by the educational institution where the applicant met the academic
22 requirements.

23 (e) An applicant for an occupational therapy assistant license shall have
24 successfully:

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

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

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

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

3 10-302.1.

4 (A) IN THIS SECTION, "CENTRAL REPOSITORY" MEANS THE CRIMINAL
5 JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF
6 PUBLIC SAFETY AND CORRECTIONAL SERVICES.

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

10 (1) TWO COMPLETE SETS OF LEGIBLE FINGERPRINTS TAKEN IN A
11 MANNER APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE
12 DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;

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

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

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

21 (D) IF CRIMINAL HISTORY RECORD INFORMATION IS REPORTED TO THE
22 CENTRAL REPOSITORY AFTER THE DATE OF THE INITIAL CRIMINAL HISTORY
23 RECORDS CHECK, THE CENTRAL REPOSITORY SHALL PROVIDE TO THE BOARD AND
24 THE INDIVIDUAL A REVISED PRINTED STATEMENT OF THE INDIVIDUAL'S STATE
25 CRIMINAL HISTORY RECORD.

26 (E) IF THE APPLICANT HAS MADE THREE OR MORE UNSUCCESSFUL
27 ATTEMPTS AT SECURING LEGIBLE FINGERPRINTS, THE BOARD MAY ACCEPT AN
28 ALTERNATE METHOD OF A CRIMINAL HISTORY RECORDS CHECK AS PERMITTED BY
29 THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE DIRECTOR OF THE
30 FEDERAL BUREAU OF INVESTIGATION.

31 (F) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY UNDER
32 THIS SECTION:

1 **(1) IS CONFIDENTIAL;**

2 **(2) MAY NOT BE REDISSEMINATED; AND**

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

5 **(G) THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK UNDER THIS**
6 **SECTION MAY CONTEST THE CONTENTS OF THE PRINTED STATEMENT ISSUED BY**
7 **THE CENTRAL REPOSITORY AS PROVIDED IN § 10-223 OF THE CRIMINAL**
8 **PROCEDURE ARTICLE.**

9 10-304.

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

11 (1) Submit an application to the Board in the form required by the Board;
12 **[and]**

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

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

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

19 10-308.

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

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

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

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

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

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

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

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

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

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

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

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

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

16 10-311.

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

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

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

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

25 (3) The amount of the renewal fee.

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

28 (1) Otherwise is entitled to be licensed;

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

2 (3) Submits to the Board:

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

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

7 (III) **SATISFACTORY EVIDENCE OF HAVING COMPLETED A STATE
8 AND NATIONAL CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH §
9 10-302.1 OF THIS SUBTITLE.**

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

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

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

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

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

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

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

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

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

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

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

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

1 (V) SUBSEQUENT WORK HISTORY;

2 (VI) EMPLOYMENT AND CHARACTER REFERENCES; AND

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

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

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

12 10-315.

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

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

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

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

23 16-302.

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

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

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

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

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

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

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

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

8 (3) A program approved by the Board.

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

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

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

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

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

25 **16-302.1.**

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

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

1 **(1) TWO COMPLETE SETS OF LEGIBLE FINGERPRINTS TAKEN IN A**
2 **MANNER APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE**
3 **DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;**

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

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

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

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

17 **(E) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY UNDER**
18 **THIS SECTION:**

19 **(1) IS CONFIDENTIAL;**

20 **(2) MAY NOT BE REDISSEMINATED; AND**

21 **(3) SHALL BE USED ONLY FOR THE LICENSING PURPOSE AUTHORIZED**
22 **BY THIS TITLE.**

23 **(F) THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK UNDER THIS**
24 **SECTION MAY CONTEST THE CONTENTS OF THE PRINTED STATEMENT ISSUED BY**
25 **THE CENTRAL REPOSITORY AS PROVIDED IN § 10-223 OF THE CRIMINAL**
26 **PROCEDURE ARTICLE.**

27 16-303.

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

29 (1) Submit an application to the Board on the form that the Board requires;

30 [and]

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

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

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

6 16-305.

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

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

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

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

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

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

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

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

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

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

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

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

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

1 16–311.

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

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

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

10 **OR**

11 **(28) FAILS TO SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN**
12 **ACCORDANCE WITH § 16–302.1 OF THIS SUBTITLE.**

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