

HOUSE BILL 912

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7lr2616

By: **Delegates Morales, Cullison, Hayes, Hill, Kelly, Lam, Miele, Oaks, Pena-Melnyk, and Platt**

Introduced and read first time: February 6, 2017

Assigned to: Health and Government Operations

Committee Report: Favorable

House action: Adopted

Read second time: March 15, 2017

CHAPTER _____

1 AN ACT concerning

2 **State Board of Examiners of Psychologists – Criminal History Records Checks –**
3 **Renewals and Reinstatements**

4 FOR the purpose of requiring the State Board of Examiners of Psychologists to begin, by a
5 certain date, a process of requiring criminal history records checks on selected
6 renewal applicants as determined by regulations adopted by the Board and certain
7 former licensees and registrants who file for reinstatement of a license or
8 registration; requiring an additional criminal history records check to be performed
9 on a certain schedule; requiring the Board to consider certain factors in determining
10 whether to renew certain licenses and registrations; prohibiting the Board from
11 renewing a license or registration under certain circumstances; and generally
12 relating to the requirement by the State Board of Examiners of Psychologists for a
13 criminal history records check.

14 BY adding to
15 Article – Health Occupations
16 Section 18–309(h)
17 Annotated Code of Maryland
18 (2014 Replacement Volume and 2016 Supplement)

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

21 **Article – Health Occupations**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 18-309.

2 (H) (1) (I) BEGINNING MARCH 2019, THE BOARD SHALL BEGIN A
3 PROCESS REQUIRING CRIMINAL HISTORY RECORDS CHECKS IN ACCORDANCE WITH
4 § 18-302.1 OF THIS SUBTITLE ON:

5 1. SELECTED ANNUAL RENEWAL APPLICANTS AS
6 DETERMINED BY REGULATIONS ADOPTED BY THE BOARD; AND

7 2. EACH FORMER LICENSEE OR REGISTRANT WHO FILES
8 FOR REINSTATEMENT UNDER § 18-310 OF THIS SUBTITLE AFTER FAILING TO RENEW
9 THE LICENSE OR REGISTRATION FOR A PERIOD OF 1 YEAR OR MORE.

10 (II) AN ADDITIONAL CRIMINAL HISTORY RECORDS CHECK
11 SHALL BE PERFORMED:

12 1. 6 YEARS AFTER A RENEWAL APPLICANT SUBMITTED
13 TO A CRIMINAL HISTORY RECORDS CHECK UNDER § 18-302(E) OF THIS SUBTITLE;
14 AND

15 2. EVERY 6 YEARS AFTER A RENEWAL APPLICANT WAS
16 REQUIRED TO SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK UNDER
17 SUBPARAGRAPH (I)1 OF THIS PARAGRAPH.

18 (2) ON RECEIPT OF THE CRIMINAL HISTORY RECORD INFORMATION
19 OF A LICENSEE FORWARDED TO THE BOARD IN ACCORDANCE WITH § 18-302.1 OF
20 THIS SUBTITLE, IN DETERMINING WHETHER TO RENEW A LICENSE OR
21 REGISTRATION, THE BOARD SHALL CONSIDER:

22 (I) THE AGE AT WHICH THE CRIME WAS COMMITTED;

23 (II) THE CIRCUMSTANCES SURROUNDING THE CRIME;

24 (III) THE LENGTH OF TIME THAT HAS PASSED SINCE THE CRIME;

25 (IV) SUBSEQUENT WORK HISTORY;

26 (V) EMPLOYMENT AND CHARACTER REFERENCES; AND

27 (VI) OTHER EVIDENCE THAT DEMONSTRATES WHETHER THE
28 LICENSEE POSES A THREAT TO THE PUBLIC HEALTH OR SAFETY.

1 **(3) THE BOARD MAY NOT RENEW A LICENSE OR REGISTRATION IF**
2 **THE CRIMINAL HISTORY RECORD INFORMATION REQUIRED UNDER § 18-302.1 OF**
3 **THIS SUBTITLE HAS NOT BEEN RECEIVED.**

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2017.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.