

2022 Testimony-SB111-Occupational Licenses or Cert

Uploaded by: Christopher Stevenson

Position: FAV



Testimony on SB111
Occupational Licenses or Certificates
Pre-application Determinations - Criminal Convictions
Position: FAVORABLE

Dear Mr. Chair and Members of the Judicial Proceedings Committee:

My name is Ricarra Jones, and I am the Political Director of 1199SEIU United Healthcare Workers East. We are the largest healthcare workers union in the nation – representing 10,000 healthcare workers in long-term care facilities and hospitals across Maryland. Our union supports SB111: Occupational Licenses or Certificates Pre-application Determinations - Criminal Convictions and urges the Committee to issue a favorable report.

Our criminal justice system has a long history of determining the future of many Maryland residents based on crimes that have been both heinous and minor. For these same Marylanders who have fulfilled their criminal obligation to the State, an avenue to continue being productive citizens of society should always be made available. For this reason, we support this bill to establish a process by which the State examines the potential for individuals who may have had a criminal conviction to still be allowed to obtain an occupational license or certificate.

By passing this bill, it will allow the State and communities to benefit in various ways. For the State, Maryland would be able to increase its workforce, allowing more revenue to be directed to current and failing state programs. For communities across Maryland, this gives individuals the opportunity to pursue their career goals, and the ability to provide for themselves and their families.

For 1199 members, this bill is necessary to increase back-to-work opportunities and by consequence, allow the healthcare workforce to expand. In a time when healthcare workers and workers in other pivotal industries are leaving their jobs, passing this bill would allow the State to better sustain essential public and private workforces. Given the exponential benefits this bill would create for Maryland's workforce and families, we urge a favorable report from the Committee on SB111.

Respectfully,

Ricarra Jones
Maryland/DC Political Director
1199SEIU United Healthcare Workers- East
Cell: [443-844-6513](tel:443-844-6513)

SB0111 - 2.1.22 --Occupational Licenses or Certifi

Uploaded by: Donald Fry

Position: FAV



TESTIMONY PRESENTED TO THE SENATE JUDICIAL PROCEEDINGS COMMITTEE

SENATE BILL 111 – OCCUPATIONAL LICENSES OR CERTIFICATES - PRE-APPLICATION DETERMINATIONS - CRIMINAL CONVICTIONS

Sponsor: Senator Cory McCray

February 1, 2022

**DONALD C. FRY
PRESIDENT & CEO
GREATER BALTIMORE COMMITTEE**

Position: Support

Senate Bill 111 would establish a process for applicants applying for an occupational license or certificate allowing them to be informed of whether a specified criminal conviction would be the basis for denial of the occupational license or certificate. The process would allow for the applicant to receive an answer concerning their eligibility in writing before beginning the application process for the occupational license or certificate.

The Greater Baltimore Committee (GBC) supports this legislation. Citizens with criminal records experience significant barriers as they seek employment opportunities. The creation of a process to inform them of their eligibility before beginning the actual process will provide realistic expectations of their likelihood of approval for certain licenses and certificates and encourage them to seek for opportunities they may otherwise have believed to be out of reach. It will also allow those precluded from obtaining certain licenses and certificates to quickly pivot to other opportunities instead of spending time and effort on an endeavor that will ultimately be unsuccessful.

In the Greater Baltimore Committee report *Gaining the Competitive Edge: Keys to Economic Growth and Job Creation in Maryland*, eight core pillars were identified for a competitive business environment.

Government leadership that unites with business as a partner. Maryland leaders must set a welcoming tone that communicates positive support for business, respect for the private sector as a partner, not an adversary, and reflects a strategic plan for business growth and job creation.

The GBC contends that this bill will help bring forth Maryland's untapped workforce potential.

For these reasons, the Greater Baltimore Committee urges a favorable report on Senate Bill 111.

The Greater Baltimore Committee (GBC) is a non-partisan, independent, regional business advocacy organization comprised of hundreds of businesses -- large, medium and small -- educational institutions, nonprofit organizations and foundations located in Anne Arundel, Baltimore, Carroll, Harford, and Howard counties as well as Baltimore City. The GBC is a 67-year-old, private-sector membership organization with a rich legacy of working with government to find solutions to problems that negatively affect our competitiveness and viability.

GREATER BALTIMORE COMMITTEE

111 South Calvert Street • Suite 1700 • Baltimore, Maryland • 21202-6180

(410) 727-2820 • www.gbc.org

SB 111 Occupational Licenses or Certificates Pre-

Uploaded by: Jeffry Guido

Position: FAV



Maryland Senate Judicial Proceedings Committee

Electrical Workers

Chair: William C. Smith, Jr

Insulators

Vice Chair: Jeff Waldstreicher

Boilermakers

Senate Bill 111 Occupational Licenses or Certificates – Pre-application Determinations – Criminal Convictions

United Association

Position: **SUPPORT**

Plumbers & Gas Fitters

The Baltimore DC Metro Building Trades Council supports Senate Bill 111. The Department of Labor Licensing and Regulation State boards do an admirable job of being fair and impartial in issuing occupational licenses as not to deny an individual the means to make a living or conduct a legitimate business. This legislation will help to codify that process. In my experience while attending a MD State Plumbing Board meeting, I was a witness to following scenario.

Sprinkler Fitters

Steam Fitters

Roofers

The MD Plumbing Board was going to revoke an apprentice license when they learned the individual had a felony conviction for breaking and entering. The young man, a single father, had served his time and was working as truck driver for a mechanical contractor. His employer had encouraged him to apply for an apprenticeship, he was accepted into the UA Plumbers and Steamfitters Local Union no. 486 apprenticeship. He was working as an apprentice for the same contractor when he was sent a letter to report to the plumbing board. They were going to revoke his apprentice license due to his prior conviction with the reasoning that if he went to home on a service call what would stop him from casing the house to come back later and rob it. It was an intense meeting and the young man had to literally beg for his life. The Board granted him a waiver and he was allowed to stay in the apprenticeship and keep his job.

Cement Masons

Teamsters

Laborers

Bricklayers

Ironworkers

We ask the committee for a favorable vote. Thank you.

Sheet Metal Workers

Elevator Constructors

Painters

Respectfully,

Operating Engineers

Carpenters

Jeffry Guido, MD Master Plumber/Gasfitter License no. 6397

Baltimore-DC Metro Building Trades Council

Value on Display... Everyday.



Value on Display... Everyday.



HFAM Testimony SB 111.pdf

Uploaded by: Joseph DeMattos

Position: FAV



**TESTIMONY BEFORE THE
SENATE JUDICIAL PROCEEDINGS COMMITTEE**

February 1, 2022

Senate Bill 111: Occupational Licenses or Certificates -
Pre-application Determinations - Criminal Convictions
Written Testimony Only

POSITION: Favorable

On behalf of the members of the Health Facilities Association of Maryland (HFAM), we appreciate the opportunity to express our support for Senate Bill 111. HFAM represents over 170 skilled nursing centers and assisted living communities in Maryland, as well as nearly 80 associate businesses that offer products and services to healthcare providers. Our members provide services and employ individuals in nearly every jurisdiction in the state.

Senate Bill 111 would establish a process for potential applicants for an occupational license or certificate to obtain a determination, before submitting an application, from a department as to whether certain criminal convictions would be the basis for the denial of an application for a certain occupational license or certificate. It would require a department to provide a determination in writing to the potential applicant and authorize a department to set a reasonable fee to cover the cost of performing the service.

We strongly support this legislation and commend the sponsor for bringing it forward. We view returning citizens as a tremendous potential resource to the community and to trades and occupations. Returning citizens are currently employed in our sector where appropriate, and have the potential to do more as determined by professional occupational boards.

Across healthcare settings in Maryland and throughout the country, we are fighting this most recent surge of the COVID-19 pandemic with fewer people working in healthcare, and particularly fewer people working in skilled nursing and rehabilitation centers. Workforce recruitment and retention was a challenge before the pandemic and it has only grown more challenging over the last two years.

Tens of thousands of healthcare workers in Maryland have left the field since the start of the pandemic. Licensed healthcare professionals are scarce and all healthcare settings are competing for employees from the same labor pool. Returning citizens have the potential to be a tremendous resource in the healthcare workforce crisis we currently face in Maryland.

For these reasons, we request a favorable report from the Committee on Senate Bill 111.

Submitted by:

Joseph DeMattos, Jr.
President and CEO
(410) 290-5132

Testimony SB 111 Occupational Licenses or certific

Uploaded by: Cory McCray

Position: FWA

CORY V. McCRAY
Legislative District 45
Baltimore City

DEPUTY MAJORITY WHIP

Budget and Taxation Committee

Subcommittees

Vice Chair, Capital Budget

Pensions

Chair, Public Safety, Transportation,
and Environment



James Senate Office Building
11 Bladen Street, Room 221
Annapolis, Maryland 21401
410-841-3165 · 301-858-3165
800-492-7122 Ext. 3165
Cory.Mccray@senate.state.md.us

THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

Testimony in Support of Senate Bill 111

Occupational Licenses or Certificates - Pre-application Determinations - Criminal Convictions

Dear Chairman Smith and Members of the Judicial Proceedings Committee:

I write to urge you to **support** Senate Bill 111. Removing structural barriers to licensure for people with criminal records is critical to improving workforce development within the State of Maryland.

Individuals who have been previously convicted of a crime experience more difficulties in obtaining the licenses and/or certifications requisite to working certain occupations. A conviction of a crime may serve as a basis for denial of an occupational license and/or certificate. Furthermore, persons with criminal history are not informed of how their past records may negatively impact their application status. The State imposes the regulations that govern the licensing process; therefore, it is essential that prospective applicants are provided with a caveat to avert impediments to their progress.

Under Senate Bill 111, a prospective applicant may request that a licensing body or department provide them with a determination addressing whether their criminal conviction would disqualify them from acquiring occupational licensure and/or certification. Having access to such information during the pre-application process would provide applicants with transparency, clarity, and the opportunity to adjust their plans prior to investing valuable time and resources.

If enacted, Senate Bill 111 will take effect on October 1, 2022, and licensing departments will be required to adopt practices in accordance with the change in law.

In efforts to bolster fairer licensing practices and remove barriers to licensure for individuals with criminal records, I respectfully request a favorable report of Senate Bill 111.

Respectfully submitted,

A handwritten signature in blue ink that reads "Cory V. McCray".

Cory V. McCray

State Senator, 45th District

SB 111_FWA_ACLUMD_Nalley.pdf

Uploaded by: Justin Nalley

Position: FWA



Testimony for the Senate Judicial Proceedings Committee

February 1, 2022

SB 111 – Occupational Licenses or Certificates - Pre-application Determinations - Criminal Convictions

JUSTIN NALLEY
PUBLIC POLICY ANALYST

FAVORABLE WITH AMENDMENTS

AMERICAN CIVIL
LIBERTIES UNION
OF MARYLAND

3600 CLIPPER MILL ROAD
SUITE 350
BALTIMORE, MD 21211
T/410-889-8555
F/410-366-7838

WWW.ACLU-MD.ORG

OFFICERS AND DIRECTORS
HOMAYRA ZIAD
PRESIDENT

DANA VICKERS SHELLEY
EXECUTIVE DIRECTOR

ANDREW FREEMAN
GENERAL COUNSEL

The ACLU of Maryland supports SB 111 with one amendment, which would establish a process for potential applicants for an occupational license or certificate to obtain a determination, before submitting an application, as to whether certain criminal convictions would be the basis for the denial of an application for a certain occupational license or certificate.

Studies show that employment opportunities can reduce recidivism rates. Yet, for far too many Marylanders, a criminal record—regardless of how minor the offense, can be a bar to opportunities for success. The collateral consequences reach far beyond employment—a criminal record may compromise one’s eligibility for tuition assistance and stable housing. Moreover, these collateral consequences are particularly stark for communities of color.

Criminal records exclude individuals from a range of opportunities, including employment

Convictions in Maryland may result in the denial, suspension, or revocation of myriad business licenses, including: a barber license, a cosmetology license, an electrician license, professional engineer license, a landscape architect license, an interior designer certificate, and countless others. This bill will allow applicants to receive information if their conviction would be the basis of denial before spending time, energy, resources, and money, applying for a occupational license or certificate.

An amendment should be taken into consideration that there is a waiver of fees under indigent circumstances for applicants who cannot afford the fee.

For the foregoing reasons ACLU of Maryland urges a favorable report with the above amendment recommendation for SB 111.

1a - SB 111 - JPR - Dental Board - LOC.docx.pdf

Uploaded by: Maryland Department of Health /Office of Governmen Bennardi

Position: UNF



Board of Dental Examiners

Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Dennis R. Schrader, Secretary

Arpana S. Verma Board Chair – Francis X. McLaughlin, Jr., Executive Director
55 Wade Avenue/Tulip Drive Catonsville, MD 21228 Phone: 410-402-8501; Email: mdh.mddentalboard@maryland.gov

February 1, 2022

The Honorable William C. Smith, Jr.
Chair, Judicial Proceedings Committee
2 East, Miller Senate Office Building
Annapolis, Maryland 21401-1991

Re: SB 111 - Occupational Licenses or Certificates - Pre-Application Determinations - Letter of Concern

Dear Chair Smith and Committee Members:

The Maryland State Board of Dental Examiners is submitting this letter of Letter of Concern for Senate Bill (SB) 111 – Occupational Licenses or Certificates-Pre-Application Determinations - Criminal Convictions. The bill provides that before submitting an application for an occupational license or certificate, including a dental or dental hygiene license, or a dental radiation technologist certificate, a potential applicant may request a determination from the Maryland Department of Health (MDH) whether a specified criminal conviction would be the basis for denial of the license or certificate.

SB 111 raises a number of issues. There are over 220 federal crimes and numerous state crimes including felonies and misdemeanors. Each of those crimes would have to be listed, and for each, a determination made out of hand whether a conviction, regardless of the surrounding circumstances, would be a basis for the denial of a dental license, a dental hygiene license, or a dental radiation technologist certificate. For example, the following three crimes are federal crimes: identity theft, importation of drugs, and insurance fraud. Under the bill there is no requirement that the applicant provide a detailed explanation of the conviction, the surrounding facts regarding the conviction, or the term of imprisonment if any. All that is required is the identification of the crime. If convicted of importation of drugs, the Board would have no legal authority to determine if the conviction was based upon the importation or attempted importation of several ounces of marijuana, or several kilos of cocaine. Another example would be insurance fraud. The distinction is significant between a potential applicant who defrauded a single insurance company for the proceeds after reporting their home was damaged by fire compared to a potential applicant who may be licensed in another state and created a scheme wherein they defrauded numerous insurance companies for work not done. Granting a license to someone who committed unlawful acts without a full inquiry into the extent of those acts would not be in the best interests of the citizens of Maryland.

In addition, the Board is concerned that the process for requesting and obtaining a written determination from a department under the bill is similar to, but not identical to, the existing

process for petitioning a State unit for a declaratory ruling under Md. Code Ann., State Government Article § 10-301, *et seq.* A petition for a declaratory ruling requests “the manner in which the [State] unit would apply a ... statute that the unit enforces to a person ... on the facts set forth in the petition.” State Gov’t § 10-304(a).

The Board is concerned that because there is no provision for a State unit to charge a fee for considering a petition for a declaratory ruling, a potential applicant could avoid paying any fee to the Board to conduct an assessment under the bill by petitioning for a declaratory ruling under the State Government Article provisions.

For these reasons the Dental Board respectfully requests that SB 111 receive an unfavorable report.

If you would like to discuss this further, please contact me at 240-498-8159, asverma93@gmail.com, or Dr. Edwin Morris, the Board’s Legislative Committee Chair at 410-218-4203. In addition, the Board’s Executive Director, Mr. Frank McLaughlin may be reached at 443-878-5253, frank.mclaughlin@maryland.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Arpana S. Verma', with a long horizontal flourish extending to the right.

Arpana S. Verma, D.D.S.
Board President

The opinion of the Maryland State Board of Dental Examiners expressed in this letter of concern does not necessarily reflect that of MDH or the administration.

1b - SB 111 - JPR - BOP & OT Board - LOO.docx.pdf

Uploaded by: Maryland Department of Health /Office of Governmen Bennardi

Position: UNF



Maryland

DEPARTMENT OF HEALTH

Board of Physicians

Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Damean W.E. Freas, D.O., Chair

**2022 SESSION
POSITION PAPER**

BILL NO.: SB 111 – Occupational Licenses or Certificates – Pre-application Determinations – Criminal Convictions
COMMITTEE: Judicial Proceedings
POSITION: Letter of Opposition

TITLE: Occupational Licenses or Certificates – Pre-application Determinations – Criminal Convictions

BILL ANALYSIS: Establishes a pre-application process for applicants to obtain a determination as to whether certain criminal convictions would be the basis for the denial of an application for certain occupational licenses or certificates.

POSITION & RATIONALE:

The Maryland Board of Physicians and the Maryland Board of Occupational Therapy Practice (the Boards) are respectfully submitting this letter of opposition for Senate Bill 111 – Occupational Licenses or Certificates – Pre-application Determinations – Criminal Convictions. While the intent of SB 111 is positive, the Boards are concerned that in practice, SB 111 would place more burdens on those applicants with criminal convictions and lead to delays and increased fees.

SB 111 would allow applicants to request a determination from the Boards as to whether a criminal conviction would be the basis for the denial of a license. However, in practice, it is exceedingly rare that the Boards deny a license based solely on the grounds of a criminal conviction. The Boards thoroughly review each applicant's prior criminal conviction and use the balancing factors provided in the Criminal Procedures Article § 1-209, Maryland Annotated Code, when making determinations about licensure. In fact, despite receiving over 3,000 initial applications and 25,000 renewal applications annually, the Board of Physicians has only denied a single applicant based on a criminal conviction since 2018.

However, while denials of licensure are rare, the Boards are very concerned about the potential ramifications of making blanket statements regarding whether or not certain criminal convictions would be disqualifying factors for licensure. Two individuals with the same criminal conviction may have drastically different outcomes based on factors such as when the conviction occurred and whether or not such a conviction would speak to the applicant's character and fitness to practice medicine or occupational therapy.

SB 111 would require the Boards to consider solely whether a specified criminal conviction would be the basis for denial of licensure, without providing any way for the Boards to fully weigh the balancing factors found in the Criminal Procedures Article. Crimes that directly involve the practice of medicine and crimes involving moral turpitude must by necessity be treated extremely seriously by the Boards. Absent the full context and circumstances surrounding the conviction, the Boards would need to err on the side of rejecting any convictions that might potentially fall under these categories in the interest of public safety. The Boards would then need to establish an appeals process, which could be costly for both the Boards and applicants, and could discourage applicants from ever submitting a full application following an initial rejection.

Furthermore, in addition to the operational costs to the Boards detailed in the Boards' fiscal notes, adding a pre-application process for applicants with criminal convictions would create additional fees and delays for the applicant. The Boards would be required to assess application fees for both the pre-application and the full application, and the Boards expect that the applicant would also be responsible for paying for fingerprinting through the Court Judiciary Information System ("CJIS"), preparing a narrative explaining the circumstances of the conviction and obtaining any necessary court documents for the Boards to review (which may incur additional fees for the applicant). Once collected and reviewed by a Board analyst, these documents would then need to go before the Boards at a scheduled meeting for final approval. Once the applicant was notified of approval, they would then need to re-apply, which would include paying for fingerprinting through CJIS once again.

The Boards strongly believes that their application processes should never place undue burdens on applicants, and have developed procedures that allow applicants with prior criminal convictions to be treated fairly and quickly. SB 111 would create new fees and a longer application process for many applicants. Given the rarity of cases where a license was denied due to a prior criminal conviction, the Boards believe such changes are unnecessary, and urge an unfavorable report on SB 111.

For more information, please contact Matthew Dudzic, Health Policy Analyst, Maryland Board of Physicians, 410-764-5042 and Lillian Reese, Legislative and Regulations Coordinator, Maryland Board of Occupational Therapy Practice, 410-764-5978.

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

1c - SB 111 - JPR - Morticians and various boards

Uploaded by: Maryland Department of Health /Office of Governmen Bennardi

Position: UNF



Board of Morticians and Funeral Directors

Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Dennis R. Schrader, Secretary

Dr. Mark E. Bailey, Board President – Christy Collins, Executive Director

1201 Patterson Avenue, Baltimore MD 21215 Phone: 410-764-4792; Email: mdh.bomfd.maryland.gov

February 1, 2022

The Honorable William C. Smith, Jr.
Chair, Judicial Proceedings Committee
2 East Miller Senate Office Building
11 Bladen Street
Annapolis, MD 21401

RE: SB 111- Occupational Licenses or Certificates – Pre-application Determinations – Criminal Convictions – Letter of Concern

Dear Chair Smith and Committee Members:

The Maryland State Board of Morticians and Funeral Directors along with twelve other health occupation boards (the Boards) are submitting this Letter of Concern for Senate Bill (SB) 111 – Occupational Licenses or Certificates – Pre-application Determinations – Criminal Convictions.

While the bill does have the positive intent to provide applicants with a determination as to whether or not a criminal conviction would prevent the issuance of a license or certificate, there are the following concerns from the majority of health occupations boards that encompass legal, fiscal, and administrative matters:

1. On page 3, lines 11-17 regarding Criminal Procedure Article § 1-209(G)(1): The requirement that a department shall provide a determination as to whether a specified criminal conviction would be the basis for denial of an occupational license or certificate to a potential applicant.

The Boards are concerned that the bill applies only to potential applicants for licenses and certificates. Health occupations boards also issue registrations and permits.

The Boards are also concerned that although most of the twenty-two health occupations boards are required to complete a criminal records history check for applicants for initial and/or renewal licenses, certifications, registrations, and permits, not all Boards are required.¹ The bill requires all health occupations boards to conduct a pre-application criminal conviction impact determination, even if a criminal records history check would not be required for application.

¹ The Boards that do *not* require criminal records history checks for applicants for initial and/or renewal licenses, certifications, registrations, and permits are: State Acupuncture Board, State Board of Dental Examiners, State Board of Dietetic Practice, State Board of Examiners in Optometry, State Board of Pharmacy, and State Board of Environmental Health Specialists.

The Boards are concerned that the current proposed language under SB 111 is silent as to whether, and to what extent, the Boards may require that the potential applicant submit documentation regarding their criminal history, such as submitting to fingerprinting with Criminal Justice Information Services (CJIS) (which costs additional money to the applicant), providing true test copies of the conviction(s) from the applicable court, and/or their written explanation of the circumstances surrounding the conviction(s), prior to rendering its binding determination. Without this documentation, and potentially interviewing the potential applicant, the Boards would be unable to properly consider the factors currently set forth in Criminal Procedure Article § 1-209, prior to rendering a binding decision.

If the Boards are permitted under this bill to collect information and documentation related to the potential applicant's criminal history, then the Boards are concerned that the requirement to conduct an assessment of a potential applicant's specified criminal conviction would be a duplicative administrative burden on staff, as well as the potential applicant. If a Board makes a determination on a specified conviction of a potential applicant, a Board that must do a criminal records history check would have to go through the process all over again if the individual subsequently applies for a license or certification. The Boards' current process for consideration of an applicant's criminal history consists of gathering all relevant information, including CJIS reports, narratives from the applicant about the criminal history incidents, and court documentation of charge disposition. When the documentation is not clear, some Boards conduct informal conferences to have the applicant clarify gaps in information. Then, the Boards consider the entirety of the information, in accordance with the requirements of the existing Criminal Procedure Article § 1-209. This process can be time and work intensive, and would need to be done twice in many instances. Further, this could result in applicants paying fees for CJIS fingerprinting twice over – in both this pre-application stage under SB 111 and once they do apply.

2. On page 3, lines 16-30 regarding Criminal Procedure Article § 1-209(G)(1)(ii) and (2) requires a written determination by the department that is binding on the department and applicant, with some exceptions.

The Boards are concerned that the process for requesting and obtaining a written determination from a department under the bill is similar to, but not identical to, the existing process for petitioning a State unit for a declaratory ruling under Md. Code Ann., State Government Article § 10-301, *et seq.* A petition for a declaratory ruling requests “the manner in which the [State] unit would apply a ... statute that the unit enforces to a person ... on the facts set forth in the petition.” State Government Article § 10-304(a).

The Boards are concerned that because there is no provision for a State unit to charge a fee for considering a petition for a declaratory ruling, a potential applicant could avoid paying any fee to the Boards to conduct an assessment under the bill by petitioning for a declaratory ruling under the State Government provisions.

For these reasons, the Maryland State Board of Morticians and Funeral Directors; the State Board of Nursing; the State Board of Social Work Examiners; the State Board of Examiners in Optometry; the State Board of Massage Therapy Examiners; the State Board of Chiropractic Examiners; the State Board of Physical Therapy Examiners; the State Acupuncture Board; the State Board of Examiners for Audiologists, Hearing Aid Dispensers, Speech-Language Pathologists and Music Therapists; the State Board of Examiners of Psychologists; the State Board of Examiners of Nursing Home Administrators; the State Board of Podiatric Medical Examiners; and the State Board for the Certification of Residential Child Care Program Professionals respectfully ask that you strongly consider this information and agree that the processes currently in place are more than sufficient to address the issues in the bill. Therefore, the Boards urge an unfavorable report on SB 111.

For more information, please contact Christy Collins, Executive Director, Board State Board of Morticians and Funeral Directors at (410) 764-4714 or christy.collins@maryland.gov or, Lillian Reese, Legislative Coordinator for Boards & Commissions, at 443-794-4757 or lillian.reese@maryland.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark Bailey', written in a cursive style.

Mark Bailey, Ed.D
Board Chair
Maryland Board Morticians and Funeral Directors

cc: Senator Cory V. McCray

SB 111_ MDL_ Letter of Information.pdf

Uploaded by: Andrew Fulginiti

Position: INFO

Senate Bill 111

Date: February 1, 2022

Committee: Senate Judicial Proceedings

Bill Title: Occupational Licenses or Certificates – Pre-application Determinations – Criminal Convictions

RE: **Letter of Information**

Senate Bill 111 creates a process for potential applicants for an occupational license or certificate to obtain a determination from a department as to whether certain criminal convictions would be the basis for the denial of the application for the certain license or certificate before they formally apply for the license or certificate.

Licensing statutes which govern boards and commissions within the Division of Occupational and Professional Licensing have in place statutory criteria that each board and commission needs to consider when reviewing an applicant with a prior criminal conviction. In particular, a board or commission needs to evaluate, based on the submitted court records, whether an applicant was convicted of (1) a felony; or (2) a misdemeanor that is directly related to the applicant's fitness and qualifications to practice an occupation or profession for which such applicant is seeking a license. Therefore, there are already statutory safeguards in place to ensure that each applicant with a criminal conviction receives a fair and impartial consideration. SB 111 adds an additional level of applicant review that will impact the time it takes for Boards and Commissions to complete the issuance of licenses and certificates.

Currently, there is a limited pool of volunteers willing to serve on boards and commissions due to the commitment to serve without compensation and the time each member of the board or commission spends away from his/her profession or occupation. Requiring boards and commissions to conduct initial determinations will not only add hours to boards' and commissions' meetings as they would now need to consider requests from individuals who may never complete the other licensing requirements. Given that most boards and commissions meet only once a month, and some only quarterly, we anticipate significant delays to the licensing process.

MDL would require additional staff to assemble and review materials from individuals who are seeking these predeterminations. The materials would need to be disseminated to board and commission members prior to meetings. To that end, an additional person would need to be hired to process the materials and review them before presenting them for consideration. After the meetings, staff would need to follow up with each potential candidate seeking a determination.

Finally, MDL projects increased programming costs of \$100,000 to modify its system. Additional staff is required to process the materials which could cost up to \$50,000 each year. With the projected costs of at least \$150,000 and projected annual revenues from reasonable fees of less than \$4,000, the Division of Occupational & Professional Licensing cannot, within existing resources, absorb the cost of implementing the Pre-application Determination process set forth in Senate Bill 111.