

**BOARD OF PODIATRIC MEDICAL EXAMINERS
OPEN SESSION MEETING VIA GOOGLE MEETS**

AGENDA (AMENDED)

January 11, 2024

Location: Google Meet meet.google.com/jwi-wwbu-wkg

Join by phone: (US) +1 573-721-9216 PIN: 998843847

A. ORDER OF BUSINESS

- 1. Call to Order- Roll Call**
- 2. COMAR 10.01.14.02.B: Except in instances when a public body expressly invites public testimony, questions, comments, or other forms of public participation, or when public participation is otherwise authorized by law, a member of the public attending an open session may not participate in the session.**
- 3. Approval of minutes from November 09, 2023 meeting** **Tab A**

B. BOARD PRESIDENT’S REPORT

C. EXECUTIVE DIRECTOR’S REPORT

D. OLD BUSINESS:

- 1. Update Discussion on Amending the Language for the Civil Settlement Reporting Requirements Application Question**
 - a. Update from Board Counsel on the drafting of amendments.

E. NEW BUSINESS:

- 1. Discussion Concerning Completion of Character and Fitness Questions on the License Renewal Application**
- 2. FPMB - [Allied Organization Announcement #1] Council on Podiatric Medical Education - Updated Frequently Asked Questions** **Tab B**
- 3. Regulatory Legislative Responsibilities** **Tab C**

4. SB 3 - Health Occupations - Service Members, Veterans, and Military Spouses - Temporary Licensure, Certification, Registration, and Permitting **Tab D**

a. Purpose: Requiring health occupations boards to issue an expedited temporary license, certificate, registration, or permit to a service member, veteran, or military spouse who meets certain requirements; requiring each health occupations board to include a check-off box prominently on a license, certification, or registration application form; requiring the Maryland Department of Health to publish prominently certain information on its website; and generally relating to temporary health occupational licensure, certification, registration, and permitting requirements for service members, veterans, and military spouses.

5. SB 54 (HB 175) - Occupational Licensing and Certification - Criminal History - Prohibited Disclosures and Predetermination Review Process **Tab E**

a. Purpose: Altering certain provisions of law regarding the prohibition on certain departments of State government from denying an occupational license or certificate to an applicant solely on the basis of the criminal history of the applicant by prohibiting a department from requiring disclosure of certain actions on an application and establishing a predetermination review process; and generally relating to occupational licensing and certification.

6. SB 221 (HB 146) - Health Occupations Boards - Reciprocal Licensure and Certification

a. Purpose: Authorizing certain health occupations boards to adopt regulations establishing reciprocity for individuals licensed or certified in another state or jurisdiction.

7. New License Approval

- a. **Byun Sun, DPM**
- b. **Cassandre Charles, DPM**

F. ADJOURNMENT



**BOARD OF PODIATRIC MEDICAL EXAMINERS
OPEN SESSION MEETING VIA GOOGLE MEET**

PUBLIC MEETING MINUTES

November 09, 2023

Location: Google Meet meet.google.com/nkt-jiww-tbz

Join by phone: (US) +1 513-816-0886 PIN: 270031357

The Public Meeting commenced at 1:02pm, opened by the Board President, Dr. Aparna Duggirala.

Roll call was initiated by the President.

Board members present: Drs. Yvonne Umezurike, H. David Gottlieb, Bruce Fox, and Adam Silverman.

Consumer Members Present: Ms. Frona Kroopnick. Ms. Lynne Brecker, R.N. was absent.

Board staff present: Elizabeth Kohlhepp, Deputy Executive Director; and Kiana Nicholson, Licensing Coordinator. Eva Schwartz, Executive Director was absent.

Office of the Attorney General: Kristen Fon Lim, AAG, Board Counsel.

Representing MPMA: Mr. Richard Bloch, Executive Director, and Dr. Jay Lebow, MPMA Member.

Guests: Richard Bloch, Esq., Executive Director and Chief Counsel, representing MPMA. Dr Jay LeBow, Director Emeritus, representing FPMB. Zakiyah Holmes- MDH.

Dr. Aparna Duggirala cited COMAR 10.01.14.02.B: "Except in instances when a public body expressly invites public testimony, questions, comments, or other forms of public participation, or when public participation is otherwise authorized by law, a member of the public attending an open session may not participate in the session."

A. MINUTES

1. Approval of minutes from the October 12, 2023 meeting.

The meeting minutes from the October 12, 2023, public meeting, were approved unanimously, as submitted.

B. BOARD PRESIDENT'S REPORT

Dr. Duggirala thanked the Board for voting her in as President. Dr. Duggirala looks forward to serving.

C. EXECUTIVE DIRECTOR'S REPORT

Ms. Schwartz was absent so there was nothing to report at this time.

D. OLD BUSINESS:

1. FINAL AAP Printed: COMAR 10.40.02 Licensing and Continuing Education Requirements (BOARD OF PODIATRIC MEDICAL EXAMINERS)

Update on final approval in Secretary's Office

Ms. Nicholson shared that FINAL AAP Printed: COMAR 10.40.02 Licensing and Continuing Education Requirements (BOARD OF PODIATRIC MEDICAL EXAMINERS) amendments were adopted as proposed to the Secretary's Office on October 25, 2023. The Regulation was adopted as proposed and will be made final on November 13, 2023. The amended Regulations will be updated in COMAR by the Division of State Documents on the Board's website within the next several weeks.

E. NEW BUSINESS:

1. Discussion on Amending the Language for the Civil Settlement Reporting Requirements Application Question

Ms. Lim shared that medical negligence is different from malpractice in MD. As such, the current wording for the Civil Settlement Reporting Requirements application questions do not specifically ask for civil settlement information. Currently, the question is stated as follows: "Have you been named as a defendant in a filing or settlement of a malpractice action? If yes, submit a current copy of your National Practitioner Data Bank report. (You may call 1-800-767-6732 to obtain information.)". Ms. Lim proposed that the language of the question be amended to the following: "Have you been named as a defendant at any stage of a medical malpractice and/or medical negligence action? If yes, please provide a procedural summary of the matter as well as a current copy of your National Practitioner Data Bank report." The proposed language amendments clarify specific documentation and attestation requirements pertaining to civil settlement reporting. If the civil settlement was previously reported and closed, no new information is required. The information reported is to ensure that civil settlement reporting requirements are disclosed as necessary. Dr. Fox asked if the requirement pertains to a license in any State? Ms. Lim confirmed that any new civil settlements answered "YES" on the application must be disclosed. Dr. Duggirala asked if the question needs to specify if the civil lawsuit is in Maryland. Ms. Lim confirmed that the question does not have to specifically list Maryland; however, disciplinary action is enforced by any court. A motion was moved to implement the proposed amendment language for the civil settlements

reporting question on the application as is. Amendments were approved with Drs. Duggirala, Fox, H. David Gottlieb, Silverman, and Umezurike and Ms. Kroopnick in favor.

F. ADJOURNMENT

With no further business, the Public Session of the Board meeting concluded at 1:21 PM.

Respectfully submitted by Eva Schwartz, Executive Director, Signature and date__

and Elizabeth Kohlhepp, Deputy Executive Director, Signature and date__

Signature by Frona Kroopnick, Board Secretary/Treasurer:__



From: **Federation of Podiatric Medical Boards** <fpmb@fpmb.org>
Date: Mon, Dec 18, 2023 at 11:14 AM
Subject: FPMB - [Allied Organization Announcement #1] Council on Podiatric Medical Education - Updated Frequently Asked Questions
To: Russell Stoner (FPMB) <fpmb@fpmb.org>

**** This message is being sent to the primary staff contact(s) at your agency with email addresses on file. Please feel free to forward this message to other relevant Board and/or staff as well. ****

Dear Member Podiatric Medical Board:

The **Council on Podiatric Medical Education (CPME)** is an autonomous accrediting agency for podiatric medical education that has final authority for:

- The accreditation of colleges of podiatric medicine, the approval of fellowships and residency programs, and providers of continuing education.
- The recognition of specialty certifying boards for podiatric medical practice.

CPME has created and finalized a series of Frequently Asked Questions (FAQ) documents to provide you with greater information about the CPME and its processes. Specifically, FAQs have been created for the CPME (What is the CPME?), colleges of podiatric medicine, residency and fellowship programs, providers of continuing education, and the specialty boards. These documents are posted on the www.cpme.org homepage under "News," linked directly [here](#), or found within each program area tab on the main CPME homepage. Note that at the end of each FAQ document, you will find a listing and link to the other FAQ documents.

It is CPME's hope that these FAQ documents provide you with greater insight into CPME and its accreditation, approval, and recognition activities. If you have any questions, please feel free to reach out to:

Heather M. Stagliano, DHSc, CAE
CPME Executive Director
hstagliano@cpme.org

Have a wonderful week!

Best,
Russ

Russell J. Stoner, CAE
Executive Director

Federation of Podiatric Medical Boards

2024 Legislative session information for Board members



Session scheduled for January 10—April 8, 2024

So far, no announcement has been made by the General Assembly regarding in-person and virtual hearings in 2024. I hear there may be a combination of the two, but no definitive information is available as of January 3, 2024. But as always, all hearings may be viewed virtually – it is just unknown at this point if virtual testimony will be available. I will provide an update when it is confirmed.

Bills that could affect the Health Occupations Article, Annotated Code of Maryland will mostly be heard in the Senate Finance Committee and the House Health and Government Operations (HGO) Committee. There will be multiple hearings because the bills must pass both chambers in order to become law.

Role of the Legislative Liaison (Lillian Reese)

I am the Legislative Coordinator for 16 Boards and in that role:

- I am the point person for coordinating all legislative bills submitted by the Boards with sponsors and the Department's Office of Government Affairs, including position papers. I should be included on any email communications/teleconferences with your bill sponsor or their staff.
- I do not write the Board's position papers/letters, but I do proofread and edit to make sure the papers are on the proper template (which I will provide) and are error free, formatted correctly and have all of the necessary information.

Positions that the Board can take on a bill:

- No position – This is the most common position and it's neutral. No paper needed.
 - Support – This can be done in a letter (no in-person testimony necessary)
 - Support with suggested amendments (SWA)
 - Oppose -- This can include either: a letter of opposition or submission of an opposition position paper, whereby in-person or virtual testimony would be needed at the hearing.
 - Provide a letter of information (which is just making the committee aware of certain pertinent facts). This is usually a neutral position.
-
- I will make sure the position papers/letters get to their proper destination within the deadline window. These are usually due no later 1 week before the hearing is scheduled.
 - I will advise your ED of upcoming pertinent bill hearings (dates, times, etc.).
 - I will help coordinate anyone who wishes to testify against or on behalf of a bill and will notify the Department in advance of the hearing the names of those providing testimony.
 - I will attend meetings with the Department every Friday morning during session to report the Boards' positions on certain bills for that week that are due to come up in committee hearings. I will be asking each Board on Wednesday or Thursday of a particular week if your Board has a position (see list above). You will need to communicate with your Board's ED a position prior

to COB on Thursday (5PM). At this meeting, I will also advise the Department of the names of those expected to provide in-person or virtual testimony.

- I will be tracking all bills of interest throughout the session to monitor their progress and status.
- I will send out to your Board's ED weekly (or as often as necessary) bills being proposed by other State agencies which may be of interest to your Board - some of which may be reported at your monthly Board meeting (per your ED's request).
- At session's end, I will provide a report to all Boards' EDs of the final status of all bills of interest.

Board Member Role

Depending on the structure of your Board's committees, your role may be:

- Understand that everything moves very quickly from day to day and it is important to keep a daily watch of emails that I (or your Board's ED) may send (including evenings, holidays, and weekends). Bills are not entered into the system all at once. They can potentially be added daily until early March. Expect requests for quick turnarounds regarding your Board's position on various bills immediately preceding hearings. Note: The busiest time is usually February to mid-March.
- Review a number of bills that I will forwarding weekly (to your Board's ED) that may affect your Board. If you are made aware of a particular bill that may affect your Board that will be submitted by another source, please let me (or your ED) know (Lillian.reese@maryland.gov) so that I can monitor its progress.

A basic guide for reviewing bills:

- [Text in Brackets]: Indicates language deleted from existing law.
 - TEXT IN CAPITALS: Indicates language added to existing law.
 - Underlining: Indicates amendments to the bill.
 - Strikeout: Indicates language either stricken from the bill by amendment or deleted from the law by amendment.
 - *Italics*: Indicates opposite chamber amendments.
 - ***Bold Italics***: Indicates conference committee amendments.
 - Enrolled copies of legislation are printed with language added by the opposite house or by a conference committee shown in *italics* and underlined.
-
- If your Board is proposing a bill in this session, committee (or full Board) meetings may need to be called at a moment's notice to vote on possible amendments being requested by stakeholders and/or legislators.
 - Provide in-person or virtual testimony to the legislative committee on behalf of your Board - not just for your Board's bill, but for other proposed bills that may affect your Board. Whenever possible, it is most desirable to have Board members and/or Executive Directors testify in committee hearings. Testimony allotment time is usually 2-3 minutes. Those wishing to testify

need to coordinate with your Board's Executive Director (ED) and then I will notify the Department in advance of the hearing.

- Anyone providing testimony (either in person or virtual) **must** create a MY MGA account and then sign in. To register an account, you can go to [Register \(maryland.gov\)](#). If my email and/or password appear, just delete them and insert your own. For video tutorials on creating an MGA account or signing up as a witness, click [here](#). Last year, there was a specific schedule for signing up – certain days and windows of time. Once we are provided that information from the General Assembly, I will immediately forward it to you.



SENATE BILL 3

J2

4lr0866

SB 78/23 – FIN

(PRE-FILED)

By: **Senator Jackson**

Requested: October 6, 2023

Introduced and read first time: January 10, 2024

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Health Occupations – Service Members, Veterans, and Military Spouses**
3 **– Temporary Licensure, Certification, Registration, and Permitting**

4 FOR the purpose of requiring health occupations boards to issue an expedited temporary
5 license, certificate, registration, or permit to a service member, veteran, or military
6 spouse who meets certain requirements; requiring each health occupations board to
7 include a check-off box prominently on a license, certification, or registration
8 application form; requiring the Maryland Department of Health to publish
9 prominently certain information on its website; and generally relating to temporary
10 health occupational licensure, certification, registration, and permitting
11 requirements for service members, veterans, and military spouses.

12 BY repealing and reenacting, with amendments,
13 Article – Health Occupations
14 Section 1–701, 1–704, and 1–705
15 Annotated Code of Maryland
16 (2021 Replacement Volume and 2023 Supplement)

17 BY adding to
18 Article – Health Occupations
19 Section 1–702.1
20 Annotated Code of Maryland
21 (2021 Replacement Volume and 2023 Supplement)

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

24 **Article – Health Occupations**

25 1–701.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(a) In this subtitle the following words have the meanings indicated.

(b) "Health occupations board" means a board authorized to issue a license, certificate, or registration under this article.

(c) (1) "Military spouse" means the spouse of a service member or veteran.

(2) "Military spouse" includes a surviving spouse of:

(i) A veteran; or

(ii) A service member who died within [1 year] 3 YEARS before the date on which:

1. FOR THE PURPOSES OF §§ 1-702 AND 1-703 THROUGH 1-705 OF THIS SUBTITLE, the application for a FULL license, certificate, or registration is submitted; OR

2. FOR THE PURPOSES OF § 1-702.1 OF THIS SUBTITLE, THE APPLICATION FOR A TEMPORARY LICENSE, CERTIFICATE, REGISTRATION, OR PERMIT IS SUBMITTED.

(d) "Service member" means an individual who is an active duty member of:

(1) The [armed forces of the United States] UNIFORMED SERVICES, AS DEFINED BY 10 U.S.C. § 101;

(2) A reserve component of the armed forces of the United States; or

(3) The National Guard of any state.

(e) (1) "Veteran" means a former service member who was discharged from active duty under circumstances other than dishonorable within 1 year before the date on which:

(I) FOR THE PURPOSES OF §§ 1-702 AND 1-703 THROUGH 1-705 OF THIS SUBTITLE, the application for a FULL license, certificate, or registration is submitted; OR

(II) FOR THE PURPOSES OF § 1-702.1 OF THIS SUBTITLE, THE APPLICATION FOR A TEMPORARY LICENSE, CERTIFICATE, REGISTRATION, OR PERMIT IS SUBMITTED.

(2) "Veteran" does not include an individual who has completed active duty

1 and has been discharged for more than 1 year before:

2 (I) FOR THE PURPOSES OF §§ 1-702 AND 1-703 THROUGH
3 1-705 OF THIS SUBTITLE, the application for a FULL license, certificate, or registration
4 is submitted; OR

5 (II) FOR THE PURPOSES OF § 1-702.1 OF THIS SUBTITLE, THE
6 APPLICATION FOR A TEMPORARY LICENSE, CERTIFICATE, REGISTRATION, OR
7 PERMIT IS SUBMITTED.

8 1-702.1.

9 (A) (1) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, EACH
10 HEALTH OCCUPATIONS BOARD SHALL ISSUE AN EXPEDITED TEMPORARY LICENSE,
11 CERTIFICATE, REGISTRATION, OR PERMIT TO A SERVICE MEMBER, VETERAN, OR
12 MILITARY SPOUSE WHO MEETS THE REQUIREMENTS OF THIS SUBSECTION.

13 (2) A TEMPORARY LICENSE, CERTIFICATE, REGISTRATION, OR
14 PERMIT ISSUED UNDER THIS SUBSECTION IS VALID UNTIL THE EARLIER OF:

15 (I) 6 MONTHS AFTER THE DATE OF ISSUANCE; OR

16 (II) THE DATE ON WHICH A LICENSE, CERTIFICATE,
17 REGISTRATION, OR PERMIT IS GRANTED OR A NOTICE TO DENY A LICENSE,
18 CERTIFICATE, REGISTRATION, OR PERMIT IS ISSUED BY THE HEALTH OCCUPATIONS
19 BOARD.

20 (3) AN APPLICATION FOR A TEMPORARY LICENSE, CERTIFICATE,
21 REGISTRATION, OR PERMIT TO PRACTICE A HEALTH OCCUPATION UNDER THIS
22 SUBSECTION SHALL INCLUDE THE FOLLOWING, IN THE FORM AND MANNER
23 REQUIRED BY THE HEALTH OCCUPATIONS BOARD:

24 (I) PROOF THAT THE APPLICANT IS A SERVICE MEMBER,
25 VETERAN, OR MILITARY SPOUSE, INCLUDING:

26 1. FOR A SERVICE MEMBER OR VETERAN, A DD FORM
27 214, PERMANENT CHANGE OF STATION ORDERS, OR A COMMON ACCESS CARD
28 ISSUED BY THE U.S. DEPARTMENT OF DEFENSE; OR

29 2. FOR A MILITARY SPOUSE, A MARRIAGE CERTIFICATE
30 AND ONE OF THE FORMS OF IDENTIFICATION LISTED IN ITEM 1 OF THIS ITEM;

31 (II) PROOF THAT:

1 1. THE APPLICANT HAS HELD A VALID LICENSE,
2 CERTIFICATE, REGISTRATION, OR PERMIT IN GOOD STANDING ISSUED IN ANOTHER
3 STATE FOR AT LEAST 1 YEAR;

4 2. EACH VALID LICENSE, CERTIFICATE, REGISTRATION,
5 OR PERMIT HELD BY THE APPLICANT ISSUED IN ANOTHER STATE IS IN GOOD
6 STANDING; AND

7 3. EACH VALID LICENSE, CERTIFICATE, REGISTRATION,
8 OR PERMIT HELD BY THE APPLICANT REQUIRED SUBSTANTIALLY SIMILAR
9 QUALIFICATIONS AS THE LICENSE, CERTIFICATE, REGISTRATION, OR PERMIT FOR
10 WHICH THE APPLICANT HAS APPLIED, AS DETERMINED BY THE HEALTH
11 OCCUPATIONS BOARD;

12 (III) IF THE APPLICANT IS A SERVICE MEMBER OR VETERAN,
13 PROOF THAT THE APPLICANT IS ASSIGNED TO A DUTY STATION IN THE STATE OR
14 HAS ESTABLISHED LEGAL RESIDENCE IN THE STATE;

15 (IV) IF THE APPLICANT IS A MILITARY SPOUSE, PROOF THAT:

16 1. THE APPLICANT'S SPOUSE IS ASSIGNED TO A DUTY
17 STATION IN THE STATE OR HAS ESTABLISHED LEGAL RESIDENCE IN THE STATE; OR

18 2. IF THE APPLICANT IS A SURVIVING SPOUSE
19 DESCRIBED UNDER § 1-701(C)(2) OF THIS SUBTITLE, THE APPLICANT HAS
20 ESTABLISHED LEGAL RESIDENCE IN THE STATE;

21 (V) PROOF THAT THE APPLICANT HAS COMPLETED A NATIONAL
22 CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH REGULATIONS
23 ADOPTED BY THE HEALTH OCCUPATIONS BOARD;

24 (VI) PROOF THAT THE APPLICANT HAS SUBMITTED AN
25 APPLICATION FOR FULL LICENSURE, CERTIFICATION, REGISTRATION, OR
26 PERMITTING; AND

27 (VII) PAYMENT OF ANY APPLICATION FEE REQUIRED BY THE
28 HEALTH OCCUPATIONS BOARD.

29 (B) (1) A HEALTH OCCUPATIONS BOARD MAY APPLY TO THE SECRETARY
30 FOR APPROVAL OF AN ALTERNATIVE PROCESS FOR LICENSURE, CERTIFICATION,
31 REGISTRATION, OR PERMITTING THAT DOES NOT MEET THE REQUIREMENTS OF
32 SUBSECTION (A) OF THIS SECTION BUT THAT ALLOWS SERVICE MEMBERS,
33 VETERANS, AND MILITARY SPOUSES TO OBTAIN A LICENSE, CERTIFICATE,
34 REGISTRATION, OR PERMIT UNDER THIS ARTICLE IN AN EXPEDITED MANNER THAT

1 MEETS THE GOALS OF SUBSECTION (A) OF THIS SECTION.

2 (2) IF THE SECRETARY APPROVES AN ALTERNATIVE PROCESS FOR
3 LICENSURE, CERTIFICATION, REGISTRATION, OR PERMITTING UNDER PARAGRAPH
4 (1) OF THIS SUBSECTION, THE HEALTH OCCUPATIONS BOARD SHALL BE
5 CONSIDERED TO HAVE FULFILLED THE REQUIREMENTS OF SUBSECTION (A) OF THIS
6 SECTION.

7 1-704.

8 (a) [(1)] Each health occupations board shall [develop]:

9 (1) DEVELOP a procedure by which an individual who applies for a license,
10 certificate, or registration can notify the board that the individual is a service member,
11 veteran, or military spouse[.]; AND

12 (2) [A health occupations board may satisfy the requirement of paragraph
13 (1) of this subsection by including] INCLUDE a check-off box PROMINENTLY on [a] EACH
14 license, certificate, or registration application form.

15 (b) For each applicant who is a service member, veteran, or military spouse, a
16 health occupations board shall assign to the applicant an advisor to assist the individual
17 with the application process.

18 (c) (1) Each health occupations board shall expedite the process for the
19 licensure, certification, or registration of a service member, veteran, or military spouse.

20 (2) If a service member, veteran, or military spouse meets the
21 requirements for licensure, certification, or registration, a health occupations board shall
22 issue the license, certificate, or registration within 15 business days after receiving a
23 completed application.

24 (d) If a health occupations board determines that a service member, veteran, or
25 military spouse does not meet the education, training, or experience requirements for
26 licensure, certification, or registration, a representative of the board shall assist the service
27 member, veteran, or military spouse in identifying:

28 (1) Programs that offer relevant education or training; or

29 (2) Ways of obtaining needed experience.

30 (E) ON OR BEFORE JANUARY 1 EACH YEAR, BEGINNING IN 2026, THE
31 DEPARTMENT SHALL REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH
32 § 2-1257 OF THE STATE GOVERNMENT ARTICLE, ON THE PROCESSING OF
33 APPLICATIONS FROM SERVICE MEMBERS, MILITARY SPOUSES, AND VETERANS,
34 INCLUDING, FOR THE IMMEDIATELY PRECEDING 12-MONTH PERIOD:

(1) FOR EACH HEALTH OCCUPATIONS BOARD:

(I) THE NUMBER OF APPLICATIONS RECEIVED FROM SERVICE MEMBERS, MILITARY SPOUSES, AND VETERANS;

(II) THE NUMBER OF APPLICATIONS INCLUDED UNDER ITEM (I) OF THIS ITEM THAT WERE PROCESSED;

(III) THE NUMBER OF APPLICATIONS INCLUDED UNDER ITEM (I) OF THIS ITEM THAT WERE NOT PROCESSED; AND

(IV) FOR THE APPLICATIONS INCLUDED UNDER ITEM (III) OF THIS ITEM, THE REASON WHY PROCESSING WAS DELAYED; AND

(2) IF A HEALTH OCCUPATIONS BOARD RECEIVED APPLICATIONS FROM SERVICE MEMBERS, MILITARY SPOUSES, AND VETERANS THAT WERE NOT PROCESSED, THE PLAN OF THE HEALTH OCCUPATIONS BOARD TO IMPROVE THE PROCESSING OF APPLICATIONS FROM SERVICE MEMBERS, MILITARY SPOUSES, AND VETERANS.

1–705.

(A) Each health occupations board shall publish prominently on its website information on:

(1) The expedited licensing process available to service members, veterans, and military spouses under § 1–704 of this subtitle; and

(2) Any assistance and services related to licensure, certification, or registration provided by the board to service members, veterans, and military spouses.

(B) THE DEPARTMENT SHALL PUBLISH PROMINENTLY ON ITS WEBSITE THE INFORMATION THAT EACH HEALTH OCCUPATIONS BOARD IS REQUIRED TO PUBLISH UNDER SUBSECTION (A) OF THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before June 1, 2025, the Maryland Department of Health shall report to the General Assembly, in accordance with § 2–1257 of the State Government Article, on the procedures developed by each health occupations board under § 1–704 of the Health Occupations Article, as enacted by Section 1 of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2024.



SENATE BILL 54

C3, E2

(PRE-FILED)

4lr1410
CF HB 175

By: **Senator Carter**

Requested: November 1, 2023

Introduced and read first time: January 10, 2024

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Occupational Licensing and Certification – Criminal History – Prohibited**
3 **Disclosures and Predetermination Review Process**

4 FOR the purpose of altering certain provisions of law regarding the prohibition on certain
5 departments of State government from denying an occupational license or certificate
6 to an applicant solely on the basis of the criminal history of the applicant by
7 prohibiting a department from requiring disclosure of certain actions on an
8 application and establishing a predetermination review process; and generally
9 relating to occupational licensing and certification.

10 BY repealing and reenacting, with amendments,
11 Article – Criminal Procedure
12 Section 1–209
13 Annotated Code of Maryland
14 (2018 Replacement Volume and 2023 Supplement)

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

17 **Article – Criminal Procedure**

18 1–209.

19 (a) (1) In this section, “department” means:

20 (i) the Department of Agriculture;

21 (ii) the Department of the Environment;

22 (iii) the Maryland Department of Health;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(iv) the Department of Human Services;

(v) the Maryland Department of Labor; or

(vi) the Department of Public Safety and Correctional Services.

(2) "Department" includes any unit of a department specified in paragraph (1) of this subsection.

[(b) This section does not apply to a person who was previously convicted of a crime of violence, as defined in § 14-101 of the Criminal Law Article.]

[(c)] (B) It is the policy of the State to encourage the employment of [nonviolent] ex-offenders and remove barriers to their ability to demonstrate fitness for occupational licenses or certifications required by the State.

(C) A DEPARTMENT MAY NOT REQUIRE AN APPLICANT FOR AN OCCUPATIONAL LICENSE OR CERTIFICATE TO DISCLOSE AS A PART OF AN APPLICATION:

(1) ANY OF THE FOLLOWING:

(I) A DEFERRED ADJUDICATION;

(II) PARTICIPATION IN A DIVERSION PROGRAM; OR

(III) AN ARREST NOT FOLLOWED BY A CONVICTION;

(2) A CONVICTION FOR WHICH NO TERM OF IMPRISONMENT MAY BE IMPOSED;

(3) A CONVICTION THAT HAS BEEN SEALED, VACATED, DISMISSED, EXPUNGED, OR PARDONED;

(4) AN ADJUDICATION OF A DELINQUENT ACT AS A JUVENILE;

(5) A CONVICTION FOR A MISDEMEANOR THAT DID NOT INVOLVE PHYSICAL HARM TO ANOTHER INDIVIDUAL;

(6) A CONVICTION FOR WHICH A PERIOD OF 3 YEARS HAS PASSED SINCE THE APPLICANT COMPLETED SERVING THE APPLICANT'S SENTENCE IF THE SENTENCE DID NOT INCLUDE A TERM OF IMPRISONMENT; OR

1 (7) UNLESS THE CONVICTION WAS FOR A CRIME OF VIOLENCE AS
2 DEFINED IN § 14-101 OF THE CRIMINAL LAW ARTICLE, A CONVICTION FOR WHICH
3 A PERIOD OF 3 YEARS HAS PASSED SINCE THE END OF THE INDIVIDUAL'S TERM OF
4 IMPRISONMENT.

5 (d) [Except as provided in subsection (f) of this section, a] A department may not
6 deny an occupational license or certificate to an applicant solely on the basis that the
7 applicant has previously been convicted of a crime, unless the department determines that:

8 (1) there is a direct relationship between the applicant's previous
9 conviction and the specific occupational license or certificate sought; or

10 (2) the issuance of the license or certificate would involve [an unreasonable
11 risk to property or to the safety or welfare of specific individuals or the general public] A
12 DIRECT AND SUBSTANTIAL THREAT TO PUBLIC SAFETY OR SPECIFIC INDIVIDUALS
13 OR PROPERTY.

14 (e) In making the determination under subsection (d) of this section, the
15 department shall consider:

16 (1) the policy of the State expressed in subsection [(c)] (B) of this section;

17 (2) the specific duties and responsibilities required of a licensee or
18 certificate holder;

19 (3) whether the applicant's previous conviction has any impact on the
20 applicant's fitness or ability to perform the duties and responsibilities authorized by the
21 license or certificate;

22 (4) the age of the applicant at the time of the conviction and the amount of
23 time that has elapsed since the conviction;

24 (5) the seriousness of the offense for which the applicant was convicted;

25 (6) THE APPLICANT'S EDUCATION, TRAINING, AND EMPLOYMENT
26 HISTORY BEFORE, DURING, AND AFTER THE APPLICANT'S TERM OF IMPRISONMENT;

27 (7) WHETHER THE OCCUPATIONAL LICENSE OR CERTIFICATE
28 REQUIRES THE APPLICANT TO BE BONDED;

29 [(6)] (8) other information provided by the applicant or on the applicant's
30 behalf with regard to the applicant's rehabilitation and good conduct; and

31 [(7)] (9) the legitimate interest of the department in protecting property
32 and the safety and welfare of specific individuals or the general public.

(f) (1) (I) [This subsection does not apply to a conviction of a crime for which registration on the sex offender registry is required under Title 11, Subtitle 7 of this article.

(2) If a period of 7 years or more has passed since an applicant completed serving the sentence for a crime, including all imprisonment, mandatory supervision, probation, and parole, and the applicant has not been charged with another crime other than a minor traffic violation, as defined in § 10–101 of this article, during that time, a department may not deny an occupational license or certificate to the applicant solely on the basis that the applicant was previously convicted of the crime.] **AN INDIVIDUAL MAY FILE A REQUEST WITH A DEPARTMENT FOR REVIEW OF THE INDIVIDUAL’S CRIMINAL HISTORY TO DETERMINE WHETHER THE INDIVIDUAL’S CRIMINAL HISTORY WOULD DISQUALIFY THE INDIVIDUAL FROM OBTAINING THE OCCUPATIONAL LICENSE OR CERTIFICATE BEING SOUGHT.**

(II) **THE DETERMINATION OF A DEPARTMENT REGARDING WHETHER THE OCCUPATIONAL LICENSE OR CERTIFICATE WOULD BE APPROVED OR DENIED TO THE INDIVIDUAL REQUESTING THE PREDETERMINATION UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE BINDING ON THE DEPARTMENT UNLESS THERE IS A SUBSEQUENT DIRECT AND MATERIAL ADVERSE CHANGE TO THE INDIVIDUAL’S CRIMINAL HISTORY.**

(2) **IF A DEPARTMENT DETERMINES THAT AN OCCUPATIONAL LICENSE OR CERTIFICATE WOULD BE DENIED TO THE INDIVIDUAL UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE DEPARTMENT SHALL, IF APPLICABLE, ADVISE THE INDIVIDUAL OF ANY ACTION THAT MAY BE TAKEN BY THE INDIVIDUAL TO REMEDY THE REASON FOR THE DISQUALIFICATION.**

(3) (I) **AN INDIVIDUAL MAY SUBMIT A REVISED REQUEST FOR A PREDETERMINATION TO THE DEPARTMENT THAT MADE A PREDETERMINATION ON THE APPROVAL OR DENIAL OF AN OCCUPATIONAL LICENSE OR CERTIFICATE UNDER PARAGRAPH (1) OF THIS SUBSECTION THAT INCLUDES THE COMPLETION OF ANY RECOMMENDED REMEDIAL ACTIONS.**

(II) **AN INDIVIDUAL MAY SUBMIT A REVISED REQUEST FOR A PREDETERMINATION UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH THE EARLIER OF:**

1. **1 YEAR AFTER THE DATE THE INDIVIDUAL RECEIVED THE PREDETERMINATION UNDER PARAGRAPH (1) OF THIS SUBSECTION; OR**

2. **ON COMPLETION OF THE REMEDIAL ACTIONS RECOMMENDED BY THE DEPARTMENT UNDER PARAGRAPH (2) OF THIS SUBSECTION.**

1 (4) (I) A DEPARTMENT MAY CHARGE A CRIMINAL HISTORY REVIEW
2 FEE TO AN INDIVIDUAL TO CONDUCT A REVIEW UNDER THIS SECTION NOT
3 EXCEEDING \$100.

4 (II) THE FEE CHARGED UNDER SUBPARAGRAPH (I) OF THIS
5 PARAGRAPH SHALL BE WAIVED IF THE INDIVIDUAL'S INCOME IS AT OR BELOW 300%
6 OF THE FEDERAL POVERTY LEVEL, AS DETERMINED BY THE DISTRICT COURT OF
7 THE STATE.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2024.