

Chapter 814

(House Bill 381)

AN ACT concerning

State Board of Examiners in Optometry – Criminal History Records Checks

FOR the purpose of requiring an applicant for a license to practice optometry ~~or~~ and certain applicants for the renewal of a license to submit to a criminal history records check; and generally relating to criminal history records checks for optometry licenses.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 11–302, 11–303, 11–306, and 11–307.1, ~~and 11–308~~
Annotated Code of Maryland
(2021 Replacement Volume and 2023 Supplement)

BY adding to
Article – Health Occupations
Section 11–302.1
Annotated Code of Maryland
(2021 Replacement Volume and 2023 Supplement)

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

Article – Health Occupations

11–302.

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

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

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

(d) (1) The applicant shall submit to the Board satisfactory evidence of scholastic and professional education that is at least equal to the current standards set by the Board. However, an applicant who is licensed to practice optometry in any other state shall submit satisfactory evidence of scholastic and professional education that is at least equal to the standards set by the Board at the time of the applicant’s completion of scholastic and professional education.

(2) On written request, the Board shall provide information as to the current scholastic and professional education standards that the Board sets. In the case of

an out-of-state applicant the Board shall provide information on the educational and professional standards in effect at the time of an applicant's completion of scholastic and professional education.

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

(F) THE APPLICANT SHALL SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 11-302.1 OF THIS SUBTITLE.

11-302.1.

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

(B) AN APPLICANT SHALL APPLY TO THE CENTRAL REPOSITORY FOR A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK.

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

(1) A COMPLETE SET OF LEGIBLE FINGERPRINTS TAKEN IN A FORMAT APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;

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

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

(D) IN ACCORDANCE WITH §§ 10-201 THROUGH 10-229 OF THE CRIMINAL PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE BOARD AND THE INDIVIDUAL THE INDIVIDUAL'S CRIMINAL HISTORY RECORD INFORMATION.

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

(1) IS CONFIDENTIAL;

(2) MAY NOT BE REDISSEMINATED; AND

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

(F) THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK UNDER THIS SECTION MAY CONTEST THE CONTENTS OF THE CRIMINAL HISTORY RECORD INFORMATION ISSUED BY THE CENTRAL REPOSITORY AS PROVIDED IN § 10-223 OF THE CRIMINAL PROCEDURE ARTICLE.

(G) IF CRIMINAL HISTORY RECORD INFORMATION IS REPORTED TO THE CENTRAL REPOSITORY AFTER THE DATE OF THE INITIAL CRIMINAL HISTORY RECORDS CHECK, THE CENTRAL REPOSITORY SHALL PROVIDE TO THE BOARD AND THE INDIVIDUAL REVISED CRIMINAL HISTORY RECORD INFORMATION FOR THE INDIVIDUAL.

11-303.

To apply for a license, an applicant shall:

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

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

(3) SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 11-302.1 OF THIS SUBTITLE.

11-306.

(A) The Board shall issue a license to any applicant who:

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

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

(3) SUBMITS TO A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 11-302.1 OF THIS SUBTITLE.

(B) ON RECEIPT OF THE CRIMINAL HISTORY RECORD INFORMATION OF AN APPLICANT FOR LICENSURE, IN DETERMINING WHETHER TO GRANT A LICENSE, THE BOARD SHALL CONSIDER:

(1) THE AGE AT WHICH THE CRIME WAS COMMITTED;

(2) THE NATURE OF THE CRIME;

(3) THE CIRCUMSTANCES SURROUNDING THE CRIME;

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

(5) SUBSEQUENT WORK HISTORY;

(6) EMPLOYMENT AND CHARACTER REFERENCES; AND

(7) OTHER EVIDENCE THAT DEMONSTRATES WHETHER THE APPLICANT POSES A THREAT TO PUBLIC HEALTH OR SAFETY.

11-307.1.

(a) An applicant for a limited license shall [submit]:

(1) SUBMIT to the Board:

[(1)] (I) An application on the form the Board requires; and

[(2)] (II) A written confirmation of participation from the institution in which the applicant intends to participate in a postgraduate teaching, research, or training program; AND

(2) SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 11-302.1 OF THIS SUBTITLE.

(b) The Board may waive the examination requirements of this subtitle and issue a limited license to practice optometry to an individual who:

(1) Is qualified for a postgraduate teaching, research, or training position;

(2) Is applying to participate in a postgraduate teaching, research, or training program approved by the Board under this subsection;

(3) Is eligible to sit for the Maryland licensure examination;

(4) Is licensed, at the time of application, to practice optometry in another state; and

(5) Pays the fee set by the Board.

(c) A limited license authorizes the licensee for 1 year to practice optometry only:

(1) At the institution that has been approved by the Board and is designated on the individual's license;

(2) At other institutions that are affiliated with the designated institution;
and

(3) On the patients of the designated institution or its affiliates.

(d) The Board may renew a limited license once for an additional 1-year term if the holder:

(1) Otherwise meets the requirements of this section;

(2) Submits a renewal application to the Board on the form that the Board requires; [and]

(3) Pays to the Board the limited license renewal fee set by the Board; AND

(4) SUBMITS TO THE BOARD SATISFACTORY EVIDENCE OF HAVING COMPLETED A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 11-302.1 OF THIS SUBTITLE.

~~11-308.~~

~~(a) A license expires on the date set by the Board, unless the license is renewed for an additional term as provided in this section. A license may not be renewed for a term longer than 2 years.~~

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

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

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

~~(3) The amount of the renewal fee.~~

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

~~(1) Otherwise is entitled to be licensed;~~

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

~~(2) Submits to the Board:~~

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

~~(ii) Satisfactory evidence of [compliance];~~

~~1. COMPLIANCE with the continuing education requirements set under this subtitle for license renewal; AND~~

~~2. HAVING COMPLETED A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 11-302.1 OF THIS SUBTITLE.~~

~~(d) The Board shall renew the license of and issue a renewal certificate to each licensee who meets the requirements of this section.~~

~~(e) If an optometrist does not renew a license before its expiration date, the Board shall send to the optometrist a notice stating that the license will expire 30 days after the notice is sent unless the optometrist applies for renewal within the grace period.~~

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) This section applies only:

(1) with respect to the first application for the renewal of a license that is submitted on or after January 1, 2026; and

(2) to a licensed optometrist whose initial license was issued before the effective date of this Act.

(b) In addition to the requirements of § 11-308 of the Health Occupations Article, a licensed optometrist who applies for the renewal of the license shall submit to the State Board of Examiners in Optometry:

(1) satisfactory evidence of having completed a criminal history records check in accordance with § 11-302.1 of the Health Occupations Article, as enacted by Section 1 of this Act; and

(2) an attestation that the licensee has submitted to a State and national criminal history records check.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2024.

Approved by the Governor, May 16, 2024.