



132nd MAINE LEGISLATURE

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Legislative Document

No. 1854

H.P. 1238

House of Representatives, April 30, 2025

An Act to Require the Board of Counseling Professionals Licensure, Board of Dental Practice, Board of Speech, Audiology and Hearing and Board of Occupational Therapy Practice to Obtain Fingerprint-based Federal Bureau of Investigation Criminal Background Checks for Initial Applicants and Licensees Seeking Compact Privileges

Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 204.

Reference to the Committee on Health Coverage, Insurance and Financial Services suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative MATHIESON of Kittery.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 25 MRSA §1542-A, sub-§1, ¶CC** is enacted to read:

3 CC. Who is an applicant for licensure as an occupational therapist or an occupational
4 therapy assistant with the Board of Occupational Therapy Practice, or who is a licensed
5 occupational therapist or a licensed occupational therapy assistant seeking a compact
6 privilege, as required under Title 32, section 2279-A.

7 **Sec. 2. 25 MRSA §1542-A, sub-§1, ¶DD** is enacted to read:

8 DD. Who is an applicant for licensure as a clinical professional counselor or a marriage
9 and family therapist with the Board of Counseling Professionals Licensure, or who is
10 a licensed clinical professional counselor or licensed marriage and family therapist
11 seeking a compact privilege, as required under Title 32, section 13858-A.

12 **Sec. 3. 25 MRSA §1542-A, sub-§1, ¶EE** is enacted to read:

13 EE. Who is an applicant for licensure as an audiologist or a speech-language
14 pathologist with the Board of Speech, Audiology and Hearing, or who is a licensed
15 audiologist or licensed speech-language pathologist seeking a compact privilege, as
16 required under Title 32, section 17301-A.

17 **Sec. 4. 25 MRSA §1542-A, sub-§1, ¶FF** is enacted to read:

18 FF. Who is an applicant for licensure as a dentist or a dental hygienist with the Board
19 of Dental Practice, or who is a licensed dentist or licensed dental hygienist seeking a
20 compact privilege, as required under Title 32, section 18341-A.

21 **Sec. 5. 25 MRSA §1542-A, sub-§3, ¶BB** is enacted to read:

22 BB. The State Police shall take or cause to be taken the fingerprints of the person
23 named in subsection 1, paragraph CC at the request of that person or the Board of
24 Occupational Therapy Practice and upon payment of the fee by that person as required
25 by Title 32, section 2279-A.

26 **Sec. 6. 25 MRSA §1542-A, sub-§3, ¶CC** is enacted to read:

27 CC. The State Police shall take or cause to be taken the fingerprints of the person
28 named in subsection 1, paragraph DD at the request of that person or the Board of
29 Counseling Professionals Licensure and upon payment of the fee by that person as
30 required by Title 32, section 13858-A.

31 **Sec. 7. 25 MRSA §1542-A, sub-§3, ¶DD** is enacted to read:

32 DD. The State Police shall take or cause to be taken the fingerprints of the person
33 named in subsection 1, paragraph EE at the request of that person or the Board of
34 Speech, Audiology and Hearing and upon payment of the fee by that person as required
35 by Title 32, section 17301-A.

36 **Sec. 8. 25 MRSA §1542-A, sub-§3, ¶EE** is enacted to read:

37 EE. The State Police shall take or cause to be taken the fingerprints of the person
38 named in subsection 1, paragraph FF at the request of that person or the Board of Dental
39 Practice and upon payment of the fee by that person as required by Title 32, section
40 18341-A.

1 **Sec. 9. 32 MRSA §2279-A** is enacted to read:

2 **§2279-A. Criminal history record information; fees**

3 **1. Background check.** The board shall request a background check for each person
4 who submits an application for initial licensure or licensure by endorsement as an
5 occupational therapist or an occupational therapy assistant under this chapter. The board
6 shall request a background check for each licensed occupational therapist or licensed
7 occupational therapy assistant who applies for an initial compact privilege and designates
8 this State as the applicant's home state. The background check must include criminal
9 history record information obtained from the Maine Criminal Justice Information System,
10 established in Title 16, section 631, and the Federal Bureau of Investigation.

11 A. The criminal history record information obtained from the Maine Criminal Justice
12 Information System must include public criminal history record information as defined
13 in Title 16, section 703, subsection 8.

14 B. The criminal history record information obtained from the Federal Bureau of
15 Investigation must include other state and national criminal history record information.

16 C. An applicant or licensee shall submit to having fingerprints taken. The Department
17 of Public Safety, Bureau of State Police, upon payment by the applicant or licensee of
18 a fee established by the board, shall take or cause to be taken the applicant's or licensee's
19 fingerprints and shall forward the fingerprints to the Department of Public Safety,
20 Bureau of State Police, State Bureau of Identification so that the State Bureau of
21 Identification can conduct state and national criminal history record checks. Except for
22 the portion of the payment, if any, that constitutes the processing fee charged by the
23 Federal Bureau of Investigation, all money received by the Bureau of State Police for
24 purposes of this paragraph must be paid to the Treasurer of State. The money must be
25 applied to the expenses of administration incurred by the Department of Public Safety.
26 Any person who fails to transmit criminal fingerprint records to the State Bureau of
27 Identification pursuant to this paragraph is subject to the provisions of Title 25, section
28 1550.

29 D. The subject of a Federal Bureau of Investigation criminal history record check may
30 obtain a copy of the criminal history record check by following the procedures outlined
31 in 28 Code of Federal Regulations, Sections 16.32 and 16.33. The subject of a state
32 criminal history record check may inspect and review the criminal history record
33 information pursuant to Title 16, section 709.

34 E. State and federal criminal history record information of an applicant for an
35 occupational therapist or occupational therapy assistant license may be used by the
36 board for the purpose of screening the applicant. State and federal criminal history
37 record information of a licensed occupational therapist or licensed occupational
38 therapy assistant seeking an initial compact privilege may be used by the board for the
39 purpose of taking disciplinary action against the licensee. A board action against an
40 applicant for licensure or a licensee under this subsection is subject to the provisions
41 of Title 5, chapter 341.

42 F. Information obtained pursuant to this subsection is confidential. The results of
43 background checks received by the board are for official use only and may not be

1 disseminated to the Occupational Therapy Compact Commission established under
2 section 2294 or to any other person.

3 G. An individual whose license has expired and who has not applied for renewal may
4 request in writing that the Department of Public Safety, Bureau of State Police, State
5 Bureau of Identification remove the individual's fingerprints from the bureau's
6 fingerprint file. In response to a written request, the bureau shall remove the
7 individual's fingerprints from the fingerprint file and provide written confirmation of
8 that removal.

9 **2. Rules.** The board, following consultation with the Department of Public Safety,
10 Bureau of State Police, State Bureau of Identification, may adopt rules to implement this
11 section. Rules adopted pursuant to this subsection are routine technical rules as defined in
12 Title 5, chapter 375, subchapter 2-A.

13 **Sec. 10. 32 MRSA §13858-A** is enacted to read:

14 **§13858-A. Criminal history record information; fees**

15 **1. Background check.** The board shall request a background check for each person
16 who submits an application for initial licensure or licensure by endorsement as a clinical
17 professional counselor or a marriage and family therapist under this chapter. The board
18 shall request a background check for each licensed clinical professional counselor or
19 licensed marriage and family therapist who applies for an initial compact privilege and
20 designates this State as the applicant's home state. The background check must include
21 criminal history record information obtained from the Maine Criminal Justice Information
22 System, established in Title 16, section 631, and the Federal Bureau of Investigation.

23 A. The criminal history record information obtained from the Maine Criminal Justice
24 Information System must include public criminal history record information as defined
25 in Title 16, section 703, subsection 8.

26 B. The criminal history record information obtained from the Federal Bureau of
27 Investigation must include other state and national criminal history record information.

28 C. An applicant or licensee shall submit to having fingerprints taken. The Department
29 of Public Safety, Bureau of State Police, upon payment by the applicant or licensee of
30 a fee established by the board, shall take or cause to be taken the applicant's or licensee's
31 fingerprints and shall forward the fingerprints to the Department of Public Safety,
32 Bureau of State Police, State Bureau of Identification so that the State Bureau of
33 Identification can conduct state and national criminal history record checks. Except for
34 the portion of the payment, if any, that constitutes the processing fee charged by the
35 Federal Bureau of Investigation, all money received by the Bureau of State Police for
36 purposes of this paragraph must be paid to the Treasurer of State. The money must be
37 applied to the expenses of administration incurred by the Department of Public Safety.
38 Any person who fails to transmit criminal fingerprint records to the State Bureau of
39 Identification pursuant to this paragraph is subject to the provisions of Title 25, section
40 1550.

41 D. The subject of a Federal Bureau of Investigation criminal history record check may
42 obtain a copy of the criminal history record check by following the procedures outlined
43 in 28 Code of Federal Regulations, Sections 16.32 and 16.33. The subject of a state

1 criminal history record check may inspect and review the criminal history record
2 information pursuant to Title 16, section 709.

3 E. State and federal criminal history record information of an applicant for a clinical
4 professional counselor license or a marriage and family therapist license may be used
5 by the board for the purpose of screening the applicant. State and federal criminal
6 history record information of a licensed clinical professional counselor or a licensed
7 marriage and family therapist seeking an initial compact privilege may be used by the
8 board for the purpose of taking disciplinary action against the licensee. A board action
9 against an applicant for licensure or a licensee under this subsection is subject to the
10 provisions of Title 5, chapter 341.

11 F. Information obtained pursuant to this subsection is confidential. The results of
12 background checks received by the board are for official use only and may not be
13 disseminated to the counseling compact commission established under section 18560
14 or to any other person.

15 G. An individual whose license has expired and who has not applied for renewal may
16 request in writing that the Department of Public Safety, Bureau of State Police, State
17 Bureau of Identification remove the individual's fingerprints from the bureau's
18 fingerprint file. In response to a written request, the bureau shall remove the
19 individual's fingerprints from the fingerprint file and provide written confirmation of
20 that removal.

21 **2. Rules.** The board, following consultation with the Department of Public Safety,
22 Bureau of State Police, State Bureau of Identification, may adopt rules to implement this
23 section. Rules adopted pursuant to this subsection are routine technical rules as defined in
24 Title 5, chapter 375, subchapter 2-A.

25 **Sec. 11. 32 MRSA §17301-A** is enacted to read:

26 **§17301-A. Criminal history record information; fees**

27 **1. Background check.** The board shall request a background check for each person
28 who submits an application for initial licensure or licensure by endorsement as an
29 audiologist or speech-language pathologist under this chapter. The board shall request a
30 background check for each licensed audiologist or licensed speech-language pathologist
31 who applies for an initial compact privilege and designates this State as the applicant's
32 home state. The background check must include criminal history record information
33 obtained from the Maine Criminal Justice Information System, established in Title 16,
34 section 631, and the Federal Bureau of Investigation.

35 A. The criminal history record information obtained from the Maine Criminal Justice
36 Information System must include public criminal history record information as defined
37 in Title 16, section 703, subsection 8.

38 B. The criminal history record information obtained from the Federal Bureau of
39 Investigation must include other state and national criminal history record information.

40 C. An applicant or licensee shall submit to having fingerprints taken. The Department
41 of Public Safety, Bureau of State Police, upon payment by the applicant or licensee of
42 a fee established by the board, shall take or cause to be taken the applicant's or licensee's
43 fingerprints and shall forward the fingerprints to the Department of Public Safety,
44 Bureau of State Police, State Bureau of Identification so that the State Bureau of

1 Identification can conduct state and national criminal history record checks. Except for
2 the portion of the payment, if any, that constitutes the processing fee charged by the
3 Federal Bureau of Investigation, all money received by the Bureau of State Police for
4 purposes of this paragraph must be paid to the Treasurer of State. The money must be
5 applied to the expenses of administration incurred by the Department of Public Safety.
6 Any person who fails to transmit criminal fingerprint records to the State Bureau of
7 Identification pursuant to this paragraph is subject to the provisions of Title 25, section
8 1550.

9 D. The subject of a Federal Bureau of Investigation criminal history record check may
10 obtain a copy of the criminal history record check by following the procedures outlined
11 in 28 Code of Federal Regulations, Sections 16.32 and 16.33. The subject of a state
12 criminal history record check may inspect and review the criminal history record
13 information pursuant to Title 16, section 709.

14 E. State and federal criminal history record information of an applicant for an
15 audiologist license or a speech-language pathologist license may be used by the board
16 for the purpose of screening the applicant. State and federal criminal history record
17 information of a licensed audiologist or licensed speech-language pathologist seeking
18 an initial compact privilege may be used by the board for the purpose of taking
19 disciplinary action against the licensee. A board action against an applicant for
20 licensure or a licensee under this subsection is subject to the provisions of Title 5,
21 chapter 341.

22 F. Information obtained pursuant to this subsection is confidential. The results of
23 background checks received by the board are for official use only and may not be
24 disseminated to the Audiology and Speech-Language Pathology Compact Commission
25 established under section 17508 or to any other person.

26 G. An individual whose license has expired and who has not applied for renewal may
27 request in writing that the Department of Public Safety, Bureau of State Police, State
28 Bureau of Identification remove the individual's fingerprints from the bureau's
29 fingerprint file. In response to a written request, the bureau shall remove the
30 individual's fingerprints from the fingerprint file and provide written confirmation of
31 that removal.

32 **2. Rules.** The board, following consultation with the Department of Public Safety,
33 Bureau of State Police, State Bureau of Identification, may adopt rules to implement this
34 section. Rules adopted pursuant to this subsection are routine technical rules as defined in
35 Title 5, chapter 375, subchapter 2-A.

36 **Sec. 12. 32 MRSA §18341-A** is enacted to read:

37 **§18341-A. Criminal history record information; fees**

38 **1. Background check.** The board shall request a background check for each person
39 who submits an application for initial licensure or licensure by endorsement as a dentist or
40 a dental hygienist under this chapter. The board shall request a background check for each
41 licensed dentist or licensed dental hygienist who applies for an initial compact privilege
42 and designates this State as the applicant's home state. The background check must include
43 criminal history record information obtained from the Maine Criminal Justice Information
44 System, established in Title 16, section 631, and the Federal Bureau of Investigation.

1 A. The criminal history record information obtained from the Maine Criminal Justice
2 Information System must include public criminal history record information as defined
3 in Title 16, section 703, subsection 8.

4 B. The criminal history record information obtained from the Federal Bureau of
5 Investigation must include other state and national criminal history record information.

6 C. An applicant or licensee shall submit to having fingerprints taken. The Department
7 of Public Safety, Bureau of State Police, upon payment by the applicant or licensee of
8 a fee established by the board, shall take or cause to be taken the applicant's or licensee's
9 fingerprints and shall forward the fingerprints to the Department of Public Safety,
10 Bureau of State Police, State Bureau of Identification so that the State Bureau of
11 Identification can conduct state and national criminal history record checks. Except for
12 the portion of the payment, if any, that constitutes the processing fee charged by the
13 Federal Bureau of Investigation, all money received by the Bureau of State Police for
14 purposes of this paragraph must be paid to the Treasurer of State. The money must be
15 applied to the expenses of administration incurred by the Department of Public Safety.
16 Any person who fails to transmit criminal fingerprint records to the State Bureau of
17 Identification pursuant to this paragraph is subject to the provisions of Title 25, section
18 1550.

19 D. The subject of a Federal Bureau of Investigation criminal history record check may
20 obtain a copy of the criminal history record check by following the procedures outlined
21 in 28 Code of Federal Regulations, Sections 16.32 and 16.33. The subject of a state
22 criminal history record check may inspect and review the criminal history record
23 information pursuant to Title 16, section 709.

24 E. State and federal criminal history record information of an applicant for a dentist
25 license or a dental hygienist license may be used by the board for the purpose of
26 screening the applicant. State and federal criminal history record information of a
27 licensed dentist or licensed dental hygienist seeking an initial compact privilege may
28 be used by the board for the purpose of taking disciplinary action against the licensee.
29 A board action against an applicant for licensure or a licensee under this subsection is
30 subject to the provisions of Title 5, chapter 341.

31 F. Information obtained pursuant to this subsection is confidential. The results of
32 background checks received by the board are for official use only and may not be
33 disseminated to the dentist and dental hygienist compact commission established under
34 section 18438 or to any other person.

35 G. An individual whose license has expired and who has not applied for renewal may
36 request in writing that the Department of Public Safety, Bureau of State Police, State
37 Bureau of Identification remove the individual's fingerprints from the bureau's
38 fingerprint file. In response to a written request, the bureau shall remove the
39 individual's fingerprints from the fingerprint file and provide written confirmation of
40 that removal.

41 **2. Rules.** The board, following consultation with the Department of Public Safety,
42 Bureau of State Police, State Bureau of Identification, may adopt rules to implement this
43 section. Rules adopted pursuant to this subsection are routine technical rules as defined in
44 Title 5, chapter 375, subchapter 2-A.

1 **SUMMARY**

2 This bill requires the Department of Professional and Financial Regulation, Office of
3 Professional and Occupational Regulation, Board of Counseling Professionals Licensure,
4 Board of Dental Practice, Board of Speech, Audiology and Hearing and Board of
5 Occupational Therapy Practice to obtain national and state fingerprint-based criminal
6 history record information for certain applicants for initial licensure and licensure by
7 endorsement by each board as well as for those licensees seeking a compact privilege who
8 have designated this State as the applicant's home state.