

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## **An Act To Require Criminal History Record Information for Licensure of Nurses**

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

**Sec. 1. 32 MRSA §2111** is enacted to read:

### **§ 2111. Criminal history record information**

**1. Criminal history record information.** The board may obtain criminal history record information about an applicant for licensure or renewal of licensure under this chapter or a licensee under this chapter subject to an investigation by the board in connection to a complaint or formal charge against the licensee from the Department of Professional and Financial Regulation, the Department of Public Safety, the Federal Bureau of Investigation or any other official repository of criminal history record information. An applicant for licensure or renewal of licensure under this chapter or a licensee under this chapter subject to an investigation by the board in connection to a complaint or formal charge against the licensee must provide all criminal history record information upon request from the board.

**2. Fingerprints.** An applicant for licensure or renewal of licensure under this chapter or a licensee under this chapter subject to an investigation by the board in connection to a complaint or formal charge against the licensee must submit to the board a complete and legible set of fingerprints, on a form prescribed by the board, for the purpose of obtaining criminal history record information under subsection 1. The board may require an applicant for licensure under this chapter or a licensee under this chapter to provide a complete and legible set of fingerprints upon enrollment in an educational program that prepares the applicant or licensee for licensure under this chapter. The board may require the payment of a fee by an applicant or licensee who is subject to this subsection.

**3. Confidentiality.** Criminal history record information received by the board under subsection 1 is confidential and privileged and may be used by the board only in carrying out its duties under section 2153-A. The board may not disclose this information to any person except as required by court order or upon request to a nursing board that is a member of the Nurse Licensure Compact or successor compact.

**4. Hearing.** A board action against a licensee or an applicant for licensure or renewal of licensure under this chapter based upon the criminal history record information under subsection 1 is subject to the provisions of Title 5, section 5302.

**5. Rules.** The board may adopt rules to carry out the purposes of this section. Rules adopted pursuant to this subsection are routine technical rules under Title 5, chapter 375, subchapter 2-A.

## **SUMMARY**

This bill allows the State Board of Nursing to obtain criminal history record information with respect to applicants for licensure or renewal of licensure or licensees who are under investigation by the board. The bill also requires fingerprinting of applicants for licensure or renewal of licensure and licensees under investigation by the board and allows the board to require fingerprinting of licensees and applicants who take educational preparation courses for licensure. The criminal history record information under this bill is required to be kept confidential except under certain circumstances, and any action taken by the board based upon this information against an applicant or licensee is subject to the procedures under state law for occupational license disqualification based upon criminal record.