

Date:

(Filing No. H-)

HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
132ND LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1238, L.D. 1854, “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”

Amend the bill by striking out the title and substituting the following:

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

Amend the bill by striking out everything after the enacting clause and inserting the following:

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

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

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

DD. Who is an applicant for licensure as a physician assistant with the Board of Osteopathic Licensure, or who is a licensed physician assistant seeking a compact privilege, as required under Title 32, section 2594-G.

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

EE. Who is an applicant for licensure as a physician assistant with the Board of Licensure in Medicine, or who is a licensed physician assistant seeking a compact privilege, as required under Title 32, section 3270-H.

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

2 FF. Who is an applicant for a multistate license with the State Board of Social Worker
3 Licensure, as required under Title 32, section 7052-A.

4 **Sec. 5. 25 MRSA §1542-A, sub-§1, ¶GG** is enacted to read:

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

9 **Sec. 6. 25 MRSA §1542-A, sub-§1, ¶HH** is enacted to read:

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

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

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

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

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

23 **Sec. 9. 25 MRSA §1542-A, sub-§3, ¶CC** is enacted to read:

24 CC. The State Police shall take or cause to be taken the fingerprints of the person
25 named in subsection 1, paragraph DD at the request of that person or the Board of
26 Osteopathic Licensure and upon payment of the fee by that person as required by Title
27 32, section 2594-G.

28 **Sec. 10. 25 MRSA §1542-A, sub-§3, ¶DD** is enacted to read:

29 DD. The State Police shall take or cause to be taken the fingerprints of the person
30 named in subsection 1, paragraph EE at the request of that person or the Board of
31 Licensure in Medicine and upon payment of the fee by that person as required by Title
32 32, section 3270-H.

33 **Sec. 11. 25 MRSA §1542-A, sub-§3, ¶EE** is enacted to read:

34 EE. The State Police shall take or cause to be taken the fingerprints of the person
35 named in subsection 1, paragraph FF at the request of that person or the State Board of
36 Social Worker Licensure and upon payment of the fee by that person as required by
37 Title 32, section 7052-A.

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

39 FF. The State Police shall take or cause to be taken the fingerprints of the person named
40 in subsection 1, paragraph GG at the request of that person or the Board of Counseling

Professionals Licensure and upon payment of the fee by that person as required by Title 32, section 13858-A.

Sec. 13. 25 MRSA §1542-A, sub-§3, ¶GG is enacted to read:

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

Sec. 14. 25 MRSA §1542-A, sub-§3, ¶HH is enacted to read:

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

Sec. 15. 32 MRSA §2279-A is enacted to read:

§2279-A. Criminal history record information; fees

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

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

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

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

D. The subject of a Federal Bureau of Investigation criminal history record check may obtain a copy of the criminal history record check by following the procedures outlined 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 an
4 occupational therapist or occupational therapy assistant license may be used by the
5 board for the purpose of screening the applicant. State and federal criminal history
6 record information of a licensed occupational therapist or licensed occupational
7 therapy assistant seeking an initial compact privilege may be used by the board for the
8 purpose of taking disciplinary action against the licensee. A board action against an
9 applicant for licensure or a licensee under this subsection is subject to the provisions
10 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 Occupational Therapy Compact Commission established under
14 section 2294 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. 16. 32 MRSA §2594-G** is enacted to read:

26 **§2594-G. 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 a physician
29 assistant under this chapter. The board shall request a background check for each licensed
30 physician assistant who applies for an initial compact privilege and designates this State as
31 the applicant's participating state in accordance with chapter 145-A. The background check
32 must include criminal history record information obtained from the Maine Criminal Justice
33 Information System, established in Title 16, section 631, and the Federal Bureau of
34 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 a physician
15 assistant license may be used by the board for the purpose of screening the applicant.
16 State and federal criminal history record information of a licensed physician assistant
17 seeking an initial compact privilege may be used by the board for the purpose of taking
18 disciplinary action against the licensee. A board action against an applicant for
19 licensure or a licensee under this subsection is subject to the provisions of Title 5,
20 chapter 341.

21 F. Information obtained pursuant to this subsection is confidential. The results of
22 background checks received by the board are for official use only and may not be
23 disseminated to the Physician Assistants Licensure Compact Commission established
24 under section 18537 or to any other person.

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

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

35 **Sec. 17. 32 MRSA §3270-H** is enacted to read:

36 **§3270-H. Criminal history record information; fees**

37 **1. Background check.** The board shall request a background check for each person
38 who submits an application for initial licensure or licensure by endorsement as a physician
39 assistant under this chapter. The board shall request a background check for each licensed
40 physician assistant who applies for an initial compact privilege and designates this State as
41 the applicant's participating state in accordance with chapter 145-A. The background check
42 must include criminal history record information obtained from the Maine Criminal Justice
43 Information System, established in Title 16, section 631, and the Federal Bureau of
44 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 physician
25 assistant license may be used by the board for the purpose of screening the applicant.
26 State and federal criminal history record information of a licensed physician assistant
27 seeking an initial compact privilege may be used by the board for the purpose of taking
28 disciplinary action against the licensee. A board action against an applicant for
29 licensure or a licensee under this subsection is subject to the provisions of Title 5,
30 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 Physician Assistants Licensure Compact Commission established
34 under section 18537 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 **Sec. 18. 32 MRSA §7052-A** is enacted to read:

2 **§7052-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 a multistate license under subchapter 5. The background
5 check must include criminal history record information obtained from the Maine Criminal
6 Justice Information System, established in Title 16, section 631, and the Federal Bureau of
7 Investigation.

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

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

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

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

30 E. State and federal criminal history record information of an applicant for a multistate
31 license may be used by the board for the purpose of screening the applicant. A board
32 action against an applicant under this subsection is subject to the provisions of Title 5,
33 chapter 341.

34 F. Information obtained pursuant to this subsection is confidential. The results of
35 background checks received by the board are for official use only and may not be
36 disseminated to the Social Work Licensure Compact commission established under
37 section 7091 or to any other person.

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

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

5 **Sec. 19. 32 MRSA §13858-A** is enacted to read:

6 **§13858-A. Criminal history record information; fees**

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

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

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

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

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

38 E. State and federal criminal history record information of an applicant for a clinical
39 professional counselor license or a marriage and family therapist license may be used
40 by the board for the purpose of screening the applicant. State and federal criminal
41 history record information of a licensed clinical professional counselor or a licensed
42 marriage and family therapist seeking an initial compact privilege may be used by the
43 board for the purpose of taking disciplinary action against the licensee. A board action

1 against an applicant for licensure or a licensee under this subsection is subject to the
2 provisions of Title 5, chapter 341.

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

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

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

17 **Sec. 20. 32 MRSA §17301-A** is enacted to read:

18 **§17301-A. Criminal history record information; fees**

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

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

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

32 C. An applicant or licensee shall submit to having fingerprints taken. The Department
33 of Public Safety, Bureau of State Police, upon payment by the applicant or licensee of
34 a fee established by the board, shall take or cause to be taken the applicant's or licensee's
35 fingerprints and shall forward the fingerprints to the Department of Public Safety,
36 Bureau of State Police, State Bureau of Identification so that the State Bureau of
37 Identification can conduct state and national criminal history record checks. Except for
38 the portion of the payment, if any, that constitutes the processing fee charged by the
39 Federal Bureau of Investigation, all money received by the Bureau of State Police for
40 purposes of this paragraph must be paid to the Treasurer of State. The money must be
41 applied to the expenses of administration incurred by the Department of Public Safety.
42 Any person who fails to transmit criminal fingerprint records to the State Bureau of
43 Identification pursuant to this paragraph is subject to the provisions of Title 25, section
44 1550.

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

6 E. State and federal criminal history record information of an applicant for an
7 audiologist license or a speech-language pathologist license may be used by the board
8 for the purpose of screening the applicant. State and federal criminal history record
9 information of a licensed audiologist or licensed speech-language pathologist seeking
10 an initial compact privilege may be used by the board for the purpose of taking
11 disciplinary action against the licensee. A board action against an applicant for
12 licensure or a licensee under this subsection is subject to the provisions of Title 5,
13 chapter 341.

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

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

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

28 **Sec. 21. 32 MRSA §18341-A** is enacted to read:

29 **§18341-A. Criminal history record information; fees**

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

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

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

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

1 fingerprints and shall forward the fingerprints to the Department of Public Safety,
2 Bureau of State Police, State Bureau of Identification so that the State Bureau of
3 Identification can conduct state and national criminal history record checks. Except for
4 the portion of the payment, if any, that constitutes the processing fee charged by the
5 Federal Bureau of Investigation, all money received by the Bureau of State Police for
6 purposes of this paragraph must be paid to the Treasurer of State. The money must be
7 applied to the expenses of administration incurred by the Department of Public Safety.
8 Any person who fails to transmit criminal fingerprint records to the State Bureau of
9 Identification pursuant to this paragraph is subject to the provisions of Title 25, section
10 1550.

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

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

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

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

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

37 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
38 number to read consecutively.

39 SUMMARY

40 This amendment adds language to the bill that also requires the Board of Licensure in
41 Medicine, the Board of Osteopathic Licensure and the Department of Professional and
42 Financial Regulation, Office of Professional and Occupational Regulation, State Board of
43 Social Worker Licensure to obtain national and state fingerprint-based criminal history
44 record information for applicants for initial licensure and licensure by endorsement and

COMMITTEE AMENDMENT “ ” to H.P. 1238, L.D. 1854

1 applicants seeking a compact privilege or multistate license pursuant to an interstate
2 compact.

3 **FISCAL NOTE REQUIRED**

4 **(See attached)**