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Date: (Filing No. S-)

LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT

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**STATE OF MAINE
SENATE
125TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 111, L.D. 398, Bill, “An Act To Require Criminal History Record Information for Licensure of Nurses”

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

Sec. 1. 25 MRSA §1542-A, sub-§1, ¶H, as amended by PL 2001, c. 52, §5, is further amended to read:

H. Charged with the commission of a juvenile crime; ~~or~~

Sec. 2. 25 MRSA §1542-A, sub-§1, ¶I, as enacted by PL 2001, c. 52, §6, is amended to read:

I. Who is a prospective adoptive parent not the biological parent as required under Title 18-A, section 9-304, subsection (a-1); ~~or~~

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

J. Who is an applicant for licensure with the State Board of Nursing as required under Title 32, section 2111, subsection 1.

Sec. 4. 25 MRSA §1542-A, sub-§3, ¶J is enacted to read:

J. A law enforcement officer shall take or cause to be taken the fingerprints of the person named in subsection 1, paragraph J, at the request of that person and upon payment by the person of the fee established in Title 32, section 2111, subsection 1.

Sec. 5. 32 MRSA §2111 is enacted to read:

§2111. Criminal history record information; fees

1. Criminal history record information; fees. The board may obtain criminal history record information from the Federal Bureau of Investigation for any person applying for licensure under this chapter. The board shall collect a fee to be paid by the applicant of no more than \$60 for each initial criminal history record check required by this section. Except for the portion of the payment, if any, that constitutes the processing

COMMITTEE AMENDMENT

1 fee charged by the Federal Bureau of Investigation, all money received by the board for
2 purposes of this section must be used in accordance with subsection 6.

3 **2. Fingerprints.** An applicant for licensure under this chapter shall submit to having
4 fingerprints taken. A law enforcement officer, upon proof of payment by the applicant of
5 a fee under subsection 1, shall take or cause to be taken the applicant's fingerprints and
6 shall forward the fingerprints to the Department of Public Safety, State Bureau of
7 Identification so that the bureau can conduct state and national criminal history record
8 checks.

9 **3. Confidentiality.** Information obtained pursuant to this section is confidential.
10 The results of criminal history record checks received by the board pursuant to this
11 section are for official use only in order to determine eligibility for licensure under this
12 section and may not be disseminated outside the board.

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

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

19 **6. Criminal history record check fund.** The criminal history record check fund is
20 created as a dedicated fund within the Department of Professional and Financial
21 Regulation, State Board of Nursing, for the deposit of any fees collected pursuant to
22 subsection 2. The purpose of the fund is to reimburse the Department of Public Safety
23 for the cost of conducting the fingerprinting and state and national criminal history record
24 checks pursuant to this section. The fund may not lapse, but must be carried forward to
25 carry out the purposes of this section.

26 **7. Applicant's access to criminal history record check.** The subject of a Federal
27 Bureau of Investigation criminal history record check under this section may obtain a
28 copy of a criminal history record check by following the procedures outlined in 28 Code
29 of Federal Regulations, Sections 16.32 and 16.33.

30 **Sec. 6. Appropriations and allocations.** The following appropriations and
31 allocations are made.

32 **PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF**
33 **Criminal History Record Check Fund - State Board of Nursing N125**

34 Initiative: Allocates funds to reimburse the Department of Public Safety for the cost of
35 conducting fingerprinting and state and national criminal history record checks.

36	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
37	All Other	\$17,250	\$23,000
38			
39	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$17,250</u>	<u>\$23,000</u>
40			

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SUMMARY

This amendment is the majority report of the committee and it replaces the bill. It requires a person applying for licensure with the State Board of Nursing to submit to having fingerprints taken by a law enforcement officer in order for the board to obtain state and national criminal history record information from the Federal Bureau of Investigation. It provides that the criminal history record information is confidential and any action taken by the board based upon this information against an applicant is subject to the procedures under state law for occupational license disqualification based upon criminal record. It establishes a fund to reimburse the Department of Public Safety for the cost of conducting the fingerprinting and state and national criminal history record checks. It also adds an appropriations and allocations section.

FISCAL NOTE REQUIRED

(See attached)