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Governor

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Commissioner, DPFR
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TESTIMONY OF KRISTIN RACINE

OFFICE OF PROFESSIONAL AND OCCUPATIONAL REGULATION

IN SUPPORT OF L.D. 2057

An Act to Require the State Board of Examiners of Psychologists and the Board of Examiners in Physical Therapy to Obtain Fingerprint-based Federal Bureau of Investigation Criminal Background Checks for Applicants for Licensure

Sponsored by Representative Anne Perry

**BEFORE THE JOINT STANDING COMMITTEE ON
HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES**

Public Hearing: January 9, 2024, 1:00 PM

Senator Bailey, Representative Perry, and honorable members of the Committee, my name is Kristin Racine, and I am the Deputy Director of the Office of Professional and Occupational Regulation (OPOR), an agency which supports several licensing boards and programs, including the State Board of Examiners of Psychologists and the Board of Examiners in Physical Therapy. I am here to speak in support of LD 2057 on behalf of OPOR.

OPOR presents this bill for your consideration as a result of Maine joining the interstate compacts for the psychology and physical therapy professions. Maine joined the Psychology Interjurisdictional Compact (PSYPACT®) (32 M.R.S. §§ 3841 et seq.) and the Physical Therapy Licensure Compact (32 M.R.S. §§ 18701 et seq.), requiring the aforementioned boards to use FBI fingerprint-based criminal background checks at the time of initial licensure for those categories of licensure that are eligible to participate in the compact. 32 M.R.S. §§ 3843(5)(D), (6)(D); 32 M.R.S. § 18704(1)(D) and Commission Rule 2.1(C) Criminal Background Check).

The model compact legislation was not sufficient to authorize these boards to use FBI fingerprint-based criminal background checks. The bill being presented to you today requires pre-approval from the U.S. Department of Justice, Criminal Justice Information Law Unit ("CJILU"). In June 2023, OPOR staff worked with our State Bureau of Identification ("SBI") contact and submitted a draft of LD 2057 for federal review and approval. At that time, we were informed that the wait time for feedback was as much as five to six months. However, as of December 29, 2023, the SBI has not heard anything back on any of the submitted bills or actual passed laws from 2023. Our SBI contact

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has reached out specifically concerning this LD and noted that it will be heard very soon by the committee. The SBI would not be able to set up the fingerprinting processes without the complete approval of the CJILU. We will keep the committee updated.

Assuming federal approval is imminent, and, assuming the bill is acceptable to the committee, it may want to consider amending the bill to add a provision to repeal 32 M.R.S. § 3121, as it would be duplicative and the language contained therein was not vetted by the CJILU.

Thank you for your attention. I am happy to answer questions now or at the work session.

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