



STATE OF MAINE
DEPARTMENT OF PROFESSIONAL
& FINANCIAL REGULATION

OFFICE OF PROFESSIONAL AND OCCUPATIONAL REGULATION



Janet T. Mills
Governor

Joan F. Cohen
Commissioner

TESTIMONY OF
PENNY VAILLANCOURT, DEPUTY COMMISSIONER
IN SUPPORT OF 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”

Sponsored by Representative Kristi Mathieson

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

Public Hearing: May 7, 2025, 1:00 PM

Senator Bailey, Representative Mathieson, and honorable members of the Committee, my name is Penny Vaillancourt, and I am the Deputy Commissioner of the Department of Professional and Financial Regulation. I am here on behalf of the Office of Professional and Occupational Regulation (OPOR), an agency which supports several licensing boards and programs, including the Board of Counseling Professionals Licensure, Board of Dental Practice, Board of Speech, Audiology and Hearing, and the Board of Occupational Therapy. I am here to speak in support of LD 1854.

OPOR initiated this bill as a result of Maine joining the following interstate licensing compacts which require FBI fingerprint-based criminal background checks: the Interstate Counseling Compact (32 M.R.S. §§ 18551 et seq.), the Dentist and Dental Hygienist Compact (32 M.R.S. §§ 18431 et seq.), the Audiology and Speech-Language Pathology Interstate Compact (32 M.R.S. §§ 17501 et seq.), and the Occupational Therapy Licensure Compact (32 M.R.S. §§ 2287 et seq.)

We have learned, after speaking to legal counsel for several of the compact commissions, that the FBI has not considered the interstate compact legislation itself sufficient to authorize licensing boards to use FBI fingerprint-based criminal background checks without amendments to their enabling statutes.

The bill being presented to you today will still require OPOR to take additional steps. Once this bill is enacted, OPOR will still need to seek approval from the U.S. Department of Justice, Criminal Justice Information Law Unit (“CJILU”). As with the psychology and physical therapy compacts, OPOR staff will work with our State Bureau of Identification (“SBI”) to submit the enacted law for federal review and approval.

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We are happy to report that in Fall 2024, the CJILU approved the language for both the psychology and physical therapy boards, and we are in the final steps with SBI, including training staff of those boards, to go live with fingerprint-based background checks. We are hopeful that LD 1854 will have the same successful outcome. We note it took about 7 months between enactment to CJILU approval - including bit of back and forth with the CJILU.

One of the hangups was that despite the law being enacted at the end of February 2024, the FBI was concerned that our law was not actually enacted since it was in the Maine Revised Statutes online (newly enacted laws are not included in the Maine Revised Statutes online until after the statutory effective date plus some lag time.) Sometime at the end of 2024 the SBI let us know that we have the approval and can start the process to implement access to the checks. Maine's experience with the approval process is not unusual. We have heard of states having similar and sometimes longer wait times.

We are hopeful that CJILU will be satisfied with the language in LD 1854. In the meantime, introducing this legislation is evidence of Maine's good faith efforts to comply with all aspects of implementing the interstate licensing compacts that the state has joined.

Finally, the Board of Licensure in Medicine and the Board of Osteopathic Licensure would like to propose a friendly amendment to add the Physician Assistant Compact to this bill. We are supportive of adding that amendment. Of note, they also experience challenges in getting approval from the FBI based on the language in their enacted compact so this might be helpful in their efforts to obtain FBI approval. Given the anticipated waiting time for CJILU approval, we are also taking this opportunity to add authority to run these checks in order to implement the Social Work Licensure Compact.

Initially, we had decided to wait for the recently formed SW Compact Commission to start meeting and engage in rulemaking to ensure we had sufficient guidance to draft statutory language. However, upon closer examination of the model language, now codified in 32 M.R.S. §§ 7081 *et seq.*, it is evident that we will be required to at a minimum run these checks for all persons seeking a "multistate license" from the Maine Board of Social Worker Licensure.

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

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

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 clinical professional counselor or a marriage and family therapist with the Board of Counseling Professionals Licensure, or who is a licensed clinical professional counselor or licensed marriage and family therapist seeking a compact privilege, as required under Title 32, section 13858-A.

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

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

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

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

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

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

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

HH. 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. 4-C. 25 MRSA §1542-A, sub-§1, ¶II is enacted to read:

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~~HH. 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.~~

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

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

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

CC. The State Police shall take or cause to be taken the fingerprints of the person named in subsection 1, paragraph DD 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. 7. 25 MRSA §1542-A, sub-§3, ¶DD is enacted to read:

DD. The State Police shall take or cause to be taken the fingerprints of the person named in subsection 1, paragraph EE 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. 8. 25 MRSA §1542-A, sub-§3, ¶EE is enacted to read:

EE. The State Police shall take or cause to be taken the fingerprints of the person named in subsection 1, paragraph FF 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. 8-A. 32 MRSA §1542-A, sub-§3, ¶FF is enacted to read:

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

Sec. 8-B. 32 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 Osteopathic Licensure and upon payment of the fee by that person as required by Title 32, section 2594-G.

Sec. 8-C. 32 MRSA §1542-A, sub-§3, ¶HH 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 II at the request of that person or the Board of Licensure in Medicine and upon payment of the fee by that person as required by Title 32, section 3270-H.

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

§2279-A. Criminal history record information; fees

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L.D.

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

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

F. Information obtained pursuant to this subsection is confidential. The results of background checks received by the board are for official use only and may not be disseminated to the Occupational Therapy Compact Commission established under section 2294 or to any other person.

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

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

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

§13858-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 a clinical professional counselor or a marriage and family therapist under this chapter. The board shall request a background check for each licensed clinical professional counselor or licensed marriage and family therapist 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 criminal history record check may inspect and review the criminal history record information pursuant to Title 16, section 709.

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

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

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

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

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

§17301-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 audiologist or speech-language pathologist under this chapter. The board shall request a background check for each licensed audiologist or licensed speech-language pathologist 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 criminal history record check may inspect and review the criminal history record information pursuant to Title 16, section 709.

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

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

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

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

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

§18341-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 a dentist or a dental hygienist under this chapter. The board shall request a background check for each licensed dentist or licensed dental hygienist 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 criminal history record check may inspect and review the criminal history record information pursuant to Title 16, section 709.

E. State and federal criminal history record information of an applicant for a dentist license or a dental hygienist license may be used by the board for the purpose of screening the applicant. State and federal criminal history record information of a licensed dentist or licensed dental hygienist seeking an initial

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compact privilege may be used by the board for the purpose of taking disciplinary action against the licensee. A board action against an applicant for licensure or a licensee under this subsection is subject to the provisions of Title 5, chapter 341.

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

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

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

Sec. 13. 32 MRSA §7052-A is enacted to read:

§7052-A. Criminal history record information; fees

1. Background check. The board shall request a background check for each person who submits an application for a multistate license under this chapter. 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 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 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 criminal history record check may inspect and review the criminal history record information pursuant to Title 16, section 709.

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

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

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

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

Sec. 14. 32 MRSA §2594-G is enacted to read:

§2594-G. 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 a physician assistant under this chapter. The board shall request a background check for each licensed physician assistant who applies for an initial compact privilege and designates this State as the applicant's participating state from which the licensee is applying. 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,

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Sections 16.32 and 16.33. The subject of a state criminal history record check may inspect and review the criminal history record information pursuant to Title 16, section 709.

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

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

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

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

Sec. 15. 32 MRSA §3270-H is enacted to read:

§3270-H. 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 a physician assistant under this chapter. The board shall request a background check for each licensed physician assistant who applies for an initial compact privilege and designates this State as the applicant's participating state from which the licensee is applying. 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

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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

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

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

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

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

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

SUMMARY

This bill requires the Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, Board of Counseling Professionals Licensure, Board of Dental Practice, Board of Speech, Audiology and Hearing, Board of Occupational Therapy Practice, Board of Social Worker Licensure, Board of Osteopathic Medicine, and the Board of Licensure in Medicine to obtain national and state fingerprint-based criminal history record information for certain applicants for initial licensure and licensure by endorsement by each board, licensees seeking a compact privilege who have designated this State as the applicant's home state, and individuals seeking a multistate license pursuant to an interstate compact.