

# MAINE STATE LEGISLATURE

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# 125th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2011

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Legislative Document

No. 398

S.P. 111

In Senate, February 8, 2011

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

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Reference to the Committee on Labor, Commerce, Research and Economic Development suggested and ordered printed.

*Joseph G. Carleton Jr.*

JOSEPH G. CARLETON, JR.  
Secretary of the Senate

Presented by Senator RECTOR of Knox.  
Cosponsored by Representative PRESCOTT of Topsham and  
Senators: MARTIN of Kennebec, SAVIELLO of Franklin, Representatives: DOW of  
Waldoboro, DRISCOLL of Westbrook, KRUGER of Thomaston, MAKER of Calais, VOLK  
of Scarborough.

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

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

3 **§2111. Criminal history record information**

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

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

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

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

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

35 **SUMMARY**

36 This bill allows the State Board of Nursing to obtain criminal history record  
37 information with respect to applicants for licensure or renewal of licensure or licensees  
38 who are under investigation by the board. The bill also requires fingerprinting of  
39 applicants for licensure or renewal of licensure and licensees under investigation by the

1 board and allows the board to require fingerprinting of licensees and applicants who take  
2 educational preparation courses for licensure. The criminal history record information  
3 under this bill is required to be kept confidential except under certain circumstances, and  
4 any action taken by the board based upon this information against an applicant or licensee  
5 is subject to the procedures under state law for occupational license disqualification based  
6 upon criminal record.