

MAINE STATE LEGISLATURE

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R. of S.

L.D. 1359

Date: 6/6/2017

(Filing No. S-208)

LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT

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**STATE OF MAINE
SENATE
128TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 467, L.D. 1359, Bill, "An Act To Adopt the Interstate Medical Licensure Compact"

Amend the bill by inserting after the enacting clause and before section 1 the following:

Sec. 1. 25 MRSA §1542-A, sub-§1, ¶¶K and L, as enacted by PL 2015, c. 300, Pt. B, §3, are amended to read:

K. Who has applied for employment with the Department of Administrative and Financial Services, Bureau of Revenue Services, Office of Tax Policy and whose fingerprints have been required by the Associate Commissioner for Tax Policy pursuant to Title 36, section 194-B; or

L. Who is assigned to provide services to the Department of Administrative and Financial Services, Bureau of Revenue Services pursuant to a contract or subcontract for services to the bureau and whose fingerprints have been required by the State Tax Assessor pursuant to Title 36, section 194-C;

Sec. 2. 25 MRSA §1542-A, sub-§1, ¶¶M and N are enacted to read:

M. Who is licensed under Title 32, chapter 36 and has applied for an expedited license under Title 32, section 18506; or

N. Who is licensed under Title 32, chapter 48 and has applied for an expedited license under Title 32, section 18506.

Sec. 3. 25 MRSA §1542-A, sub-§3, ¶¶L and M are enacted to read:

L. The State Police shall take or cause to be taken the fingerprints of the person named in subsection 1, paragraph M at the request of that person and upon payment of the expenses by that person as required by Title 32, section 2571-A.

M. The State Police shall take or cause to be taken the fingerprints of the person named in subsection 1, paragraph N at the request of that person and upon payment of the expenses by that person as required by Title 32, section 3275-A.

1 **Sec. 4. 25 MRSA §1542-A, sub-§4**, as amended by PL 2015, c. 300, Pt. B, §5, is
2 further amended to read:

3 **4. Duty to submit to State Bureau of Identification.** It is the duty of the law
4 enforcement agency taking the fingerprints as required by subsection 3, paragraphs A, B
5 and G to transmit immediately to the State Bureau of Identification the criminal
6 fingerprint record. Fingerprints taken pursuant to subsection 1, paragraph C, D, E or F or
7 pursuant to subsection 5 may not be submitted to the State Bureau of Identification unless
8 an express request is made by the commanding officer of the State Bureau of
9 Identification. Fingerprints taken pursuant to subsection 1, paragraph G must be
10 transmitted immediately to the State Bureau of Identification to enable the bureau to
11 conduct state and national criminal history record checks for the Department of
12 Education. The bureau may not use the fingerprints for any purpose other than that
13 provided for under Title 20-A, section 6103. The bureau shall retain the fingerprints,
14 except as provided under Title 20-A, section 6103, subsection 9. Fingerprints taken
15 pursuant to subsection 1, paragraph I and subsection 3, paragraph I must be transmitted
16 immediately to the State Bureau of Identification to enable the bureau to conduct state
17 and national criminal history record checks for the court and the Department of Public
18 Safety, Gambling Control Board, respectively. Fingerprints taken pursuant to subsection
19 1, paragraph J, K or L must be transmitted immediately to the State Bureau of
20 Identification to enable the bureau to conduct state and national criminal history record
21 checks for the Department of Administrative and Financial Services, Bureau of Revenue
22 Services. Fingerprints taken pursuant to subsection 1, paragraph M must be transmitted
23 immediately to the State Bureau of Identification to enable the bureau to conduct state
24 and national criminal history record checks for the Board of Osteopathic Licensure,
25 established in Title 32, chapter 36. Fingerprints taken pursuant to subsection 1, paragraph
26 N must be transmitted immediately to the State Bureau of Identification to enable the
27 bureau to conduct state and national criminal history record checks for the Board of
28 Licensure in Medicine, established in Title 32, chapter 48.

29 **Sec. 5. 32 MRSA §2571-A** is enacted to read:

30 **§2571-A. Background check for expedited licensure through the Interstate Medical**
31 **Licensure Compact**

32 **1. Background check.** The board shall request a background check for an individual
33 licensed under this chapter who applies for an expedited license under section 18506.
34 The background check must include criminal history record information obtained from
35 the Maine Criminal Justice Information System and the Federal Bureau of Investigation.

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

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

42 C. An applicant shall submit to having fingerprints taken. The State Police, upon
43 payment by the applicant, shall take or cause to be taken the applicant's fingerprints
44 and shall forward the fingerprints to the State Bureau of Identification so that the

1 bureau can conduct state and national criminal history record checks. Except for the
 2 portion of the payment, if any, that constitutes the processing fee charged by the
 3 Federal Bureau of Investigation, all money received by the State Police for purposes
 4 of this paragraph must be paid over to the Treasurer of State. The money must be
 5 applied to the expenses of administration incurred by the Department of Public
 6 Safety.

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

12 E. State and federal criminal history record information of an applicant may be used
 13 by the board for the purpose of screening that applicant.

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 Interstate Medical Licensure Compact Commission, established
 17 in section 18512, or to any other person or entity.

18 G. An individual whose expedited licensure through the Interstate Medical Licensure
 19 Compact under chapter 145 has expired and who has not applied for renewal may
 20 request in writing that the State Bureau of Identification remove the individual's
 21 fingerprints from the bureau's fingerprint file. In response to a written request, the
 22 bureau shall remove the individual's fingerprints from the fingerprint file and provide
 23 written confirmation of that removal.

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

27 Sec. 6. 32 MRSA §3275-A is enacted to read:

28 §3275-A. **Background check for expedited licensure through the Interstate Medical**
 29 **Licensure Compact**

30 1. **Background check.** The board shall request a background check for an individual
 31 licensed under this chapter who applies for an expedited license under section 18506.
 32 The background check must include criminal history record information obtained from
 33 the Maine Criminal Justice Information System and the Federal Bureau of Investigation.

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

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

40 C. An applicant shall submit to having fingerprints taken. The State Police, upon
 41 payment by the applicant, shall take or cause to be taken the applicant's fingerprints
 42 and shall forward the fingerprints to the State Bureau of Identification so that the

1 bureau can conduct state and national criminal history record checks. Except for the
2 portion of the payment, if any, that constitutes the processing fee charged by the
3 Federal Bureau of Investigation, all money received by the State Police for purposes
4 of this paragraph must be paid over to the Treasurer of State. The money must be
5 applied to the expenses of administration incurred by the Department of Public
6 Safety.

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

12 E. State and federal criminal history record information of an applicant may be used
13 by the board for the purpose of screening that applicant.

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 Interstate Medical Licensure Compact Commission, established
17 in section 18512, or to any other person or entity.

18 G. An individual whose expedited licensure through the Interstate Medical Licensure
19 Compact under chapter 145 has expired and who has not applied for renewal may
20 request in writing that the State Bureau of Identification remove the individual's
21 fingerprints from the bureau's fingerprint file. In response to a written request, the
22 bureau shall remove the individual's fingerprints from the fingerprint file and provide
23 written confirmation of that removal.

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

27 Amend the bill in section 1 in §18506 in subsection 2 in paragraph B by striking out
28 all of subparagraph (1) (page 4, lines 28 and 29 in L.D.).

29 Amend the bill in section 1 in §18506 in subsection 2 by adding at the end a new
30 blocked paragraph to read:

31 'An appeal on the determination of eligibility must be made to the member state where
32 the application was filed and is subject to the law of that state.'

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

35 **SUMMARY**

36 This amendment, which is the unanimous report of the committee, grants the Board
37 of Osteopathic Licensure and the Board of Licensure in Medicine the authority to request
38 state and national criminal history information, including fingerprint-based criminal
39 history information, for physicians who request expedited licensure under the Interstate
40 Medical Licensure Compact. The State may not participate in the Interstate Medical
41 Licensure Compact unless the boards have the authority to obtain and review this

COMMITTEE AMENDMENT

1 information. The results of background checks received by the Board of Osteopathic
2 Licensure or the Board of Licensure in Medicine are for official use only and may not be
3 disseminated outside the boards. An applicant whose license has expired and who has
4 not applied for renewal may request in writing that the State Bureau of Identification
5 remove the applicant's fingerprints from the bureau's fingerprint file.

6 The amendment also makes a technical change to the bill regarding the process for an
7 appeal on the determination of eligibility.

8 **FISCAL NOTE REQUIRED**

9 (See attached)



Approved: 05/17/17 *mac*

128th MAINE LEGISLATURE

LD 1359

LR 532(02)

An Act To Adopt the Interstate Medical Licensure Compact

Fiscal Note for Bill as Amended by Committee Amendment "A" (S-208)
Committee: Labor, Commerce, Research and Economic Development
Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund
Minor cost increase - Highway Fund
Minor cost increase - Other Special Revenue Funds
Minor revenue increase - Other Special Revenue Funds

Fiscal Detail and Notes

Additional costs to the Board of Licensure in Medicine and the Board of Osteopathic Licensure, affiliated with the Department of Professional and Financial Regulation, to participate in the Interstate Medical Licensure Compact can be absorbed within each board's existing budgeted resources. This legislation may result in increased dedicated revenue to each board from licensing and renewal fees. The amount of revenue to be received will depend on the fees established by the interstate commission and the number of physicians that apply for an expedited license each fiscal year.

Additional costs to the Department of Public Safety associated with taking fingerprints and performing background checks can be absorbed within existing budgeted resources. Other Special Revenue Funds revenue will increase as the result of increased payments for background checks. No change in the budget is required.