

[(i)](K) The Board shall pay any penalty collected under this subsection to the General Fund of the State.

[(j)](L) (1) (i) Beginning January 2008, the Board shall begin a process requiring criminal history records checks **IN ACCORDANCE WITH § 8-303 OF THIS TITLE** on [selected]:

1. **SELECTED** applicants for certification as a certified nursing assistant who renew their certificates every 2 years as determined by regulations adopted by the Board [in accordance with § 8-303 of this title]; **AND**

2. **EACH FORMER CERTIFIED NURSING ASSISTANT WHO FILES FOR REINSTATEMENT UNDER SUBSECTION (H) OF THIS SECTION AFTER FAILING TO RENEW THE LICENSE FOR A PERIOD OF 1 YEAR OR MORE.**

(ii) An additional criminal history records check shall be performed every 10 years thereafter.

(2) On receipt of the criminal history record information of a certificate holder forwarded to the Board in accordance with § 8-303 of this title, in determining whether to renew the certificate, the Board shall consider:

- (i) The age at which the crime was committed;
- (ii) The circumstances surrounding the crime;
- (iii) The length of time that has passed since the crime;
- (iv) Subsequent work history;
- (v) Employment and character references; and

(vi) Other evidence that demonstrates that the certificate holder does not pose a threat to the public health or safety.

(3) The Board may not renew a certificate if the criminal history record information required under § 8-303 of this title has not been received.

8-6A-10.

(e) If a certificate issued under this subtitle is suspended or revoked for a period of more than 1 year, the Board may reinstate the certificate after 1 year if the certificate holder [meets]: