

(l) (1) (i) Beginning [January 2008] **JULY 2009**, the Board shall begin a process requiring criminal history records checks in accordance with § 8-303 of this title on:

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; 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] **WHETHER** the certificate holder [does not pose] **POSES** 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-11.

Any person aggrieved by a final decision of the Board under [§ 8-6A-12] § 8-6A-10 of this subtitle may only take a direct judicial appeal as allowed by the Administrative Procedure Act.

**SECTION 2. AND BE IT FURTHER ENACTED**, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three-fifths of all the members