

**DISTRICT OF
COLUMBIA
MUNICIPAL
REGULATIONS
for
CRIMINAL
BACKGROUND
CHECK**

CHAPTER 85**LICENSED, REGISTERED, OR CERTIFIED HEALTH PROFESSIONAL
CRIMINAL BACKGROUND CHECK**

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8500. GENERAL PROVISIONS

- 8500.1 These rules are promulgated pursuant to the "Licensed Health Professional Criminal Background Check Amendment Act of 2006", effective March 6, 2007, (D.C. Law 16-222), D.C. Official Code § 3-1205.22 et seq., (hereinafter "the Act").
- 8500.2 Chapters 40 (Health Occupations: General Rules) and 41 (Health Occupations: Administrative Procedures) shall supplement this chapter.

8501. BACKGROUND CHECK REQUIREMENT

- 8501.1 Each applicant for an initial license, registration, or certification; renewal of a license, registration, or certification; reinstatement of a license registration or certification; or person going from an inactive status to active status shall obtain a criminal background check. An initial applicant for licensure, registration, or certification who does not undergo a criminal background check shall not be issued a license, registration or certification until the background check has been completed.
- 8501.2 Criminal background checks shall be conducted in accordance with Metropolitan Police Department (MPD) and Federal Bureau of Investigations (FBI) policies and procedures and in a FBI-approved environment, by means of fingerprint and National Criminal Information Center checks and procedures.
- 8501.3 The FBI criminal background check shall disclose the criminal history of the prospective applicant for the previous seven (7) years, in all jurisdictions within which the prospective applicant has worked or resided

within the seven (7) years prior to the check. The MPD shall conduct a criminal background check that shall disclose misdemeanor violations, if any, of District law.

8501.4 Repealed

8501.5 A licensee, registrant, or certification holder shall be required to undergo a subsequent criminal background check every four (4) years from the date of the licensee's registrant's or certification holder's previous background check.

8502 FEES

8502.1 An applicant for a license, registration, or certification shall pay the processing fee that is established by the Health Professional Licensing Administration through rulemaking.

8503 RECORDKEEPING

8503.1 The Health Professional Administration shall maintain, in the personnel record of each applicant covered by these rules, the following:

- (a) The date of licensure, registration, or certification;
- (b) The date on which a criminal background check was requested;
- (c) The date on which the results of the criminal background check were received;
- (d) Official documentation of the criminal background check results;
- (e) Any sworn statements submitted by the applicant; and
- (f) Documentation of any actions taken against the applicant as a result of information obtained from the criminal background check.

8503.2 The Health Professional Licensing Administration shall not disclose criminal background check records obtained for the purpose of licensure, registration, or certification except:

- (a) To the Director or his or her designee during an official inspection or investigation of a facility;
- (b) To the person who is the subject of the criminal background check;
- (c) To comply with a court order; or

- (d) To any person, with the written consent and authorization of the person who is the subject of the criminal background check.

8504 OUT OF STATE APPLICANTS

8504.1 An applicant for a license, registration, or certification who is not domiciled in the metropolitan Washington, D.C. area shall do the following:

- (a) Request a fingerprint package from the Health Professional Licensing Administration;
- (b) Take the fingerprint card to the local or state police agency and be fingerprinted; and
- (c) Mail the completed fingerprint card in the supplied envelope to the Health Professional Licensing Administration.

8505 ILLEGIBLE FINGERPRINT CARDS

8505.1 If an applicant's fingerprint card is rejected two (2) or more times by the Metropolitan Police Department because the prints are unreadable, an applicant shall come to the District of Columbia to have the Metropolitan Police Department conduct a fingerprint scan. The applicant shall be responsible for paying all costs associated with the scan.

8506 BOARD REVIEW

8506.1 Results of a criminal background check shall be forwarded to the Board regulating the health profession in which the applicant desires to be licensed, registered, or certified. The Board shall utilize the information contained in the criminal background check, along with other information supplied in the application, to make a determination as to whether the applicant shall be licensed, registered, or certified.

8599. DEFINITIONS

8599.1 For the purposes of this Chapter, the following terms shall have the meanings ascribed:

Act- Licensed Health Professional Criminal Background Check Amendment Act of 2006

Applicant – A person applying for a license, registration, or certification to practice a health profession in the District of Columbia.

Criminal background check -- an investigation into a person's history to determine whether, within the seven (7) years preceding the background check, the person has been convicted of a crime in the District of Columbia or in any other state or territory of the United States where such person has worked or resided.

Director - the Director of the Department of Health or his or her designee.

Health professional - a person who holds a license, certificate, or registration issued under the authority of this subtitle or the Act.