

**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 If an applicant for a license, registration, or certification is not or has not been licensed, registered, or certified in another state, the applicant shall be required to undergo a fingerprint scan criminal background check (CBC). The license, registration, or certification shall not be issued until the board with the authority to regulate the health professional, pursuant to D.C. Official Code § 3-1201.01 *et seq.*, has completed a review of the applicant's CBC in accordance with the provisions of this chapter.
- 8501.2 If an applicant for initial licensure, registration, or certification, by endorsement, has not had a state and FBI CBC conducted in the jurisdiction from which he or she is endorsing, within the last two (2) years, the applicant shall be required to undergo a fingerprint scan CBC.
- 8501.3 If an applicant for licensure, registration, or certification, by endorsement, has had a state and FBI CBC in the jurisdiction from which he or she is endorsing within the last two (2) years, then the applicant shall be required to undergo a CBC based on the applicant's name, gender, Social Security number, date of birth, and mailing address.

- 8501.4 A person renewing his or her license, registration, or certification shall be required to undergo a fingerprint scan CBC or a CBC based on a name search, which shall include the applicant's gender, Social Security number, date of birth, and mailing address. The CBC shall occur at a two (2) year interval coinciding with the renewal date of the respective profession.
- 8501.5 A person applying for reinstatement, reactivation, or for a higher level license, registration, or certification in a specific profession shall be required to undergo a CBC if the applicant has not had a CBC done within the two (2) years prior to the date of his or her application.
- 8501.6 The CBC shall disclose the criminal history of the prospective applicant in the District of Columbia or in any other state or territory of the United States.
- 8501.7 An applicant for an initial license, registration, or certification shall present a current driver's license or government-issued identification, containing a facial photograph, to verify his or her identity in order to obtain a fingerprint scan CBC.

**8502 FEES**

- 8502.1 An applicant for a license, registration, or certification shall pay the CBC processing fee.

**8503 RECORDKEEPING**

- 8503.1 The Health Regulation & Licensing Administration shall maintain a record of the most recent date on which a CBC was performed.
- 8503.2 The Health Regulation & Licensing Administration shall not disclose CBC records obtained for the purpose of licensure, registration, or certification except:
- (a) To the Director during an official inspection or investigation of a facility;
  - (b) To the person who is the subject of the CBC;
  - (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 CBC.

**8504 REPEALED****8505 ILLEGIBLE FINGERPRINT CARDS**

8505.1 If an applicant's fingerprint scan is rejected two (2) or more times because the scans are unreadable, a CBC shall be conducted based on the applicant's name, gender, Social Security number, date of birth, and mailing address.

**8506 BOARD REVIEW**

8506.1 If the CBC reveals that the applicant has been convicted in any jurisdiction of any crime involving moral turpitude, pursuant to D.C. Official Code § 3-205.14(a)(4), before making a determination as to whether the applicant shall be licensed, registered, or certified, the board shall afford the applicant the opportunity to appear before the board and present evidence to assist the board prior to making a final decision as to the disposition of the application.

**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 by the appropriate state and federal authorities or approved vendor to determine whether the person has been convicted of a crime in the District of Columbia or in any other state or territory of the United States.

**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.