

**MAINE BOARD OF LICENSURE IN MEDICINE  
CBC POLICY MANUAL  
SECTION I**

Policy Number: 1-2018

Department/Service Area: Board of Licensure in Medicine (BOLIM)

Category: Staff Policies

Subject: Criminal Background Check (CBC) Mandatory Training

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**POLICY:** *All staff who access and view criminal background check (CBC) information must complete applicable security and records training and execute a written statement acknowledging the possible penalties for misuse of CBC information.*

1. All BOLIM staff who access, view or handle criminal background check information (CBC) must complete mandatory basic security awareness training. Training is available online through at <https://www.cjisonline.com/index.cgi>
2. Mandatory training for agency staff who access, view or handle CBC information shall also include:
  - a. Completion of the online CJIS Security Awareness Training, which can be accessed at <https://www.cjisonline.com/index.cgi>;
  - b. Completion of the internal agency training, which includes but is not limited to access, use, handling, dissemination, destruction procedure of CBC information and state, federal and agency consequences for misuse of criminal history; and
  - c. Agency staff shall sign an Acknowledgement Statement regarding the possible penalties for misuse of CBC information.

**PROCEDURE:**

1. The authorized CBC staff member will provide any employee who will access, view or otherwise handle CBC information with the web link or hard copy of the CJIS Security Awareness Training for review. Agency staff will successfully complete the Criminal Justice Interface/Security Awareness Training prior to accessing, viewing or handling CBC information.
2. The authorized CBC staff will review the agency's internal privacy and security process policy. Agency staff will complete initial training as described per the

agency's internal privacy and security process policy prior to accessing, viewing or handling CBC information.

3. The authorized CBI staff will execute an Acknowledgement Statement prior to accessing, viewing or handling CBI information.

**MAINE BOARD OF LICENSURE IN MEDICINE  
CBC POLICY MANUAL  
SECTION I**

Policy Number: 2-2018

Department/Service Area: Board of Licensure in Medicine (BOLIM)

Category: Staff Policies

Subject: Fingerprint Chain of Custody and Processing for Criminal Background Checks

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***Purpose:** The Maine State Board of Licensure in Medicine (BOLIM) is authorized to require an applicant for a Letter of Qualification for the Interstate Medical Licensure Compact (IMLC) to be fingerprinted and submit to a state and national criminal background check (CBC). Title 32 M.R.S. § 18506(2)(B).*

1. All applicants for a Letter of Qualification for the IMLC will be instructed to submit fingerprints or other biometric-based information for the purpose of obtaining criminal history record information (CBC) from the Federal Bureau of Investigation (FBI) and the Maine State Bureau of Identification (SBI). 32 M.R.S. § 18506(2)(B).
2. Procedure for Collection of Fingerprints:
  - A. A criminal background check (CBC) must be completed through the Maine SBI and the FBI based on a set of fingerprints provided to Identogo. The Board cannot accept fingerprint cards or criminal background check results mailed by applicants, or results that were completed for another facility, even if the previous check was completed through the DPS and the FBI. Obtaining the fingerprints and the cost of submitting the same are the responsibility of the Applicant.
  - B. Fingerprinting fees are the responsibility of the Applicant and should be paid directly to Identogo.
  - C. The sole exception to the fingerprint requirement are federal employees who have been determined suitable in accordance with 5 Code of Federal Regulations, Section 731.202.
3. No Letters of Qualification will be issued until CBCs have been processed and results received by the Board.
4. Applicants with rejected fingerprint cards will be notified by MorphoTrust USA.
  - A. The Maine SBI and FBI will look at fingerprints and determine if the quality of prints is acceptable.

- B. Applicants who have rejected fingerprint cards will be allowed to reprint at an Identogo livescan location if in-state and at a location of the applicant's choice if out-of-state. Once an in-state applicant has submitted fingerprints for a second time and they are rejected, he/she will be instructed to go directly to the Maine SBI to be reprinted.
5. All background reports are received by Maine SBI from the FBI, and subsequently sent to a secure website for retrieval and viewing by authorized staff members at the Maine BOLIM.
6. BOLIM Processing of CBCs:
- A. BOLIM staff authorized to retrieve and view CBC information will open and review the CBC report on the secure website.
  - B. CBC reports will not be printed, downloaded, saved, or copied for any reason.
  - C. CBC reports that contain no criminal record history for the fingerprinted applicant will be noted in the BOLIM's agency licensing Management System (ALMS) as "passed."
  - D. CBC reports that contain criminal record history information for the fingerprinted applicant will be noted in the BOLIM ALMS as "failed." The Letter of Qualification will be submitted as "ineligible." If the applicant requests the BOLIM basis for the "ineligible" determination, the applicant will be informed that the BOLIM received a positive CBC report. If the applicant requests to view the CBC report, BOLIM staff will refer the applicant to Maine SBI.

**MAINE STATE BOARD OF LICENSURE IN MEDICINE  
CBC POLICY MANUAL  
SECTION I**

Policy Number: 3-2018

Unit/Service Area: Board of Licensure in Medicine (BOLIM)

Category: Licensure

Subject: Criminal Background Checks (CBC) – Confidentiality/Security of CBC Records and Information

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*POLICY: All BOLIM staff who are authorized to access, view and handle CBC information will maintain strict confidentiality, security, and control of all such information. This shall be consistent and in full compliance with all applicable laws, rules, and regulations.*

**PROCEDURE:**

1. Only BOLIM staff authorized by the Executive Director of the BOLIM may access, view, or handle CBC information. Authorized BOLIM staff must assure confidentiality of the CBC information by:

- A. Executing a confidentiality agreement (see Attachment 1) indicating that they understand the nature of, and will adhere to, strict standards of confidentiality;
- B. Understanding to whom and when they may release CBC information;
- C. Limiting access to the computer used to access the secure website that contains CBC information by physically securing it from unauthorized access and viewing by unauthorized personnel, and including a password in order to logon to the computer;
- D. Accessing and viewing CBC information only on the secured computer designated specifically for that purpose;
- E. Not downloading, printing, saving or copying any CBC information; and
- F. Using the computer checklist system in the BOLIM agency licensing management system (ALMS) to document CBC information status (i.e. “failed”/“passed”) in each applicant’s file.

2. Queries Regarding CBCs.

- A. Inquiries regarding pending CBC information will be referred to BOLIM staff authorized to access, view and handle CBC information.

3. Confidentiality and Disclosure of Positive (Conviction Record) CBC Records.

- A. Positive CBC results may be disclosed only to facilitate investigation of the criminal history of the applicant and completion of the licensing process by:
  - a. Including the relevant section of the CBC report in a letter addressed to the applicant requesting additional information;
  - b. Permitting an investigator to enter court websites for further information; or
  - c. Allowing the BOLIM to review the CBC results in conjunction with additional information supplied by the applicant.
- B. If an applicant requests to view or copy the CBC, BOLIM staff authorized to access, view and handle CBC information will advise the applicant to contact the Maine State Bureau of Identification (SBI).

**MAINE BOARD OF LICENSURE IN MEDICINE  
CRIMINAL BACKGROUND CHECK INFORMATION CONFIDENTIALITY  
AGREEMENT AND ACKNOWLEDGEMENT OF POSSIBLE PENALTIES**

I acknowledge and understand that:

1. Criminal history record information, including criminal background check (CBC) information, is by its very nature sensitive information that has the potential to cause harm if misused.
2. CBC information provided by the Maine State Bureau of Identification (SBI) and the Federal Bureau of Investigation (FBI) to the Maine Board of Licensure in Medicine (BOLIM) pursuant to state (See Title 32 M.R.S. § 18506(2)(B)) and federal law/regulations is solely for the limited purpose of processing applications for Letters of Qualification for expedited licensure under the Interstate Medical Licensure Compact is highly confidential.
3. The CBC information may not be further disseminated by any medium, oral or written, to any person or entity unless otherwise authorized by law.
4. Any person who knowingly or recklessly accesses or permits unauthorized access to, releases, or procures the release of CBC information, other than as provided law or for purposes other than as described in this document, or who uses such information for a purpose other than as authorized by law or for purposes other than as described in this document may be subject to administrative and criminal penalties.
5. Sanctions for violation of this confidentiality agreement and acknowledgement of possible penalties may be cause for discipline, up to and including, termination of employment and prosecution for state and federal crimes.

I will, therefore, treat the CBC information provided by the SBI and the FBI to the BOLIM with the utmost confidentiality.

\_\_\_\_\_  
Sign name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print name

**MAINE BOARD OF LICENSURE IN MEDICINE  
CBI POLICY MANUAL  
SECTION I**

Policy Number: 4-2018

Department/Service Area: Board of Licensure in Medicine (BOLIM)

Category: Licensure

Subject: Criminal Background Check (CBC) Information: Security, Retention and Disposal

Reference: Federal Bureau of Investigation CJIS Security Policy

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**POLICY:**

1. The BOLIM staff authorized to access, view and handle Criminal Background Check (CBC) Information will ensure that the CBC information is physically protected through implementation of the following specific security measures:
  - a. Limiting public access to the BOLIM staff area through the use of a secured door;
  - b. Accompanying visitors while they are in the BOLIM staff area;
  - c. Establishing a secure and private work area for a computer dedicated solely for the purpose of authorized BOLIM staff to access and view CBC information;
  - d. Positioning the computer monitor to prevent unauthorized visual access or viewing of CBC information by unauthorized individuals;
  - e. Not downloading, copying, printing or saving CBC information;
  - f. Maintaining a current list of BOLIM staff authorized to access and view CBC information;
  - g. Ensuring that BOLIM staff authorized to access and view CBC information have completed the requisite security training; and
  - h. Ensuring that any BOLIM staff with access to CBC information who resign or are terminated from employment are removed from the authorized list and do not have access to the CBC information.
2. Security incidents regarding CBC information must be reported to the Board's Assistant Executive Director who functions as the agency Local Agency Security Officer (LASO). The LASO will notify the Department of State Police, State Bureau of Investigations at (207) 624-7240, to report any significant security incidents.





**MAINE BOARD OF LICENSURE IN MEDICINE  
CBC POLICY MANUAL  
SECTION I**

Policy Number: 5-2018

Unit/Service Area: Board of Licensure in Medicine (BOLIM)

Category: Licensure

Subject: Criminal Background Check (CBC): Fingerprint Request Process

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*POLICY: Effective November 2017, applicants to the BOLIM for a Letter of Qualification through the Interstate Medical Licensure Compact are required to have a fingerprint-based criminal background check (CBC) under Title 32, Chapter 145, Section 18506(2)(B).*

**PROCEDURE:** A CBC is performed using the applicant's fingerprints. Fingerprint-based CBCs are processed through both the Federal Bureau of Investigation (FBI) and Maine State Bureau of Identification (SBI) criminal databases, which results in a complete criminal profile of the applicant.

A. Applicant's Responsibility. Applicants for a Letter of Qualification must:

1. Use the fingerprint process established by the Board by registering at <https://me.ibtfingerprint.com/>. Fingerprinting may be completed in any state in the United States.
2. Pay the fee for fingerprinting directly to IdentoGo.
3. Retain the Order or Receipt number for use as evidence that the CBC process was initiated.
4. An applicant must repeat the CBC process:
  - a. The CBC was completed more than 90 days prior to application; or
  - b. The CBC remained incomplete for more than 6 months.

B. Board's Responsibility.

1. The Maine State Police will forward the state and national CBC results to the Board.
2. Board staff authorized to access and review the CBC results shall determine if the results qualify/disqualify the applicant from receiving a Letter of Qualification.

**MAINE BOARD OF LICENSURE IN MEDICINE  
CBC POLICY MANUAL  
SECTION I**

Policy Number: 6-2018

Unit/Service Area: Board of Licensure in Medicine (BOLIM)

Category: Licensure

Subject: Criminal Background Check (CBC): Action Following Review of Results

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**POLICY:** *Each applicant for a Letter of Qualification for an expedited license through the Interstate Medical Licensure Compact is responsible for ensuring that he/she submits to the BOLIM-approved process of a fingerprint-based criminal back check (CBC).*

**OPERATIONAL PROCEDURE:**

1. An applicant for a Letter of Qualification submits to a finger-print based CBC approved by the BOLIM.
2. The BOLIM staff authorized to access, view and handle CBC information receives the full CBC information regarding an applicant who provided fingerprints pursuant to a process authorized by the BOLIM.
3. A CBC report that indicates an arrest, a conviction, guilty plea, or similar type disposition (Nolo Contendere, Alford Plea, etc.) shall be considered a “positive” CBC.
4. A CBC report that does not indicate any information shall be considered a “negative” CBC.
5. The BOLIM staff authorized to access and view CBC information compares/matches the applicant’s biographical information listed on their license application filed with the BOLIM with the biographical information contained in the applicant’s CBC information.
6. The BOLIM staff authorized to access and view the CBC information, then searches for the applicant in the BOLIM agency licensing management systems (ALMS), and takes the following action:
  - a. If the applicant is in the ALMS, then:
    - (1) Matches and/or verifies the applicant’s biographical information from his/her application with the CBC information.
    - (2) Reviews the CBC information to determine if the applicant “has never been convicted or received adjudication, deferred adjudication, community supervision or deferred disposition for any offense by a court of appropriate jurisdiction” (See Title 32 M.R.S. § 18503(11)(F).), and takes one of the following actions:

- (a) If the CBC information obtained regarding the applicant indicates a negative report (No Record), then check the CBC process box complete in ALMS, and enter the following remark: “No Hit” which indicates that the applicant “has NEVER been convicted or received adjudication, deferred adjudication, community supervision or deferred disposition for any offense by a court of appropriate jurisdiction.”
  - (b) If the CBC information indicates that the applicant HAS “been convicted or received adjudication, deferred adjudication, community supervision or deferred disposition for any offense by a court of appropriate jurisdiction,” then check the CBC process box complete in ALMS, and enter the following remark, “Hit.”
- 7. For applicants for a Letter of Qualification who “Failed” the CBC, BOLIM staff authorized to access and view the CBC information will send notification to the Interstate Medical Licensure Compact that the applicant is ineligible for a Letter of Qualification.

**MAINE BOARD OF LICENSURE IN MEDICINE  
POLICY MANUAL  
SECTION I**

Policy Number: 7-2018

Department/Service Area: Board of Licensure in Medicine (BOLIM)

Category: Licensure

Subject: Criminal Background Check (CBC): Applicant Notification and Challenge

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**POLICY:** Applicants who elect to challenge the accuracy of the CBC information may do so by contacting the appropriate agency – either the Maine State Bureau of Identification (SBI) or the Federal Bureau of Investigation (FBI) pursuant to the procedure below.

**PROCEDURE:**

1. An individual has the right to access or review his or her State of Maine and federal record response, as provided in Maine law at Title 16, Section 709(1) of the Maine Revised Statutes, and in federal law in the Code of Federal Regulations, Title 28, Sections 16.32 and 16.33. These laws are available on the Internet or by calling the Maine State Bureau of Identification or the Maine State Law and Legislative Reference Library.
2. Only the Applicant may request to view their Criminal History Record Information (CHRI). The fingerprint record is available only to the applicant for review. It may contain information maintained by the FBI Criminal Justice Information Services (CJIS) Division and may lack dispositional data and/or arrest records that are maintained only at the state level.

An applicant may challenge, change or complete the accuracy of, or obtain a copy of his/her Maine State criminal history record information, by writing to:

Maine State Bureau of Investigations (SBI)  
State Bureau of Identification  
State House Station #42  
45 Commerce Drive, Suite 1  
Augusta, ME 04333-0042  
Phone: (207) 624-7240

An applicant may challenge, change or complete the accuracy of, or obtain a copy of his/her federal criminal history report, contact the FBI at the following Internet website: <https://forms.fbi.gov/identify-history-summary-checks-review> or write to:

FBI Criminal Justice Information Services Division

Attn: SCU, Module D-2 1000 Custer Hollow Road  
Clarksburg, West Virginia 26306

Procedures for obtaining a change, correction, or updating of an FBI identification record are set forth in Title 28 CFR 16.34.

4. If, after reviewing the identification record, the applicant believes it is incorrect or incomplete in any respect and wishes changes, corrections or updating of the alleged deficiency, he/she should make direct contact with the agency (court, law enforcement agency, etc.) that contributed the questioned information.
  - a. FBI: For criminal records originating outside of Maine, applicants should contact the Federal Bureau of Investigation at (304) 625-5590 or visit their website at <http://www.fbi.gov/about-us/cjis/identity-history-summary-checks/> for information on the federal review and challenge process.
  - b. Maine State Bureau of Identification (SBI): For criminal records originating in Maine, applicants should contact the Central Criminal Records Exchange Manager (Virginia State Police) at (804) 674-2000 or visit their website at <http://www.maine.gov/dps/Sbi/> for information on the review and challenge process.

**Acknowledgement/Release**

**IMPORTANT-READ CAREFULLY BEFORE SIGNING**

**Fingerprint-Based Criminal History Record Request Authorization and Notification Form**

The Maine State Bureau of Identification (SBI) will take the fingerprints through its contract provider MorphoTrust USA to be used for your designated applicant type for registration. SBI will electronically send the fingerprint record to the Federal Bureau of Investigation (FBI) for comparison against national criminal fingerprint records. SBI will also provide a State of Maine public CHRC (criminal history record check).

The procedures for making a change or correction or for updating an FBI identification record are set forth in Title 28, CFR Section 16.34. The procedures for making a change or correction or for updating a state identification record are set forth in Title 16, M.R.S.A. Section 709.

You are required to provide certain information on the fingerprint card including personal descriptive data, residence, and your signature for verification and for authorization to submit the information for comparison against FBI records. The FBI does not retain noncriminal justice fingerprint submissions for those applying for license or employment purposes pursuant to Public Law 92-544.

I do NOT agree to the terms and conditions of this background check. By checking this box, the process will be terminated.

I AGREE and affirm that I have read and fully understand the above and consent to this background check and to the results being released to the Qualified Entity with which I am or am seeking to be employed or to serve as a volunteer. By checking this box, I understand I am electronically signing this document and indicating my agreement with the terms and conditions of the background investigation

Your Full Name: \_\_\_\_\_

Today's Date: \_\_\_\_\_

**MAINE BOARD OF LICENSURE IN MEDICINE  
CBC POLICY MANUAL  
SECTION I**

Policy Number: 8-2018

Unit/Service Area: Board of Licensure in Medicine (BOLIM)

Category: Licensure Criminal Background Checks (CBCs)

Subject: Criminal Background Checks (CBCs) – Responding to Inquiries/Contacts

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*POLICY: CBC information and reports will be documented and questions answered with maximum security, consistency, and efficiency.*

**PROCEDURE:**

A. BOLIM staff will use the following process to answer questions regarding CBC information and reports:

1. Questions may come in by e-mail or dedicated telephone lines.
2. Log onto the agency licensing system (ALMS) and locate the individual applicant and check for the following:
  - a. Completion of the *CBC Process* checklist item and/or relevant information entered in the remarks section; and
  - b. Any other relevant checklist item to include remarks regarding additional information.
3. Have designated staff return the call/email and attempt to resolve the question or clarify the concern or obtain additional details to do so.
4. If the question does not relate to CBC information or records:
  - a. Determine the correct person to answer the question;
  - b. Give the caller the extension of the responsible person; and/or
  - c. Forward the call to that person's extension.