

PUBLIC HEALTH CODE (EXCERPT)
Act 368 of 1978

***** 333.16189b.added THIS ADDED SECTION IS EFFECTIVE MARCH 28, 2019 *****

333.16189b.added Application for expedited license under the interstate medical licensure compact; fingerprints required; criminal history check; automated fingerprint identification system database; definitions.

Sec. 16189b. (1) An individual who is applying for an expedited license under the compact with a member board of this state shall submit 1 set of his or her fingerprints to the department of state police in order for the department of state police to conduct a criminal history check on the individual and to forward the individual's fingerprints to the Federal Bureau of Investigation for a national criminal history check. The individual shall submit with the application his or her written consent to the criminal history check described in this section and the submission of his or her fingerprints to, and the inclusion of his or her fingerprints in, the state and federal database systems described in subsection (4).

(2) The fingerprints required under subsection (1) may be taken by a law enforcement agency or any other person determined by the department of state police to be qualified to take fingerprints. The individual described in subsection (1) shall submit a fingerprint processing fee to the department in an amount required under section 3 of 1935 PA 120, MCL 28.273, and any costs imposed by the Federal Bureau of Investigation.

(3) The department of state police shall conduct a criminal history check on the individual described in subsection (1) and shall request the Federal Bureau of Investigation to make a determination of the existence of any national criminal history pertaining to the individual. The department of state police shall provide a member board of this state with a written report containing the criminal history record information of the individual who was the subject of the criminal history check conducted under this section.

(4) All of the following apply concerning fingerprints submitted to the department of state police under this section:

(a) The department of state police shall store and retain all fingerprints submitted under this section in an automated fingerprint identification system database that searches against latent fingerprints, and provides for an automatic notification if and when a subsequent fingerprint is submitted into the system that matches a set of fingerprints previously submitted under this section or if and when the criminal history of an individual whose fingerprints are retained in the system is updated. Upon receiving a notification, the department of state police shall immediately notify a member board of this state. Information in the database maintained under this subsection is confidential, is not subject to disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, and shall not be disclosed to any person except for purposes of this act or for law enforcement purposes.

(b) The department of state police shall forward all fingerprints submitted to it under this section to the Federal Bureau of Investigation for submission of those fingerprints into the FBI automatic notification system. This subdivision does not apply until the department of state police is a participant in the FBI automatic notification system. As used in this subdivision:

(i) "Automatic notification system" means a system that stores and retains fingerprints, and that provides for an automatic notification to a participant if and when a fingerprint is submitted into the system that matches an individual whose fingerprints are retained in the system or if and when the criminal history of an individual whose fingerprints are retained in the system is updated.

(ii) "FBI automatic notification system" means the automatic notification system that is maintained by the Federal Bureau of Investigation.

History: Add. 2018, Act 524, Eff. Mar. 28, 2019.

Popular name: Act 368