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TESTIMONY ON 20 – S 2522
AN ACT RELATING TO HEALTH AND SAFETY – LABORATORIES
March 10, 2020

The ACLU of Rhode Island is appreciative of the opportunity to provide commentary on S 2522, which regulates the licensure of medical laboratory lab professionals. Although we appreciate the many safeguards which are incorporated into this legislation to address this issue, we believe that a background check requirement for medical lab professionals is unnecessary in its entirety.

Unlike many other licensed professions which require background checks, medical laboratory professionals are not in contact with the public as a component of their job. Due to the adverse impact of such checks on the rehabilitation and reintegration of ex-offenders, and due to the limited – if nonexistent – interaction that such professionals have with the public within the scope of their responsibilities, we urge that the requirement for background checks be eliminated altogether. It has been a number of years since medical lab professionals have been required to be licensed, and we are aware of the no issues that have arisen as a result of the absence of a statutorily required criminal background check.

All too often, an individual's past criminal record, even if in the distant past and unrelated to the license being sought, can inappropriately prevent them from entering an employment field for which they may be wholly qualified. If criminal record check provisions are included in this legislation, we are generally supportive of the provided process for the manner in which a criminal record may be considered in issuing a medical lab license. Critically, this legislation provides that a conviction cannot be the partial or sole basis upon which a license is denied unless the conviction is directly related to the duties of the potential licensee, it ensures that the applicant can submit substantial evidence of experience and rehabilitation, and it provides an applicant both the opportunity to appeal the decision and the ability to reapply for the license after a certain period of time. These are important measures for ensuring that patterns of discrimination are not enforced against ex-offenders.

Two additional restrictions which we consider necessary to strengthen these provisions, however, are both a statutorily dictated list of potentially disqualifying offenses and the period of time for which an offense can be considered at all. This will ensure that a twenty-year-old felony drug possession charge, in spite of subsequent rehabilitation or professional experience, cannot be a consideration in the barring of an individual from obtaining such a license– although the legislation contains a comprehensive appeal process, such an offense should never be considered at all.

Thank you for your consideration.