

TESTIMONY ON 19-S 443
AN ACT RELATING TO BUSINESSES AND PROFESSIONS – PHYSICIAN ASSISTANTS
April 25, 2019

The ACLU appreciates the opportunity to comment on S 443. While we do not hold a position on the regulating of physician assistants, we would like to raise specific concerns regarding the qualifications for obtaining and maintaining this license. The use of vague and potentially expansive language within the statute that this legislation amends could provide for the denial or revocation of licensure to individuals who are otherwise qualified and adept. Should changes be made to this current law, we believe that it is the opportune moment to review and revise these excessively discriminatory provisions.

S 443 maintains language under the definition of “unprofessional conduct” to include “conviction of a crime of moral turpitude.” This vague phrasing has no set definition of the crimes which fall under it, and thus leads to potentially discriminatory and subjective judgement on what crimes could constitute unprofessional conduct or not. We urge that this language be deleted.

This bill also keeps enacted language which allows the board to recommend for licensure an applicant who “is of good character and reputation” (page 8, line 9). Because it is unclear and undefined what this entails, the ACLU is concerned that it allows for the use of potentially extensive criminal background checks while placing no restrictions or limits on the scope of the records accessed. 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. This language should be removed to ensure that a twenty-year-old shoplifting charge can’t serve as the basis for denial of licensure.

With the updating of this statute, we believe that it is the time to additionally update unnecessarily vague and subjective language. Rather than perpetuate a pattern of discrimination against ex-offenders, we urge the Committee to impose specific and strict limitations on the use of criminal records that inappropriately prevent an individual from entering a field for which they may be eminently qualified.