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## **ACLU OF RI POSITION: AMEND**

### **TESTIMONY ON 24-H 7213, AN ACT RELATING TO BUSINESSES AND PROFESSIONS – RHODE ISLAND PHYSICAL THERAPIST LICENSURE COMPACT ACT January 30, 2024**

The ACLU of Rhode Island appreciates the opportunity to provide testimony on this legislation which seeks to provide uniformity in the manner in which physical therapists are licensed between different states. This legislation is lengthy, and though this should not be considered a comprehensive analysis of this bill and we have no position on the general content of this legislation, we would like to provide brief commentary on a few provisions which we believe may warrant amendment.

- First, as the General Assembly acknowledged four years ago when it passed “fair chance licensing” legislation, the preclusion from licensure that a criminal record can have – especially those records which are outdated or irrelevant to the position being sought – can inappropriately bar otherwise qualified individuals from seeking occupational and professional licenses. That statute ensures that an individual cannot be disqualified from licensure solely or in part because of their criminal record unless the crime relates directly to the occupation being sought. Such protections are critical to ensure that cycles of discrimination are not perpetuated against ex-offenders who are otherwise well-qualified for their chosen professions.

However, this bill neither references that law nor provides similar employment protections to that statute. Instead, the legislation just requires that a state “fully implement a criminal background check requirement...by receiving the results of the Federal Bureau of Investigation record search on criminal background checks.” (pages 3-4, lines 33-34, 1-2) We would urge that this section be clarified to ensure that reviews of criminal record checks will be conducted in accordance with the “fair chance” statute.

Finally in this regard, we note that this bill allows member states, in the course of conducting a criminal records check, to “obtain biometric-based information.” (page 4, lines 7-8) It is unclear to us how using vague “biometric-based information” could provide insight into a criminal record that a fingerprint could not, and we find this language to be concerningly broad. We should not be setting a precedent that allows for the collection of more personal information than absolutely necessary to carry out the limited goals of a criminal record check, and urge that this language be removed prior to passage.

- Language within this legislation appears to broadly authorize the sharing of private information, without any protections, with law enforcement agencies (page 8, line 17). We would urge amendments that would set reasonable boundaries on the sharing of any information.
- Language in this bill providing for the adoption of “emergency” rules without public notice or input if it is necessary to “meet a deadline...established by federal law or rule” strikes us as problematic. As worded, nothing would prevent the Commission from creating the “emergency” itself by waiting too long to initiate rule-making proceedings in a timely manner that would have avoided the “emergency” in the first place (page 13, lines 30-31).

Thank you for your consideration.