



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

HOUSE BILL NO. 92

PRINTERS NO. 82

PRIME SPONSOR: Harper

COST / (SAVINGS)

FUND	FY 2014/15	FY 2015/16
Professional Licensure Augmentation Account	\$0	See "Fiscal Impact"

SUMMARY: Amends Act 48 of 1993 to authorize the Commissioner of the Bureau of Professional and Occupational Affairs (BPOA) to expunge the disciplinary record of a licensee, registrant, certificate holder, or permit holder. This legislation would take effect in 60 days.

ANALYSIS: Authorizes the Commissioner of the BPOA to expunge the disciplinary record of a licensee, registrant, certificate holder, or permit holder. The legislation would direct the Commissioner of BPOA to expunge a disciplinary record upon written application of the licensee, registrant, certificate holder or permit holder, if the applicant satisfies the following criteria:

- 1) the record must be at least 4 years old at the time of application;
- 2) the record must be the only disciplinary record the applicant has with the Commissioner or a licensing board or commission under BPOA;
- 3) the applicant must not be the subject of an active investigation related to professional or occupational conduct;
- 4) the applicant must not be in a current disciplinary status, and any fees or fines assessed must be paid in full;
- 5) the applicant must not have had a disciplinary record previously expunged by the board;
- 6) the imposition of discipline must have been for the following violation:
 - a. an applicant must wait 4 years from the effective date of the disciplinary record before applying for expungement of a record involving failure to complete continuing education or practice of six months or less on a lapsed license.
 - b. the applicant must wait 10 years from the effective date of the disciplinary record before applying for expungement of a record involving any other violation, but disciplinary records involving a violation which resulted in license suspension or revocation are not eligible for expungement under any circumstances.
- 7) The licensee, registrant, certificate holder, or permit holder shall pay all the costs associated with the expungement as established by the commissioner by regulation.

The BPOA, licensing board, or commission may release a record of previous discipline upon request from law enforcement or other governmental body as permitted by law.

FISCAL IMPACT: According to the Governor's Budget Office (GBO) and the Department of State (DOS), the various Boards of the BPOA would have to review and process an application for approval of an Act 48 Expungement. There are more than 8,000 disciplinary actions issued by BPOA that are over ten years old and the DOS cannot predict how many disciplinary actions would meet the criteria under this legislation or how many licensees would request expungement; therefore, specific costs are not available. It is important to note that the Commissioner of the BPOA will have the ability to establish a fee for expungement by regulation which would offset any costs, such as administrative and legal staff time as well as some IT staff time. The legislation would have no adverse fiscal impact on the General Fund.

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House Appropriations Committee (R)

DATE: April 20, 2015

Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.