
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 619 Session of
2013

INTRODUCED BY GREENLEAF, KITCHEN, RAFFERTY, ERICKSON,
TARTAGLIONE AND SOLOBAY, MARCH 6, 2013

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,
MARCH 6, 2013

AN ACT

1 Amending the act of July 2, 1993 (P.L.345, No.48), entitled "An
2 act empowering the General Counsel or his designee to issue
3 subpoenas for certain licensing board activities; providing
4 for hearing examiners in the Bureau of Professional and
5 Occupational Affairs; providing additional powers to the
6 Commissioner of Professional and Occupational Affairs; and
7 further providing for civil penalties and license
8 suspension," further providing for definitions and for
9 expungement of disciplinary records.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 Section 1. Section 1 of the act of July 2, 1993 (P.L.345,
13 No.48), entitled "An act empowering the General Counsel or his
14 designee to issue subpoenas for certain licensing board
15 activities; providing for hearing examiners in the Bureau of
16 Professional and Occupational Affairs; providing additional
17 powers to the Commissioner of Professional and Occupational
18 Affairs; and further providing for civil penalties and license
19 suspension," is amended to read:

20 Section 1. Definitions.

21 The following words and phrases when used in this act shall

1 have the meanings given to them in this section unless the
2 context clearly indicates otherwise:

3 "Disciplinary matter." Any matter subject to a licensing
4 board's or commission's jurisdiction in which the licensing
5 board or commission has the authority to refuse, suspend, revoke
6 or limit a license, registration, certificate or permit or to
7 impose a civil penalty or other discipline under any act.

8 "Expunge" or "expungement." Removal of a disciplinary
9 record, accomplished by:

10 (1) Permanently sealing the affected record from public
11 access.

12 (2) Deeming the proceedings to which the affected record
13 refers as not having occurred.

14 (3) Except with respect to any subsequent application
15 for expungement, affording the affected party the right to
16 represent that no record exists regarding the subject matter
17 of the affected record.

18 "Licensing boards." Those departmental or administrative
19 boards under the Bureau of Professional and Occupational Affairs
20 in the Department of State.

21 "Licensing commissions." Those departmental or
22 administrative commissions under the Bureau of Professional and
23 Occupational Affairs in the Department of State.

24 Section 2. Section 5(b) of the act is amended by adding a
25 paragraph to read:

26 Section 5. Civil penalties.

27 * * *

28 (b) Additional powers.--In addition to the disciplinary
29 powers and duties of the boards and commissions within the
30 Bureau of Professional and Occupational Affairs under their

1 respective practice acts, boards and commissions shall have the
2 power, respectively:

3 * * *

4 (6) To expunge a disciplinary record of a certificate
5 holder, registrant or licensee subject to the following
6 conditions:

7 (i) The certificate holder, registrant or licensee
8 must make written application to the board for expungement
9 no earlier than four years from the effective date of the
10 disciplinary record.

11 (ii) The disciplinary record must be the only
12 disciplinary record that the certificate holder,
13 registrant or licensee has with the board.

14 (iii) The certificate holder, registrant or licensee
15 must not have had a disciplinary record previously
16 expunged by the board.

17 (iv) The disciplinary record must have involved
18 either the imposition of a civil penalty against the
19 certificate holder, registrant or licensee for a
20 violation under subsection (a) or the imposition of
21 discipline against the certificate holder, registrant or
22 licensee for a violation that, at the time of application
23 for expungement, would be prosecuted under subsection
24 (a).

25 * * *

26 Section 3. This act shall take effect in 60 days.