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

- Amending the act of July 2, 1993 (P.L.345, No.48), entitled "An 1 act empowering the General Counsel or his designee to issue 2 subpoenas for certain licensing board activities; providing 3 for hearing examiners in the Bureau of Professional and Occupational Affairs; providing additional powers to the 5 Commissioner of Professional and Occupational Affairs; and 6 further providing for civil penalties and license 7 suspension," further providing for definitions and for 8 expungement of disciplinary records. The General Assembly of the Commonwealth of Pennsylvania 10 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 <u>access.</u>
- 12 (2) Deeming the proceedings to which the affected record
- refers as not having occurred.
- 14 (3) Except with respect to any subsequent application
- for expungement, affording the affected party the right to
- represent that no record exists regarding the subject matter
- 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

respective practice acts, boards and commissions shall have the 1 2 power, respectively: * * * 3 (6) To expunde a disciplinary record of a certificate 4 holder, registrant or licensee subject to the following 5 6 conditions: (i) The certificate holder, registrant or licensee 7 must make written application to the board for expungment 8 9 no earlier than four years from the effective date of the 10 disciplinary record. 11 (ii) The disciplinary record must be the only disciplinary record that the certificate holder, 12 registrant or licensee has with the board. 13 (iii) The certificate holder, registrant or licensee 14 15 must not have had a disciplinary record previously expunged by the board. 16 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 discipline against the certificate holder, registrant or 21 22 licensee for a violation that, at the time of application 23 for expungement, would be prosecuted under subsection 24 (a). 25

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