

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 646 Session of  
2011

INTRODUCED BY HARPER, THOMAS, BARRAR, COHEN, DAVIDSON, FLECK,  
FRANKEL, GINGRICH, GRELL, HESS, KORTZ, MICOZZIE, MILNE,  
READSHAW AND WAGNER, FEBRUARY 14, 2011

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, FEBRUARY 14,  
2011

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 civil  
9 penalties.

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.

1 The following words and phrases when used in this act shall  
2 have the meanings given to them in this section unless the  
3 context clearly indicates otherwise:

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

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

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

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

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

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

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

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

27 Section 5. Civil penalties.

28 \* \* \*

29 (b) Additional powers.--In addition to the disciplinary  
30 powers and duties of the boards and commissions within the

Bureau of Professional and Occupational Affairs under their respective practice acts, boards and commissions shall have the power, respectively:

\* \* \*

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

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

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

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

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

\* \* \*

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