



# HOUSE COMMITTEE ON APPROPRIATIONS

## FISCAL NOTE

HOUSE BILL NO. 336

PRINTERS NO. 343

PRIME SPONSOR: Harper

### COST / (SAVINGS)

FUND	FY 2012/13	FY 2013/14
Professional Licensure Augmentation Account	See Fiscal Impact	See Fiscal Impact

**SUMMARY:** Authorizes 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:** This legislation would amend Act 48 of 1993 to do the following:

- Directs 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 four 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 have had a disciplinary record previously expunged by the board;
  - 5) the applicant must wait four 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.
  - 6) 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.
- Expungement seals the affected record from public access and allows the licensee to represent that no record exists. However, BPOA and the licensing board or commission shall continue to maintain the record and may release it upon request from law enforcement or other governmental body as permitted by law. The licensee, registrant, certificate holder, or permit holder shall pay all the costs associated with the expungement as established by the commissioner by regulation.

**FISCAL IMPACT:** According to the Governor's Budget Office (GBO) and the Department of State (DOS), the various Boards of the Bureau of Professional and Occupational Affairs would have to review and process an application for approval of an Act 48 Expungement. The estimates suggest that each application would take approximately 2.5 hours of staff time to conduct. Each application for expungement would be charged a to-be-determined fee which would offset the identifiable costs incurred by the various Boards.

The GBO and the DOS indicate that there are about 8,000 disciplinary actions that are 10 years or older that may meet the criteria for expungement. It is indeterminable to predict how many applications will be received annually. It is not anticipated that any high volume of applications would impact licensing fees. This legislation would have no adverse fiscal impact to the General Fund.

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House Appropriations Committee (R)

**DATE:** February 12, 2013

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