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*House of Representatives*  
COMMONWEALTH OF PENNSYLVANIA  
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# MEMO

**DATE:** January 12, 2011

**TO:** All Members of the House of Representatives

**FROM:** Representative Kate M. Harper *KH*  
61<sup>st</sup> Legislative District

**SUBJECT:** Cosponsorship -- State Licensing Boards: Expungement of Records – FORMER HB 2359

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In the near future, I plan on reintroducing legislation amending 1993 Act 48 to provide all state licensing boards under the Bureau of Professional and Occupational Affairs (BPOA) in the Department of State with the power to expunge disciplinary records of licensees for minor violations of their practice act and board regulations.

Whether serious or a mere technical violation, disciplinary actions remain on a licensee's record permanently on-line because the various state licensing boards lack the authority to expunge records. Many practitioners with otherwise unblemished disciplinary histories have complained to state licensing boards that the existence of minor infractions as a permanent part of their publicly available licensure records has caused them needless embarrassment with clients and colleagues and exceeds the purposes of reasonable deterrence. Knowing this, Practitioners are less likely to accept voluntary discipline for failing to pay a fee on time, for example.

This legislation would provide all state licensing boards within the BPOA with the power to order expungement at an appropriate time in an appropriate case. "Expungement" is defined as the removal of a disciplinary record, accomplished by: (1) Permanently sealing the affected record from public access; (2) Deeming the proceedings to which the affected record refers as not having occurred; and (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.

If you would like to cosponsor this legislation, please contact Erin Raub at [eraub@pahousegop.com](mailto:eraub@pahousegop.com) or by call (717) 787-2801.

PREVIOUS COSPONSORS: THOMAS, BARRAR, BEYER, FLECK, GINGRICH, MILNE, PAYTON, QUINN, READSHAW, STEVENSON, HELM, GEIST and ADOLPH