

NOTICE – ACT 6 OF 2018 EXPUNGEMENT PROVISIONS

Among other things, the Act of February 15, 2018 (P.L. 14, No. 6) (Act 6 of 2018) provides that the Commissioner of Professional and Occupational Affairs shall expunge certain disciplinary actions upon application of a licensee, registrant, certificate holder or permit holder. Specifically, there are two types of violations that may be expunged: 1) violations involving failure to complete continuing education requirements, and 2) violations related to practicing on a lapsed license for six months or less. No other disciplinary records are eligible for expungement.

Expungement means that the disciplinary record will be removed from an individual's licensure record by: (1) permanently sealing the affected record from public access; (2) deeming the disciplinary proceedings as not having occurred; and (3) except with respect to any subsequent application for expungement, affording the licensee, registrant, certificate holder or permit holder the right to represent that no disciplinary record exists.

To be eligible for expungement of a disciplinary action, the following conditions must be met:

- (1) The application for expungement must be filed not earlier than four years from the final disposition of the disciplinary record.
- (2) The disciplinary record must be the only discipline that the licensee, registrant, certificate holder or permit holder has with the applicable board/commission.
- (3) The licensee, registrant, certificate holder or permit holder must not be the subject of an active investigation related to professional or occupational conduct.
- (4) The licensee, registrant, certificate holder or permit holder must not be in a current disciplinary status (i.e., revoked, suspended, on probation, etc.) and any fees or fines assessed must be paid in full.
- (5) The licensee, registrant, certificate holder or permit holder must not have had a disciplinary record previously expunged by the Commissioner.
- (6) The licensee, registrant, certificate holder or permit holder shall pay all costs associated with the expungement as established by the Commissioner by regulation.

The Commissioner is in the process of establishing the administrative process for licensees, registrants, certificate holders and permit holders to apply for expungement through the Pennsylvania Licensing System (PALS) and will be promulgating a regulation establishing the fee associated with processing an application for expungement. Once these steps are completed, licensees will be able to apply for expungement of these types of disciplinary records. A notice of the availability of the expungement application process will appear on the various professional and occupational licensing boards' websites. **Until then, the Commissioner will not entertain any requests to expunge a disciplinary record. DO NOT APPLY FOR EXPUNGEMENT AT THIS TIME.**