

## NOTICE – ACT 65 OF 2023 EXPUNGEMENT PROVISIONS

The Act of December 14, 2023 (P.L. \_\_, No. 65) (Act 65 of 2023) expanded the expungement authority of the Commissioner of Professional and Occupational Affairs to include all citations issued in accordance with the “schedules of civil penalties” set forth at 49 Pa. Code §§ 43b.4—43b.28, provided it meets the remaining criteria set forth below. Therefore, effective February 12, 2024, 63 Pa.C.S. § 3108(a)(2) now provides that the Commissioner of Professional and Occupational Affairs shall expunge the disciplinary record of a licensee, registrant, certificate holder or permit holder if the imposition of discipline was for a violation involving failure to complete continuing education requirements, practicing for six months or less on a lapsed license, registration, certificate or permit or for a violation otherwise specified in the schedule of civil penalties for the applicable licensing board or commission.

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 covered disciplinary action, the following conditions must be met:

- (1) The licensee, registrant, certificate holder or permit holder must make a written application to the commissioner for expungement not earlier than five years from the final disposition of the disciplinary record.

(2) The disciplinary record must be the only disciplinary record that the licensee, registrant, certificate holder or permit holder has with either the commissioner or a licensing board or licensing commission under the commissioner's jurisdiction.

(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.

A licensee, registrant, certificate holder or permit holder may apply for expungement of a covered disciplinary action through their PALS dashboard. The fee to apply for expungement of a disciplinary action is currently \$155.

Note: Violations by unlicensed individuals are not subject to expungement.