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Bureau of Professional and Occupational Affairs Acting Commissioner Testifies in Favor of Bill to Permit Expungements of Act 48 Violations

Acting Bureau of Professional and Occupational Affairs Commissioner Katie True testified before the House Professional Licensure Committee, in favor of House Bill 646, which would permit licensing boards to expunge from the record of licensees, certificate holders, or registrants, violations imposed under the summary process provided by Act 48 of 1993.

These penalties, commonly known as Act 48 citations, are imposed for minor violations, such as a continuing education violation, practicing on a lapsed license, or an advertising violation. Under current law, these minor violations remain on a professional's record permanently. Acting Commissioner True testified that while the violations themselves are considered minor, their impact on a licensed professional often are not.

"Having this disciplinary action on a professional's permanent record can cause serious damage to an individual's career. Such a blemish can affect a physician's or dentist's ability to obtain affordable professional liability insurance, hospital privileges, or other credentials. It can also cause considerable embarrassment with clients and colleagues."

While supporting the proposal to permit expungement of these Act 48 violations, Acting Commissioner True noted the Bureau takes no violation lightly, and there are several restrictions on the circumstances under which someone can petition to have their record cleared. These include:

- The effective date of the discipline must be at least four years prior to the application for expungement
- This violation must be the only disciplinary record the licensee, certificate holder, or registrant has with the

board

- Only one expungement per person is permitted
- The disciplinary record must involve the imposition of an Act 48 monetary civil penalty, or a disciplinary action that, at the time of application for expungement, would be subject to prosecution by the streamlined Act 48 citation program.

"As we strive to improve the economy of our state, we must also provide professionals who offer vital services, and in many cases employ a number of other people in their offices, the climate in which to practice their professions in a way which does not impose undue hardships and embarrassments on them," Acting Commissioner True told the committee. She told legislators many professionals have been asking for this kind of provision, which is available in other states, and the proposal was considered but not passed in the past two legislative sessions.

House Bill 646 is sponsored by Rep. Kate Harper.

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