

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 612

BY BUSINESS COMMITTEE

AN ACT

1 RELATING TO THE OCCUPATIONAL LICENSING REFORM ACT; AMENDING CHAPTER 94, TI-
2 TLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-9413, IDAHO CODE,
3 TO PROVIDE FOR THE EXPUNGEMENT OF DISCIPLINARY ACTION BY A LICENSING AU-
4 THORITY; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.
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6 Be It Enacted by the Legislature of the State of Idaho:

7 SECTION 1. That Chapter 94, Title 67, Idaho Code, be, and the same is
8 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
9 ignated as Section 67-9413, Idaho Code, and to read as follows:

10 67-9413. EXPUNGEMENT OF DISCIPLINARY ACTION. (1) A licensing author-
11 ity has the authority to grant a request for the expungement of disciplinary
12 action previously imposed on a person's licensure, whether formal, infor-
13 mal, corrective action, or action in lieu of discipline, as authorized by
14 this section and in compliance with any rules adopted by a licensing author-
15 ity.

16 (2) Any request for expungement pursuant to this section shall be made
17 in writing and shall comply with applicable rules adopted by the licensing
18 authority, if any.

19 (3) With respect to disciplinary action arising from a failure to
20 timely renew licensure or failure to complete required continuing educa-
21 tion, a licensing authority shall expunge the disciplinary record if:

- 22 (a) The disciplinary action at issue is at least three (3) years old;
23 (b) The terms of the disciplinary action have been met; and
24 (c) There have been no subsequent violations of any other provisions of
25 the licensing authority's relevant practice act or rules.

26 (4) For any disciplinary action that is not identified in subsection
27 (3) of this section, a licensing authority may expunge a disciplinary action
28 if:

- 29 (a) The disciplinary action at issue is at least seven (7) years old;
30 (b) The terms of the disciplinary action have been met; and
31 (c) The requestor has had no subsequent violations of any other provi-
32 sions of the licensing authority's relevant practice act or rules.

33 (5) A licensing authority shall not grant a request for expungement if
34 the disciplinary action was based on a conviction of a criminal offense enu-
35 merated in section 18-310(2), Idaho Code.

36 (6) If a prior disciplinary action is expunged:

- 37 (a) The licensing authority shall report the expungement to any na-
38 tional database where it previously reported the disciplinary action;
39 (b) The licensee shall not be required to report expunged disciplinary
40 action on any future licensing or renewal applications to a licensing
41 authority in Idaho; and

1 (c) The licensing authority shall not consider any expunged disci-
2 plinary action in future disciplinary matters.

3 (7) This section applies only to disciplinary actions by licensing au-
4 thorities and shall not apply to civil or criminal matters or to criminal
5 convictions.

6 SECTION 2. An emergency existing therefor, which emergency is hereby
7 declared to exist, this act shall be in full force and effect on and after
8 July 1, 2022.