

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 612, As Amended in the Senate

BY BUSINESS COMMITTEE

AN ACT

RELATING TO THE OCCUPATIONAL LICENSING REFORM ACT; AMENDING CHAPTER 94, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-9413, IDAHO CODE, TO PROVIDE FOR THE EXPUNGEMENT OF DISCIPLINARY ACTION BY A LICENSING AUTHORITY; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

Be It Enacted by the Legislature of the State of Idaho:

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

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

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

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

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

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

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

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

(6) If a prior disciplinary action is expunged:

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

1 (c) The licensing authority shall not consider any expunged disci-  
2 plinary action in future disciplinary matters unless the expunged dis-  
3 ciplinary action involved the same or substantially similar conduct.

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

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