

# Senate Executive Departments and Administration Committee

*Declan Donahue 271-3324*

SB 470-FN, relative to the expungement of certain disciplinary matters.

**Hearing Date:** January 21, 2026

**Time Opened:** 1:38 p.m.

**Time Closed:** 1:56 p.m.

**Members of the Committee Present:** Senators Pearl, Gannon, Reardon and Altschiller

**Members of the Committee Absent :** Senator McGough

**Bill Analysis:** This bill allows licensees subject to certain disciplinary matters that did not include permanent revocation of license to petition to have the disciplinary records expunged.

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**Sponsors:**

Sen. Rochefort

Sen. Reardon

Sen. Pearl

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**Who supports the bill:** Senator David Rochefort (District 1)

**Who opposes the bill:** Daniel Richardson

**Who is neutral on the bill:** Nik Frye (O.P.L.C.)

**Summary of testimony presented in support:**

Senator David Rochefort (Senate District 1)

- Senator Rochefort served on the New Hampshire Board of Pharmacy for 7 years.
- In his second meeting, there was a hearing on a disciplinary action for the violation of a law that had recently gone into effect regarding the prescription drug monitoring program (P.D.M.P.).
- The pharmacist made an administrative error in releasing information contained in the P.D.M.P. and received disciplinary action for it.
- 5 or 6 years later, the pharmacist reached out to the board because the state of Florida denied his license due to the action in New Hampshire, preventing him from being able to treat his mother's Alzheimer's there.
- When trying to look into his case, Senator Rochefort was informed the board does not have the authority to expunge disciplinary matters.

- This bill attempts to lay out a framework in which a disciplined professional can petition the board for a hearing to get a disciplinary action off their record.
- The intention of this bill is not to expunge repercussions for hurting people, but to clean up the record of people who have paid the penalty and later want to continue their professional career.
- Senator Rochefort requested the committee wait on this bill until he can present a future amendment.
- Senator Pearl suggested that an individual be eligible for a hearing after their disciplinary action has been completed, not just 3 years universally.
- Senator Altschiller stated that this bill gives her some pause, but is interested to see a future amendment.
  - She asked about people who are still under investigation and worked at Y.D.C. if their disciplinary action still hasn't taken place. What stops them if they want to move to another state and start over?
  - The bill does not let bad actors off the hook, as we do not want them practicing.
  - When a license is revoked, once it is revoked, there isn't any differentiation within revoked as a category?
  - Yes, that is correct.
  - To give people a second chance for minor mistakes, there is no gradation for revoked licenses?
  - In that case it wasn't revoked, it was a disciplined.
  - What about gradations in disciplined?
  - In my case I would look and see it was a form issue 25 years ago and would show leniency, some states are stricter than that, but that shouldn't ruin somebody's career. Revocations are a hard stop. I don't want someone practicing in my state with a revocation. Those are not due to recordkeeping, it's someone who inflicted legitimate harm.
  - What might be helpful is to know what the lines are between disciplinary action, when it crosses over into revocation: is that a frequency or severity question?
  - O.P.L.C. can weigh in on that for sure.

### **Neutral Information Presented:**

Nik Frye (General Counsel, O.P.L.C.)

- There is a hard stop at license revocation where you cannot ask for disciplinary action to be expunged.
- There are 3 gradations in statute: revocation, intermediary disciplinary action where you have the right to a hearing, and minor disciplinary action which can be done without a hearing.
- For the last one, if the license is in good standing, there is no active investigation, and it's been 3 years, those people can walk away without a hearing, usually after a reprimand and time.

- Senator Reardon noted a "shall" in lines 16 and 18, and asked if making it a "may" would give the opportunity to weigh the circumstances of each individual action.
  - o The purpose of that is to set up exactly what Senator Rochefort was talking about so someone with a minor transgression can avoid the hearings process, but others will have a hearing on whether expunging would contribute to personal rehabilitation and public safety.
  - o On page 2, there is a manufactured housing dispute resolution payment, does that still exist?
  - o There is still a manufactured housing installations board. The rulemaking was moved to O.P.L.C.

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Date Hearing Report completed: January 26, 2026