Adopt Plc 213 to read as follows:

PART Plc 213 EXPUNGEMENT OF DISCIPLINARY ACTION

Statutory Authority: RSA 310:12-a

Plc 213.01 Purpose and Applicability.

(a) The purpose of this part is to establish uniform procedures for filing, processing, and deciding petitions for expungement of disciplinary actions pursuant to RSA 310:12-a.

(b) This part shall apply to any petition for expungement of a disciplinary action issued by the executive director or a board for a profession regulated by the OPLC.

(c) A request for a hearing following the denial of a petition for expungement shall be governed by Plc 206 and Plc 213.10.

Plc 213.02 Definitions. For purposes of this part, the following definitions shall apply:

(a) "Disciplinary action" means a final disciplinary action for which expungement is authorized by RSA 310:12-a. The term does not include letters of concern issued under RSA 310:12, II.

(b) "Petition for expungement" means a written request filed pursuant to RSA 310:12-a seeking expungement of a disciplinary action.

(c) "Petitioner" means the current or former licensee who files a petition for expungement.

Plc 213.03 Filing of Petition for Expungement.

(a) An individual seeking expungement of a disciplinary action shall file a petition for expungement with the OPLC at the address required by Plc 103.03.

(b) A petition shall be filed for each disciplinary action for which expungement is sought.

(c) A petition shall be filed on the "Petition for Expungement of Disciplinary Action," effective 12/2026, available as Appendix B.

(d) The petition shall include the filing fee as required by Plc 1001.24.

Plc 213.04 Contents of Petition for Expungement.

(a) A petition for expungement shall contain:

(1) The petitioner's full name;

(2) The petitioner's mailing address, telephone number, and email address;

(3) The profession and license number in which the petitioner is or was licensed;

(4) The case number, order number, or other information sufficient to identify the disciplinary action for which expungement is sought;

(5) The date of the disciplinary action;

(6) A statement identifying the relief requested;

(7) A statement of the specific facts relied upon to establish eligibility under RSA 310:12-a;

(8) Copies of any documents relied upon to establish that all requirements imposed by the disciplinary action have been completed;

(9) If the petition is filed pursuant to RSA 310:12-a, III, the information the petitioner wishes to have considered in determining whether expungement:

a. Will assist the petitioner's rehabilitation; and

b. Is consistent with protecting the public welfare; and

(10) Any other information or argument the petitioner believes is relevant to the petition.

(b) The petition shall be signed and dated by the petitioner, provided that if the petition is filed electronically, the act of submitting the petition shall constitute a signature.

Plc 213.05 Burden of Persuasion.

(a) The petitioner shall have the burden of persuasion relative to demonstrating eligibility for expungement under RSA 310:12-a.

(b) For a petition filed pursuant to RSA 310:12-a, III, the petitioner also shall have the burden of persuasion relative to demonstrating that expungement:

(1) Will assist the petitioner's rehabilitation; and

(2) Will not create any additional risk or otherwise adversely affect the protection of the public welfare.

Plc 213.06 Initial Processing of Petition for Expungement.

(a) Within 30 days of receipt, each petition for expungement shall be reviewed to determine:

(1) Whether the petition contains the information required by Plc 213.04; or

(2) Whether additional information or explanation is needed from the petitioner.

(b) The petitioner shall be notified in writing of the results of the review conducted pursuant to (a), above.

(c) If additional information or explanation is needed from the petitioner, the notice sent pursuant to (b), above, shall:

(1) Identify the information or explanation needed; and

(2) Establish a deadline for the petitioner to provide the information or explanation, which shall be no sooner than 30 days after the date of the notice.

(d) If the petitioner does not provide the requested information or explanation by the deadline established pursuant to (c)(2), above, the petition shall be denied without prejudice to the filing of a new petition.

Plc 213.07 Review of Eligibility.

(a) Petitions shall be reviewed to determine whether the petitioner satisfies each applicable requirement of RSA 310:12-a.

(b) In determining whether a petition satisfies RSA 310:12-a, the following shall be verified:

(1) The amount of time that has elapsed since the disciplinary action occurred;

(2) The type of disciplinary action imposed;

(3) Whether the petitioner has had any further disciplinary action against their license since the disciplinary action identified in the application occurred;

disciplinary action;

(4) Whether all requirements imposed by the disciplinary action have been completed;

(5) Whether the petitioner is the subject of a pending investigation;

(6) Whether the petitioner's license is in good standing, if the petitioner is currently licensed; and

(7) Whether the conduct underlying the disciplinary action involved any circumstance that precludes expungement under RSA 310:12-a.

(c) A petition that satisfies RSA 310:12-a, II shall be granted.

(d) A petition that is not eligible for mandatory expungement under RSA 310:12-a, II shall be reviewed pursuant to RSA 310:12-a, III, if the disciplinary action is otherwise eligible for expungement.

Plc 213.08 Review of Petitions for Discretionary Expungement.

(a) In determining whether expungement will assist the petitioner's rehabilitation and is consistent with protecting the public welfare, consideration shall be given to:

(1) The nature and seriousness of the conduct underlying the disciplinary action;

(2) The disciplinary action imposed;

(3) The amount of time that has elapsed since the disciplinary action occurred;

(4) The amount of time that has elapsed since the petitioner completed all requirements imposed by the disciplinary action;

(5) The petitioner's compliance with laws and professional standards following the disciplinary action;

(6) Evidence of rehabilitation;

(7) The petitioner's employment history following the disciplinary action;

(8) Education, training, or professional development completed following the disciplinary action;

(9) Character references or testimonials;

(10) The petitioner's current or anticipated employment opportunities;

(11) The petitioner's explanation of how expungement will assist in rehabilitation; and

(12) Any other information relevant to determining whether expungement is consistent with protecting the public welfare.

(b) No single factor listed in (a), above, shall be determinative.

(c) The absence of information relating to a factor listed in (a), above, shall not independently constitute grounds for denial unless the information is necessary to determine whether the statutory requirements for expungement are met.

Plc 213.09 Action on Petition for Expungement.

(a) A written decision granting or denying a petition for expungement shall be issued within 60 days of:

(1) Receipt of the petition, if no additional information or explanation is needed from the petitioner;

(2) Receipt of all additional information and explanations requested pursuant to Plc 213.06(c); or

(3) Completion of the verification required by Plc 213.07, whichever occurs later.

(b) A decision granting a petition shall:

(1) Identify the disciplinary action being expunged;

(2) State whether the petition was granted pursuant to RSA 310:12-a, II or III; and

(3) State the effective date of the expungement.

(c) A decision denying a petition shall:

(1) State the specific reason or reasons for the denial;

(2) Identify any statutory requirement that was not satisfied; and

(3) Advise the petitioner of the right to request a hearing pursuant to RSA 310:12-a, IV.

(d) A copy of the decision shall be sent to the petitioner by:

(1) Email, if the petition was filed electronically or the petitioner agreed to receive the decision by email; or

(2) First class mail, if the petitioner did not agree to receive the decision by email.

Plc 213.10 Rehearing Following Denial. To request a rehearing after the denial of a petition for expungement, the petitioner shall request a rehearing in accordance with Plc 206.31 by providing the information required by Plc 206.31(d)-(f) on the "Universal Petition for Rehearing" as described in Plc 206.31 to the OPLC at the location stated in Plc 103.03.

APPENDIX A: State Statute(s) Implemented

Rule	**State Statute(s) Implemented**
Plc 213.01 through Plc 213.03	RSA 310:12-a, I and V
Plc 213.04	RSA 310:12-a, I and III
Plc 213.05	RSA 310:12-a, I-III
Plc 213.06	RSA 310:12-a, I
Plc 213.07	RSA 310:12-a, I-III
Plc 213.08	RSA 310:12-a, III
Plc 213.09	RSA 310:12-a, II-IV
Plc 213.10	RSA 310:12-a, IV