

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 185

Session of
1987

INTRODUCED BY MILLER, VROON, LLOYD, ARTY, J. L. WRIGHT, SCHULER,
MORRIS, CLYMER, OLASZ, CARLSON, TRELLO, FARGO, HERMAN, SWEET,
DORR, LINTON, HECKLER, LEVDANSKY, BLACK, REBER, GEIST,
MOEHLMANN, FISCHER, VEON, E. Z. TAYLOR, SAURMAN, NAHILL,
FLICK AND JOSEPHS, FEBRUARY 4, 1987

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE,
FEBRUARY 4, 1987

AN ACT

1 Amending the act of July 1, 1978 (P.L.700, No.124), entitled "An
2 act enumerating certain fees and charges to be imposed for
3 activities regulated by the Bureau of Professional and
4 Occupational Affairs of the Department of State, providing
5 for the appointment and term of Office of the Commissioner of
6 Professional and Occupational Affairs, creating the
7 Professional Licensure Augmentation Account and providing for
8 its administration and making certain repeals," providing for
9 the recovery of costs in certain disciplinary proceedings.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 Section 1. The act of July 1, 1978 (P.L.700, No.124), known
13 as the Bureau of Professional and Occupational Affairs Fee Act,
14 is amended by adding a chapter to read:

15 CHAPTER 2-A

16 COSTS IN DISCIPLINARY PROCEEDINGS

17 Section 201-A. Order to pay costs.

18 If as a result of disciplinary action a licensing board
19 within the Bureau of Professional and Occupational Affairs

suspends or revokes a license, the licensing board may, as part of its order, in addition to any penalty which may be imposed, direct the person whose license is suspended or revoked to pay to the board a sum not to exceed the actual and reasonable costs of the investigation and prosecution of the case. As used in this chapter, the term "licensing board" includes a licensing commission.

Section 202-A. Enforcement of order.

(a) General rule.--An order by a licensing board for costs pursuant to section 201-A shall be enforceable in the court of common pleas of the county in which the person ordered to pay such costs resides. The right of enforcement of payment of costs shall be in addition to any other rights the licensing board may have as to any licensee directed to pay such costs.

(b) Conclusive proof.--In any judicial action for the recovery of costs, proof of the licensing board's decision to suspend or revoke a license shall be conclusive proof of the validity of the order of payment and the terms for payment.

Section 203-A. Reinstatement of license.

A licensing board shall not renew or reinstate the license of any licensee who has failed to pay all of the costs ordered under this chapter.

Section 204-A. Regulations creating guidelines.

The Commissioner of Professional and Occupational Affairs shall, in the manner provided by law, promulgate regulations to be followed by licensing boards in the imposition of costs under this chapter.

Section 205-A. Disposition of costs.

All costs collected by licensing boards pursuant to this chapter shall be paid into the Professional Licensure

1 Augmentation Account, as provided for and in accordance with
2 Chapter 3.

3 Section 2. This act shall take effect as follows:

4 (1) Section 204-A of the act shall take effect
5 immediately.

6 (2) The remainder of this act shall take effect in 90
7 days.