
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 261 Session of
2013

INTRODUCED BY READSHAW, SWANGER, MULLERY, MUNDY, COHEN, MILLARD,
MURT, CALTAGIRONE, KORTZ, MOUL, GIBBONS, DELUCA AND P. DALEY,
JANUARY 23, 2013

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, JANUARY 23, 2013

AN ACT

1 Amending the act of July 2, 1993 (P.L.345, No.48), entitled "An
2 act empowering the General Counsel or his designee to issue
3 subpoenas for certain licensing board activities; providing
4 for hearing examiners in the Bureau of Professional and
5 Occupational Affairs; providing additional powers to the
6 Commissioner of Professional and Occupational Affairs; and
7 further providing for civil penalties and license
8 suspension," further providing for civil penalties.

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

11 Section 1. Section 5(b) and (d) of the act of July 2, 1993
12 (P.L.345, No.48), entitled "An act empowering the General
13 Counsel or his designee to issue subpoenas for certain licensing
14 board activities; providing for hearing examiners in the Bureau
15 of Professional and Occupational Affairs; providing additional
16 powers to the Commissioner of Professional and Occupational
17 Affairs; and further providing for civil penalties and license
18 suspension," amended July 17, 2009 (P.L.95, No.25), are amended
19 and the section is amended by adding subsections to read:
20 Section 5. Civil penalties.

1 * * *

2 (b) Additional powers.--In addition to the disciplinary
3 powers and duties of the boards and commissions within the
4 Bureau of Professional and Occupational Affairs under their
5 respective practice acts, boards and commissions shall have the
6 power, respectively:

7 (1) To impose discipline, including, but not limited to,
8 a civil penalty of up to \$10,000 per violation on any
9 licensee, registrant, certificate holder, permit holder or
10 unlicensed person who violates a lawful disciplinary order of
11 the board.

12 (2) To impose discipline, including, but not limited to,
13 a civil penalty of up to \$10,000 per violation on any
14 licensee, registrant, certificate holder, permit holder or
15 unlicensed person who aids and abets the unlicensed practice
16 of a profession, occupation or business.

17 (3) To levy a civil penalty of not more than \$10,000 per
18 violation on any corporation, partnership, institution,
19 association or sole proprietorship which aids and abets any
20 individual in the unlicensed practice of a profession. This
21 penalty shall not, however, be levied against any person
22 solely as a consequence of that person being a patient or
23 client of the unlicensed individual.

24 (4) To levy a civil penalty of not more than \$10,000 per
25 violation on any licensee, registrant, certificate holder,
26 permit holder or unlicensed person who violates any provision
27 of the applicable licensing act or board regulation.

28 (5) To assess against the respondent determined to be in
29 violation of the disciplinary provisions administered by a
30 licensing board or commission in a disciplinary proceeding

1 pending before the board or commission for final
2 determination, as part of the sanction, the costs of
3 investigation underlying that disciplinary action. The cost
4 of investigation shall not include those costs incurred by
5 the board or commission after the filing of formal actions or
6 disciplinary charges against the respondent.

7 (6) To collect all fees, costs, fines and penalties
8 assessed as a result of a disciplinary proceeding before a
9 licensing board or commission.

10 (7) To deny, suspend or revoke a license, registration,
11 certification or permit for failure to pay any penalty, fee,
12 interest or cost assessed as a result of a disciplinary
13 proceeding before a licensing board or commission.

14 * * *

15 (d) Status of civil penalty.--Any civil penalty, together
16 with any associated fee, interest or cost, imposed pursuant to
17 this section or imposed by any licensing board or commission
18 under any other act shall be a judgment in favor of the Bureau
19 of Professional and Occupational Affairs upon the person or the
20 property of the person, whether real or personal, and including
21 any after-acquired property, upon whom the civil penalty is
22 imposed. The Attorney General shall be responsible for enforcing
23 such judgments in courts of competent jurisdiction in accordance
24 with the provisions of 42 Pa.C.S. (relating to judiciary and
25 judicial procedure).

26 (d.1) Entry of judgment.--Within 60 months of the final
27 disposition of a disciplinary case, if an unpaid civil penalty,
28 fee, interest and cost of a licensee, registrant, certificate
29 holder or permit holder total \$1,000 or more, the licensing
30 board or commission, or its respective agent, may transmit a

copy of the final disposition to the prothonotary of the court
of common pleas in the county where the licensee, registrant,
certificate holder or permit holder, or property of the
licensee, registrant, certificate holder or permit holder, upon
whom the penalty, fee, interest and cost are imposed is located.
The prothonotary shall enter and docket the same without
requiring payment of costs as a condition precedent to the entry
thereof. The total of the penalty, fee, interest and cost shall
be entered as a judgment upon the licensee, registrant,
certificate holder or permit holder regardless of whether the
amount has been ordered to be paid in installments.

(d.2) Priority of lien.--Any lien obtained under this
section shall maintain its priority indefinitely, and no writ of
revival need be filed.

(d.3) Execution.--A writ of execution may directly issue
upon the lien without the issuance and prosecution to judgment
of a writ of scire facias provided that a notice of the filing
and the effect of the lien be provided to the licensee,
registrant, certificate holder or permit holder not less than
ten days before the execution on the lien. Notice may be sent by
registered mail to the last known address of the licensee,
registrant, certificate holder or permit holder.

(d.4) Exception to execution.--The lien shall have no effect
upon any stock of goods, wares or merchandise regularly sold or
leased in the ordinary course of business by the licensee,
registrant, certificate holder or permit holder against whom the
lien has been entered, unless and until a writ of execution has
been issued and a levy made upon the stock of goods, wares and
merchandise.

(d.5) Satisfaction.--Once a judgment is paid in full to the

1 licensing board or commission, or its respective agent, the
2 licensing board or commission, or its respective agent, shall,
3 within 90 days, notify the prothonotary in writing of receipt of
4 payment in full and request the judgment be noted as satisfied
5 in full.

6 * * *

7 Section 2. This act shall take effect in 60 days.