

PROFESSIONS AND OCCUPATIONS (STATE LICENSED) (63 PA.C.S.) -
HEARING EXAMINERS

Act of Apr. 15, 2024, P.L. 20, No. 5
Session of 2024
No. 2024-5

Cl. 63

HB 1295

AN ACT

Amending Title 63 (Professions and Occupations (State Licensed))
of the Pennsylvania Consolidated Statutes, in powers and
duties, further providing for hearing examiners.

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

Section 1. Section 3105(b) of Title 63 of the Pennsylvania
Consolidated Statutes is amended and the section is amended by
adding a subsection to read:
§ 3105. Hearing examiners.

* * *

(b) Regulations.--The commissioner, after consultation with
the licensing boards and commissions, shall have the power to
promulgate regulations specifying the procedural rules to be
followed by hearing examiners in the conduct of hearings in
disciplinary matters before a licensing board or licensing
commission. [All proceedings shall be] **A hearing in a
disciplinary matter under this title shall comply with the
following:**

(1) **Be** conducted in accordance with the provisions of
2 Pa.C.S. (relating to administrative law and procedure).

(2) **A respondent may appear in person or remotely via
the use of communication technology for a hearing before a
hearing examiner, licensing board or commission. If the
respondent fails to appear in person or remotely and the
hearing examiner, board or commission finds that the
respondent was given proper notice of the date, time,
location of the hearing and the allegations against the
respondent, a hearing may be held in absentia and a negative
inference may be drawn by the hearing examiner, board or
commission that the allegations against the respondent are
true. Multiple continuances may only be granted for good
cause.**

(3) **A person who has suffered an adverse effect stemming
from the conduct alleged in the Order to Show Cause or other
Department of State charging document may, before or at the
hearing, submit a written impact statement that may be
considered by the hearing examiner, board or commission
solely for purposes of determining a sanction imposed on the
respondent.**

* * *

(e) Definitions.--As used in this section, the following
words and phrases shall have the meanings given to them in this
subsection unless the context clearly indicates otherwise:

"Communication technology." An electronic device or process
that:

(1) **Allows a hearing examiner and a remotely located
individual to communicate with each other simultaneously by
sight and sound.**

(2) If agreed to by the parties to the hearing and, if as determined by the hearing examiner, good cause is shown that the individual cannot meet the terms of paragraph (1), allows a hearing examiner and a remotely located individual to communicate with each other simultaneously by sound only

(3) Makes reasonable accommodations for an individual with a vision, hearing or other disability.

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

APPROVED--The 15th day of April, A.D. 2024.

JOSH SHAPIRO