TABLE OF CONTENTS

TITLE 63
PROFESSIONS AND OCCUPATIONS
(STATE LICENSED)

PART I. PRELIMINARY PROVISIONS (Reserved)

PART II. BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

Chapter 31. Powers and Duties

§ 3101. Scope of chapter.
§ 3102. Definitions.
§ 3103. Investigatory subpoena power.
§ 3104. Reporting of sanctions and criminal proceedings.
§ 3105. Hearing examiners.
§ 3106. Suspension.
§ 3107. Additional powers for commissioner.
§ 3107.1. Virtual operation.
§ 3108. Civil penalties.
§ 3109. Confidentiality of records of licensure boards.
§ 3110. Reports.
§ 3111. Licensure by endorsement.
§ 3112. Restricted licenses for barbers and cosmetologists.
§ 3112.1. Restricted licenses for other occupations.
§ 3113. Consideration of criminal convictions.
§ 3114. Juvenile adjudications.
§ 3115. Preliminary determinations by licensing boards and licensing commissions.
§ 3116. Best practices guide.
§ 3117. List of criminal offenses.
§ 3118. Report to General Assembly.

Chapter 33. Military and Veterans' Licensure

§ 3301. Definitions.
§ 3302. Bureau requirements.
§ 3303. Licensing for military applicants.
§ 3304. Relevant military experience.
§ 3305. Renewal of license for deployed servicemembers.
§ 3306. Fees.
§ 3307. Reports.

TITLE 63
PROFESSIONS AND OCCUPATIONS
(STATE LICENSED)

Part

I. Preliminary Provisions (Reserved)
II. Bureau of Professional and Occupational Affairs

Enactment. Unless otherwise noted, the provisions of Title 63 were added July 1, 2020, P.L.575, No.53, effective immediately.

PART I
PRELIMINARY PROVISIONS
(Reserved)

Enactment. Part I (Reserved) was added July 1, 2020, P.L.575, No.53, effective immediately.

PART II
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

Chapter
31. Powers and Duties
33. Military and Veterans' Licensure

Enactment. Part II was added July 1, 2020, P.L.575, No.53, effective immediately unless otherwise noted.

CHAPTER 31
POWERS AND DUTIES

Sec.
3101. Scope of chapter.
3102. Definitions.
3103. Investigatory subpoena power.
3104. Reporting of sanctions and criminal proceedings.
3105. Hearing examiners.
3106. Suspension.
3107. Additional powers for commissioner.
3107.1. Virtual operation.
3108. Civil penalties.
3109. Confidentiality of records of licensure boards.
3110. Reports.
3111. Licensure by endorsement.
3112. Restricted licenses for barbers and cosmetologists.
3112.1. Restricted licenses for other occupations.
3113. Consideration of criminal convictions.
3114. Juvenile adjudications.
3115. Preliminary determinations by licensing boards and licensing commissions.
3116. Best practices guide.
3117. List of criminal offenses.
3118. Report to General Assembly.

Enactment. Chapter 31 was added July 1, 2020, P.L.575, No.53, effective immediately unless otherwise noted.

Special Provisions in Appendix. See section 4 of Act 53 of 2020 in the appendix to this title for special provisions relating to continuation of prior law.

§ 3101. Scope of chapter.
This chapter relates to the powers and duties of the General Counsel, the Bureau of Professional and Occupational Affairs and licensing boards and licensing commissions.

§ 3102. Definitions.
The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Bureau." The Bureau of Professional and Occupational Affairs in the Department of State.

"Commissioner." The commissioner of the bureau.

"Criminal conviction." Includes a finding of guilty, a plea of guilty or a plea of nolo contendere with respect to a criminal offense of this Commonwealth, or an equivalent crime under the laws of this Commonwealth in effect at the time of

the commission of the criminal offense or an equivalent crime in another jurisdiction.

"Directly relates." The nature of the criminal conduct for which the person was convicted has a direct bearing on the fitness or ability to perform one or more of the duties or responsibilities necessarily related to the profession, trade or occupation for which the individual seeks licensure.

"Disciplinary matter." A matter subject to a licensing board's or licensing commission's jurisdiction in which the licensing board or licensing commission has the authority to refuse, suspend, revoke or limit a license, registration, certificate or permit or to impose a civil penalty or other discipline under an act.

"Distance education." Instruction offered by any means where the licensee is in a separate physical location from the instructor and communication is accomplished through one or more technological media. The term includes real-time or delayed interaction using voice, video, data or text, including instruction provided online, via correspondence or interactive video.

"Expunge" or **"expungement."** Removal of a disciplinary record, accomplished by:

(1) permanently sealing the affected record from public access;

(2) deeming the proceedings to which the affected record refers as not having occurred; and

(3) except with respect to any subsequent application for expungement, affording the affected party the right to represent that no record exists regarding the subject matter of the affected record.

"Licensee." A person holding a license, registration, certificate or permit with a licensing board or licensing commission under the bureau.

"Licensing board." A departmental or administrative board under the bureau.

"Licensing commission." A departmental or administrative commission under the bureau.

"Practice act." A statute governing the licensure, certification, registration or permit of a profession that is under the jurisdiction of a licensing board or licensing commission.

"Right-to-Know Law." The act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.

"Virtual platform." Live-stream synchronous videoconferencing or similar virtual presence technology.

"Virtual supervision." The act of supervision of hours necessary for a license, certificate, registration or permit in a practice act done in a manner that allows the supervisor to be in a separate physical location from the supervisee while using a virtual platform to maintain a continuous real-time virtual presence as if in person.

(Dec. 22, 2021, P.L.488, No.100, eff. imd.)

2021 Amendment. Act 100 added the defs. of "distance education," "practice act," "virtual platform" and "virtual supervision."

§ 3103. Investigatory subpoena power.

The General Counsel or a designee of the General Counsel shall have the power and duty to issue subpoenas upon application of an attorney responsible for representing the Commonwealth in disciplinary matters before a licensing board or licensing commission for the purpose of investigating alleged

violations of the disciplinary provisions administered by a licensing board or licensing commission. The following apply:

(1) If disclosure is subject to a privilege provided by law, patient or client records may not be subpoenaed without the consent of the patient or client or without order of a court of competent jurisdiction showing that the records are reasonably necessary for the conduct of the investigation.

(2) The court may impose such limitation on the scope of the subpoena as may be necessary to prevent unnecessary intrusion into patient or client confidential information.

(3) The attorney responsible for representing the Commonwealth in disciplinary matters before a licensing board or licensing commission is authorized to apply to Commonwealth Court to enforce the subpoenas.

(4) Nothing in this section shall be construed to excuse a person from producing documents and records as requested by a licensing board or licensing commission under any other provision of law.

§ 3104. Reporting of sanctions and criminal proceedings.

(a) Duty.--A licensee, as a condition of licensure, certification, registration or holding a permit, shall provide written notice of the following to the appropriate licensing board or licensing commission within 30 days:

(1) A disciplinary action taken against the licensee by a licensing agency of another jurisdiction.

(2) A finding or verdict of guilt, an admission of guilt, a plea of nolo contendere, probation without verdict, a disposition in lieu of trial or an Accelerated Rehabilitative Disposition of a felony or misdemeanor offense.

(b) Sanctions.--A licensing board or licensing commission may take disciplinary action against a licensee who violates this section.

§ 3105. Hearing examiners.

(a) Appointment.--

(1) Notwithstanding any other provision of law, the commissioner, after consultation with the licensing boards and licensing commissions, shall appoint hearing examiners as may be necessary to conduct hearings in disciplinary matters before a licensing board or licensing commission.

(2) Each licensing board and licensing commission shall have the power to decide if a specific disciplinary matter or type of disciplinary matter is to be heard by the licensing board or licensing commission itself or by a hearing examiner appointed under this subsection.

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

(c) Powers.--A hearing examiner shall have the power to:

(1) Conduct hearings in accordance with applicable statutes, rules and regulations.

(2) Issue subpoenas requiring the attendance and testimony of individuals or the production of pertinent records or other papers by persons who, in the opinion of the hearing examiner, have information relevant to any

matters pending before the hearing examiner and to issue decisions.

(d) Time periods.--

(1) In all disciplinary matters before a licensing board or licensing commission, hearings shall commence within 90 days after the date on which an answer is filed.

(2) A continuance granted prior to the commencement of the hearing shall toll the 90-day requirement by the period of the continuance.

(3) A decision shall be rendered within 180 days after the record is closed.

(4) The licensing board or licensing commission shall render a final adjudication or decision on any exceptions to the decision of a hearing examiner or any applications for review within 90 days of the filing of the exceptions or applications, provided that a board or commission may delegate to a hearing examiner the authority to render a final adjudication or decision in such cases as deemed appropriate.

Cross References. Section 3105 is referred to in section 3108 of this title.

§ 3106. Suspension.

(a) Temporary suspension.--A licensing board or licensing commission may temporarily suspend a license, certificate, registration or permit under circumstances as determined by the licensing board or licensing commission to be an immediate and clear danger to public health and safety. The following apply:

(1) The licensing board or commission shall issue an order to that effect without a hearing, but upon due notice, to the licensee concerned at the licensee's last known address, which shall include a written statement of all allegations against the licensee.

(2) After issuing the order under paragraph (1), the licensing board or licensing commission shall commence formal action to suspend, revoke or restrict the license, certificate, registration or permit of the person concerned as otherwise provided for by law.

(3) All actions shall be taken promptly and without delay.

(b) Hearing.--Within 30 days following the issuance of an order of temporary suspension, the licensing board or licensing commission shall conduct or cause to be conducted a preliminary hearing to determine whether there is a prima facie case supporting the suspension. The following apply:

(1) The licensee whose license, certificate, registration or permit has been temporarily suspended may:

(i) be present at the preliminary hearing;

(ii) be represented by counsel;

(iii) cross-examine witnesses;

(iv) inspect physical evidence;

(v) call witnesses;

(vi) offer evidence and testimony; and

(vii) make a record of the proceedings.

(2) If it is determined that there is not a prima facie case, the suspended license, certificate, registration or permit shall be immediately restored.

(3) The temporary suspension shall remain in effect until vacated by the licensing board or licensing commission, but in no event longer than 180 days.

(c) Restoration.--Restoration of a license, certificate, registration or permit shall be made as provided by law in the

case of revocation or suspension of the license, certificate, registration or permit.

§ 3107. Additional powers for commissioner.

(a) Membership on boards and commissions.--In addition to the powers and duties imposed under law, the commissioner or a designee of the commissioner shall be a member of each of the licensing boards and licensing commissions except the State Board of Certified Real Estate Appraisers and the Navigation Commission for the Delaware River and its Navigable Tributaries.

(b) Designee of Secretary of the Commonwealth.--The commissioner or a designee of the commissioner may serve as the designee of the Secretary of the Commonwealth on the Navigation Commission for the Delaware River and its Navigable Tributaries.

§ 3107.1. Virtual operation.

(a) Virtual meetings.--In addition to the requirements of a practice act to hold public meetings to conduct business, each licensing board and licensing commission shall use a virtual platform to conduct business when a public meeting is held.

(b) Quorum.--Notwithstanding the provisions of a practice act, for the purposes of a quorum, a licensing board or licensing commission may use a virtual platform to establish a quorum and effectuate business if the platform allows for live participation. Licensing board or licensing commission meetings conducted in this manner shall not need to meet location requirements as may be required in a practice act.

(c) Distance education.--Each licensing board and licensing commission shall establish rules and regulations for continuing education that provides for distance education if continuing education is required for a license, certificate, registration or permit in a practice act.

(d) Virtual supervision.--In order to meet the supervision requirements for license, certificate, registration or permit hours in a practice act, each licensing board and licensing commission shall establish rules and regulations providing for virtual supervision in a manner that meets the requirements for licensure, certification, registration or permit and is acceptable to the licensing board and licensing commission. (Dec. 22, 2021, P.L.488, No.100, eff. imd.)

2021 Amendment. Act 100 added section 3107.1

§ 3108. Civil penalties.

(a) Authorization.--

(1) The commissioner, after consultation with the licensing boards and licensing commissions, shall have the power to adopt a schedule of civil penalties for operating without a current, registered, unsuspended and unrevoked license, registration, certificate or permit and for violating a provision of the licensing board's or licensing commission's respective acts or regulations relating to the conduct or operation of a business or facility licensed by the licensing boards and licensing commissions. The following apply:

(i) The schedule of penalties shall not be applicable to disciplinary matters under the jurisdiction of a licensing board or licensing commission unless that licensing board or licensing commission has approved the schedule.

(ii) The commissioner shall transmit notice of the adoption of the schedule of penalties, guidelines for the imposition of the schedule of penalties and procedures for appeal to the Legislative Reference Bureau

for publication in the Pennsylvania Bulletin. The commissioner shall, within two years of the publication of the notice, promulgate a regulation specifying the schedule of penalties, guidelines and procedures.

(iii) A penalty shall not exceed the sum of $1,000 per violation.

(iv) Duly authorized agents of the bureau shall have the power and authority to issue citations and impose penalties for violations.

(v) A penalty imposed may be appealed to a hearing examiner or the licensing board or licensing commission pursuant to the regulations promulgated under section 3105(b) (relating to hearing examiners).

(vi) If the appeal is initially to a hearing examiner, the relevant licensing board or licensing commission shall render a decision on any exceptions to the decision of the hearing examiner or on any applications for review in accordance with section 3105(d).

(vii) All proceedings shall be conducted in accordance with the provisions of 2 Pa.C.S. (relating to administrative law and procedure).

(2) The commissioner shall expunge the disciplinary record of a licensee, registrant, certificate holder or permit holder if the imposition of discipline was for a violation involving failure to complete continuing education requirements or practicing for six months or less on a lapsed license, registration, certificate or permit or for a violation otherwise specified in the schedule of civil penalties under paragraph (1), subject to the following:

(i) The licensee, registrant, certificate holder or permit holder must make written application to the commissioner for expungement not earlier than five years from the final disposition of the disciplinary record.

(ii) The disciplinary record must be the only disciplinary record that the licensee, registrant, certificate holder or permit holder has with either the commissioner or a licensing board or licensing commission under the commissioner's jurisdiction.

(iii) The licensee, registrant, certificate holder or permit holder must not be the subject of an active investigation related to professional or occupational conduct.

(iv) The licensee, registrant, certificate holder or permit holder must not be in a current disciplinary status, and any fees or fines assessed must be paid in full.

(v) The licensee, registrant, certificate holder or permit holder must not have had a disciplinary record previously expunged by the commissioner.

(vi) Disciplinary records involving imposition of discipline for violations other than those identified in this paragraph shall not be eligible for expungement.

(vii) The licensee, registrant, certificate holder or permit holder shall pay all costs associated with the expungement as established by the commissioner by regulation.

(3) Nothing in this subsection shall prohibit a licensing board or licensing commission from using previous discipline for any regulatory purpose or from releasing records of previous discipline upon request from law enforcement or other governmental body as permitted by law.

(b) Additional powers.--In addition to the disciplinary powers and duties of the licensing boards and licensing commissions within the bureau under their respective practice acts, licensing boards and licensing commissions shall have the power, respectively:

(1) To impose discipline, including, but not limited to, a civil penalty of up to $10,000 per violation on a licensee or unlicensed person who violates a lawful disciplinary order of the licensing board.

(2) To impose discipline, including, but not limited to, a civil penalty of up to $10,000 per violation on a licensee or unlicensed person who aids and abets the unlicensed practice of a profession, occupation or business.

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

(4) To levy a civil penalty of not more than $10,000 per violation on a licensee or unlicensed person who violates a provision of the applicable licensing act or licensing board regulation.

(5) To assess against the respondent determined to be in violation of the disciplinary provisions administered by a licensing board or licensing commission in a disciplinary proceeding pending before the licensing board or licensing commission for final determination, as part of the sanction, the costs of investigation underlying that disciplinary action. The cost of investigation shall not include those costs incurred by the licensing board or licensing commission after the filing of formal actions or disciplinary charges against the respondent.

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

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

(8) To provide for the carryover of any continuing education credits in excess of the number required for biennial renewal. The carryover shall be valid for one biennial renewal term only. As used in this paragraph, the term "continuing education" includes any term similar in nature used by a licensing board or commission.

(c) Restrictions.--

(1) Decisions rendered by a licensing board or licensing commission on any exceptions to the decision of a hearing examiner or on an application for review in accordance with section 3105(d) to impose a civil penalty under this section shall require the same number of votes required for the licensing board or licensing commission to impose a civil penalty under any other act.

(2) Nothing in this section shall be construed to restrict the powers and duties under any other act of a licensing board or licensing commission in disciplinary matters, except that a licensing board or licensing commission may not impose a civil penalty under any other act for the same violation for which a civil penalty has been imposed under this section.

(d) Status of civil penalty.--A civil penalty, together with any associated fee, interest or cost, imposed under this section or imposed by a licensing board or licensing commission under another act shall be a judgment in favor of the bureau upon the person or the property of the person, whether real or personal, and including any after-acquired property, upon whom the civil penalty is imposed. The Attorney General shall be responsible for enforcing the judgments in courts of competent jurisdiction in accordance with 42 Pa.C.S. (relating to judiciary and judicial procedure).

(e) Entry of judgment.--Within 60 months of the final disposition of a disciplinary case, if an unpaid civil penalty, fee, interest and cost of a licensee total $1,000 or more, the licensing board or licensing commission, or the respective agent of the licensing board or licensing commission, may transmit a copy of the final disposition to the prothonotary of the court of common pleas in the county where the licensee or property of the licensee upon whom the penalty, fee, interest and cost are imposed is located. The following apply:

(1) The prothonotary shall enter and docket the copy of the final disposition without requiring payment of costs as a condition precedent to the entry of the copy of the final disposition.

(2) The total of the penalty, fee, interest and cost shall be entered as a judgment upon the licensee regardless of whether the amount has been ordered to be paid in installments.

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

(g) 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 not less than 10 days before the execution on the lien. Notice may be sent by registered mail to the last known address of the licensee.

(h) 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 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.

(i) Satisfaction.--Once a judgment is paid in full to the licensing board or licensing commission, or the respective agent of the licensing board or licensing commission, the licensing board or licensing commission, or the respective agent of the licensing board or licensing commission, shall, within 90 days, notify the prothonotary in writing of receipt of payment in full and request the judgment be noted as satisfied in full.

(j) Applicability.--This section shall apply only to disciplinary proceedings commenced on or after August 31, 1993.

(k) 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:

"Unlicensed practice." Any of the following:

(1) Practicing a profession or occupation or operating a business for which a license, registration, certificate or permit is required without holding a valid, unexpired, unrevoked or unsuspended authority to do so.

(2) Representing to the public or a person, through offerings, advertisements or the use of a title, that the

individual is qualified to practice a profession, occupation or business for which a license, registration, certificate or permit is required without holding a valid, unexpired, unrevoked or unsuspended authority to do so.

(Nov. 25, 2020, P.L.1189, No.116, eff. 60 days; Dec. 14, 2023, P.L.464, No.65, eff. 60 days)

2023 Amendment. Act 65 amended subsec. (a)(2) intro. par. and (i).

2020 Amendment. Act 116 amended section 5(b) of Act 48 of 1993 by adding par. (8). Act 48 of 1993 was consolidated by Act 53 of 2020 into 63 Pa.C.S. on July 1, 2020. Paragraph (8) was added to 63 Pa.C.S. § 3108(b). See 1 Pa.C.S. § 1952.

§ 3109. Confidentiality of records of licensure boards.

(a) General rule.--

(1) All records under section 708(b)(17) of the Right-to-Know Law relating to a noncriminal investigation, including prosecutorial memos and transcripts of depositions, undertaken by the Bureau of Enforcement and Investigation and the Prosecution Division of the Department of State, Office of Chief Counsel on behalf of the licensing boards within the Department of State or concerning a licensure-related complaint filed with the Department of State shall be confidential and privileged.

(2) No person who has investigated or has access to or custody of documents, materials or information that are confidential and privileged under this subsection shall be required to testify in a judicial or administrative proceeding unless directed to do so by a court of competent jurisdiction without the written consent of the licensing board that regulates the profession involved.

(3) This subsection shall not preclude or limit introduction of the contents of an investigative file or related witness testimony in a hearing or proceeding held before the licensing boards within the Department of State.

(4) This section shall not apply to letters to a licensee or other documents that disclose the final outcome of an investigation or to final adjudications or orders issued by the licensure board.

(b) Certain disclosure permitted.--

(1) Except as provided under subsection (a), this section shall not prevent disclosure of documents, materials or information pertaining to the status of a license, permit or certificate issued or prepared by the licensing boards or the sharing of information with law enforcement authorities or professional licensure regulatory boards in other jurisdictions or information relating to a public disciplinary proceeding or hearing.

(2) Any other disclosure of records under section 708(b)(17) of the Right-to-Know Law relating to a noncriminal investigation, including prosecutorial memos and transcripts of depositions by employees or agents of the Department of State, Office of Chief Counsel, Bureau of Professional and Occupational Affairs and the Bureau of Enforcement and Investigation may be made only in furtherance of an investigation or prosecution of alleged violations of applicable licensing statutes, codes or regulations.

(3) Violations of this subsection shall subject the employee or agent to administrative discipline, including discharge, suspension or other formal or appropriate disciplinary action.

(c) Confidentiality affidavits.--All employees and agents of the Department of State, Office of Chief Counsel, Bureau of Professional and Occupational Affairs and the Bureau of Enforcement and Investigation shall execute a confidentiality affidavit that provides that documents, materials or information under subsection (a), obtained by employees and agents of the Department of State, Office of Chief Counsel, Bureau of Professional and Occupational Affairs and the Bureau of Enforcement and Investigation shall be considered confidential and may be disclosed only as permitted under subsections (a) and (b).

(d) Waiver prohibited.--A licensing board or licensing commission may not require an applicant to waive any confidentiality provided for under this section as a condition for the approval of a license or any other action of the board.

§ 3110. Reports.

Licensing boards and licensing commissions shall submit annually to the Consumer Protection and Professional Licensure Committee of the Senate and to the Professional Licensure Committee of the House of Representatives a report containing the following:

(1) Description of the types of complaints received.

(2) Status of cases.

(3) Total number of cases and type of disciplinary action taken.

(4) Percentage of disciplinary actions in relation to the total number of licensees.

(5) Number of closed cases.

(6) Average number of days to close a case.

(7) Number of revocations and suspensions.

(8) Percentage of revocations and suspensions in relation to the total number of licensees.

§ 3111. Licensure by endorsement.

(a) General rule.--Notwithstanding any existing provisions related to licensure by endorsement or licensure by reciprocity in an applicable licensing statute, a licensing board or licensing commission shall issue a license, certificate, registration or permit to an applicant to allow practice in this Commonwealth if, upon application to the licensing board or licensing commission, the applicant satisfies all of the following conditions:

(1) Holds a current license, certificate, registration or permit from another state, territory or country and the licensing board or licensing commission determines that state's, territory's or country's requirements are substantially equivalent to or exceed the requirements established in this Commonwealth.

(2) Demonstrates competency in the profession or occupation through methods determined by the licensing board or licensing commission, including having completed continuing education or having experience in the profession or occupation for at least two of the five years preceding the date of the application under this section.

(3) Has not committed any act that constitutes grounds for refusal, suspension or revocation of a license, certificate, registration or permit to practice that profession or occupation in this Commonwealth unless the licensing board or licensing commission determines, in its discretion, that the act should not be an impediment to the granting of a license, certificate, registration or permit to practice in this Commonwealth.

(4) Is in good standing and has not been disciplined by the jurisdiction that issued the license, certificate, registration or permit unless the licensing board or licensing commission determines, in its discretion, that the discipline should not be an impediment to the granting of a license, certificate, registration or permit to practice in this Commonwealth.

(5) Pays any fees established by the licensing board or licensing commission by regulation.

(b) Provisional endorsement license.--A licensing board or licensing commission may issue a provisional license, certificate, registration or permit to an applicant for licensure by endorsement while the applicant is satisfying remaining requirements for the licensure by endorsement as determined by the licensing board or licensing commission. The holder of a provisional endorsement license issued under this subsection may practice until any of the following occurs:

(1) A license, certificate, registration or permit is denied by the licensing board or licensing commission under this section.

(2) The expiration of the provisional endorsement license as established by the licensing board or licensing commission by regulation.

(3) The holder of the provisional endorsement license fails to comply with the terms of the provisional license.

(c) Construction.--Nothing in this section is intended to supersede or replace existing statutory provisions relating to licensure by endorsement or licensure by reciprocity applicable to licensing boards and licensing commissions through their respective enabling statutes.

§ 3112. Restricted licenses for barbers and cosmetologists.

(a) Supplementary provisions.--Notwithstanding any provision of law to the contrary, as an alternative to refusing to issue or renew, suspending, revoking or limiting a license as a result of a finding that an applicant for a barber's license or a cosmetology license lacks the fitness to engage in the practice of barbering under the act of June 19, 1931 (P.L.589, No.202), referred to as the Barbers' License Law, or in the practice of cosmetology under the act of May 3, 1933 (P.L.242, No.86), referred to as the Cosmetology Law, due to a criminal conviction, or is otherwise ineligible for a license as a barber or cosmetologist as a result of a criminal conviction, the State Board of Barber Examiners or the State Board of Cosmetology may issue a restricted license for a term of not less than one year and not more than two years to an applicant for a license under the Barbers' License Law or the Cosmetology Law. The following apply:

(1) The State Board of Barber Examiners or the State Board of Cosmetology shall determine the period of time during which the respective applicant shall operate under a restricted license.

(2) The State Board of Barber Examiners or the State Board of Cosmetology shall notify the respective applicant of that period of time and the conditions placed on the restricted license under subsection (c).

(b) Demonstration of fitness.--Notwithstanding any other provision of law to the contrary and the individual's criminal convictions, an applicant for a restricted license may demonstrate fitness for issuance of a restricted license to practice barbering or cosmetology by introducing evidence of the following, as applicable:

(1) While incarcerated, the individual maintained a record of good behavior, including the successful completion of any required rehabilitative programming offered by a county correctional facility or the Department of Corrections.

(2) If incarcerated by a county correctional facility or the Department of Corrections and enrolled in a program regarding barbering or cosmetology, the individual has successfully completed the requisite education or training requirements of the program.

(3) The individual has not been found to be in violation of probation or parole.

(4) The individual has demonstrated a commitment to living a law-abiding life, which may be established by a letter of recommendation from the individual's probation officer, parole officer or appropriate official within the county correctional facility or the Department of Corrections, or any other means, at the discretion of the State Board of Barber Examiners or the State Board of Cosmetology, as applicable.

(c) Conditions for restricted license.--The State Board of Barber Examiners or the State Board of Cosmetology shall impose conditions on a holder of a restricted license, including any of the following:

(1) Limiting the scope or location of the restricted license holder's practice.

(2) Requiring the restricted license holder to be reasonably supervised during business hours by a licensed manager-barber or a licensee designated in charge of the barber shop or a licensed cosmetology teacher or salon owner or designated person in charge of the salon, as applicable.

(3) Requiring the restricted license holder to notify the State Board of Barber Examiners or the State Board of Cosmetology, as applicable, in writing as soon as is practicable of a change in the supervisor specified under paragraph (2).

(4) Requiring the restricted license holder to abide by any other condition that the State Board of Barber Examiners or the State Board of Cosmetology, as applicable, deems appropriate.

(d) Revocation.--A restricted license shall be immediately revoked if any of the following occurs:

(1) The restricted license holder is convicted of an offense graded as a misdemeanor or felony in this Commonwealth or a similar or equivalent offense in another jurisdiction following the receipt of the restricted license.

(2) The restricted license holder fails to comply with any condition imposed by the State Board of Barber Examiners or the State Board of Cosmetology and specified under subsection (c).

(e) Compliance.--Within 30 days of the conclusion of the term of the restricted license, the supervising licensed manager-barber or a licensee designated in charge of the barber shop or a licensed cosmetology teacher or salon owner or designated person in charge of the salon, as appropriate, shall provide written notice to the State Board of Barber Examiners or the State Board of Cosmetology as to whether the restricted license holder complied with all conditions imposed under subsection (c). If the restricted license holder meets all of the other qualifications for licensure under the Barbers' License Law or the Cosmetology Law, the State Board of Barber Examiners or the State Board of Cosmetology shall issue a

license to practice under the Barbers' License Law or the Cosmetology Law, as appropriate.

(f) Construction.--Nothing in this section shall be construed to restrict any of the other powers and duties of the State Board of Cosmetology or the State Board of Barber Examiners.

Effective Date. Section 6(1) of Act 53 of 2020 provided that the addition of section 3112 shall take effect in 180 days.

Special Provisions in Appendix. See section 5 of Act 53 of 2020 in the appendix to this title for special provisions relating to applicability.

Cross References. Section 3112 is referred to in sections 3116, 3118 of this title; section 9124 of Title 18 (Crimes and Offenses).

§ 3112.1. Restricted licenses for other occupations.

(a) Occupations other than barbering and cosmetology.--Notwithstanding any provision of law to the contrary, if a county correctional facility or the Department of Corrections offers training in the occupation, other than barbering and cosmetology, which requires the issuance of a license, certificate, registration or permit by the bureau in order to engage in that occupation, the applicable licensing board or licensing commission may issue a restricted license to an applicant as specified in this section as an alternative to refusing to issue or renew, suspending, revoking or limiting a license as a result of a finding that the applicant for a license, certificate, registration or permit lacks the fitness to engage in the occupation due to a criminal conviction or is otherwise ineligible for licensure due to a criminal conviction. The following shall apply:

(1) The applicable licensing board or commission shall determine the period of time during which the applicant shall operate under a restricted license. The minimum period of time shall be one year. The maximum period of time shall be two years.

(2) The applicable licensing board or licensing commission shall notify the applicant of the time period under paragraph (1) and the conditions placed on the restricted license under subsection (c).

(b) Demonstration of fitness.--Notwithstanding any other provision of law to the contrary and the criminal conviction, an applicant for a restricted license may demonstrate fitness for issuance of a restricted license to practice by introducing evidence of the following:

(1) While incarcerated, the individual maintained a record of good behavior, including the successful completion of any required rehabilitative programming offered by a county correctional facility or the Department of Corrections.

(2) If incarcerated by a county correctional facility or the Department of Corrections and enrolled in a program regarding the occupation for which a restricted license is sought, the applicant successfully completed the requisite education or training requirements of the program.

(3) The applicant has not been found to be in violation of probation or parole.

(4) The applicant has demonstrated a commitment to living a law-abiding life, which may be established by a letter of recommendation from the applicant's probation officer, parole officer or appropriate official within the county correctional facility or the Department of

Corrections, or by any other means, at the discretion of the licensing board or licensing commission, as applicable.

(c) Conditions.--The licensing board or licensing commission shall impose conditions on a holder of a restricted license, including:

(1) Limiting the scope or location of the restricted license holder's practice.

(2) Requiring the restricted license holder to be reasonably supervised during business hours by an individual licensed by the licensing board or licensing commission, as applicable.

(3) Requiring the restricted license holder to notify the licensing board or licensing commission, as applicable, in writing as soon as is practicable of a change in the supervisor under paragraph (2).

(4) Requiring the restricted license holder to abide by any other condition the licensing board or licensing commission, as applicable, deems appropriate.

(d) Revocation.--The restricted license shall be immediately revoked if any of the following occurs:

(1) The restricted license holder is convicted of an offense graded as a misdemeanor or felony in this Commonwealth or a similar or equivalent offense in another jurisdiction following the receipt of the restricted license.

(2) The restricted license holder fails to comply with any of the conditions imposed by the licensing board or licensing commission, as applicable, under subsection (c).

(e) Notice.--Within 30 days of the conclusion of the term of the restricted license, the licensee supervising the holder of the restricted license shall provide written notice to the licensing board or licensing commission, as appropriate, as to whether the restricted license holder complied with all conditions imposed by the licensing board or licensing commission under subsection (c). If the restricted license holder meets all of the other qualifications for licensure under the applicable practice act, the licensing board or licensing commission, as appropriate, shall issue a license to practice that occupation.

(f) Construction.--Nothing in this section shall be construed to restrict any of the other powers and duties of the licensing board or licensing commission, as applicable.

Effective Date. Section 6(1) of Act 53 of 2020 provided that the addition of section 3112.1 shall take effect in 180 days.

Special Provisions in Appendix. See section 5 of Act 53 of 2020 in the appendix to this title for special provisions relating to applicability.

Cross References. Section 3112.1 is referred to in sections 3116, 3118 of this title; section 9124 of Title 18 (Crimes and Offenses).

§ 3113. Consideration of criminal convictions.

(a) Applicability.--This section shall apply to licensing boards and licensing commissions notwithstanding the following:

(1) Any other statutory provision to the contrary regarding the consideration of good moral character, crimes of moral turpitude or ethical or honest practice with respect to disqualification of licensure due to criminal conviction.

(2) 18 Pa.C.S. § 9124(c) (relating to use of records by licensing agencies).

(3) Any other statutory provision that disqualifies an individual from holding a license, certificate, registration or permit due to the individual's criminal conviction.

(a.1) Consideration.--A licensing board or licensing commission may not consider the provisions specified under subsection (a) in determining whether an individual qualifies for a license, certificate, registration or permit but instead shall determine the individual's qualification for a license, certificate, registration or permit in accordance with the procedures specified under this section.

(b) Analysis of criminal convictions.--Except as provided in subsections (d), (e) and (f), a licensing board or a licensing commission shall engage in a two-stage analysis of the criminal convictions of the applicant. The following shall apply:

(1) The first stage of the analysis shall determine whether the criminal conviction directly relates to the occupation, trade or profession for which the individual seeks licensure by reviewing the schedule of offenses in section 3117 (relating to list of criminal offenses). If the offense is found on the list of offenses that are directly related to the occupation, trade or profession, the licensing board or licensing commission shall then determine whether licensure of the individual would pose a substantial risk to the health and safety of the individual's patients or clients or the public or a substantial risk of further criminal convictions by conducting the individualized assessment specified in subsection (c). There shall be a rebuttable presumption that licensure of the individual with a criminal conviction that directly relates to the occupation, trade or profession would pose a substantial risk to the health and safety of the individual's patients or clients or the public or a substantial risk of further criminal convictions. The individual may rebut the presumption by showing evidence of rehabilitation, as specified in the factors in subsection (c).

(2) If, after reviewing the schedule of offenses in section 3117, the criminal conviction is determined not to be directly related to the occupation, trade or profession, the licensing board or licensing commission shall proceed to the second stage of the analysis of the criminal conviction. During the second stage of the analysis, the licensing board or licensing commission shall determine whether, due to the nature of the criminal conviction, licensure of the individual would pose a substantial risk to the health and safety of the individual's patients or clients or the public or a substantial risk of further criminal convictions. If so, the licensing board or licensing commission shall conduct the individualized assessment specified in subsection (c). The individual may rebut the determination by showing evidence of rehabilitation, as specified in the factors in subsection (c).

(c) Individualized assessment.--A licensing board or licensing commission shall conduct an individualized assessment of the individual with respect to criminal convictions and rehabilitation. The licensing board or licensing commission shall only consider the following factors in order to determine whether the individual meets the requirements for issuance of a license, certificate, registration or permit under subsection (b)(1) or (b)(2):

(1) Whether the criminal conduct for which the individual was convicted involved an act or threat of harm

against the individual. For purposes of this paragraph, the term "harm" includes harm to the victim, the personal property of the victim or reputation of the victim.

(2) The facts and circumstances surrounding the criminal conviction.

(3) The number of criminal convictions.

(4) Increase in age or maturity of the individual since the date of the criminal conviction.

(5) The individual's criminal history or lack of criminal history after the date of conviction.

(6) Successful completion of education and training activities, including those in a county correctional facility or the Department of Corrections.

(7) References from employers or others, including personnel of the county correctional facility or the Department of Corrections.

(8) Progress in personal rehabilitation since the conviction.

(9) Whether the individual meets all other licensing qualifications of the applicable practice act, including any examination requirements.

(10) The individual's criminal history, or lack of criminal history, after the date of the criminal conviction while engaged in the same or similar profession or occupation.

(11) Any other factor deemed relevant to the licensing board or licensing commission regarding the fitness of the individual for licensure.

(d) Sexual offenses.--When determining eligibility for licensure as a health care practitioner, a licensing board or licensing commission may not issue a license, registration, certificate or permit or otherwise allow an individual to practice as a health care practitioner if the individual has been convicted of a sexual offense.

(e) Crimes of violence.--An individual convicted of a crime of violence as defined in 42 Pa.C.S. § 9714 (relating to sentences for second and subsequent offenses) may be granted a license, registration, certificate or permit by a licensing board or licensing commission if all of the following apply:

(1) If the individual was incarcerated, at least three years have elapsed since release from incarceration. The period of three years shall be tolled for a violation of parole.

(2) If the individual is serving a sentence other than a period of confinement in a State or county correctional facility, at least three years have elapsed since imposition of sentence.

(3) The individual has remained conviction-free during the periods specified in paragraph (1) or (2).

(4) The individual demonstrates significant rehabilitation since the criminal conviction.

(5) The licensing board or licensing commission determines, by using the factors in subsection (c), except for subsection (c)(8), that licensure of the individual does not pose a substantial risk to the health and safety of the individual's patients or clients or the public or a substantial risk of further criminal convictions.

(f) Drug trafficking.--Notwithstanding any provision of law to the contrary, the provisions of the respective practice acts relating to felony drug convictions under the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, or a conviction for an offense under

the laws of another jurisdiction which, if committed in this Commonwealth, would be a felony under the Controlled Substance, Drug, Device and Cosmetic Act, shall only apply to an individual who has been convicted of a drug trafficking offense. The licensing board or licensing commission may show, by a preponderance of the evidence, that the amount or weight of the controlled substance involved in a conviction meets the requirements for a drug trafficking offense.

(g) Construction.--Nothing in this section shall be construed to restrict any of the other powers and duties of a licensing board or licensing commission in disciplinary or licensure matters.

(h) Public information.--Except for name, address and other identifying information, a determination under this section shall be public information.

(i) 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:

"Drug trafficking offense." A violation of section 13(a)(14), (30) or (37) of The Controlled Substance, Drug, Device and Cosmetic Act, if the controlled substance or a mixture containing it is:

(1) Marijuana, if the amount of marijuana involved is at least 50 pounds or at least 51 live plants.

(2) A narcotic drug classified in Schedule I or Schedule II under section 4 of The Controlled Substance, Drug, Device and Cosmetic Act, if the aggregate weight of the compound or mixture containing the substance involved is at least 100 grams.

(3) Any of the following, if the aggregate weight of the compound or mixture of the substance involved is at least 100 grams:

(i) Coca leaves.

(ii) A salt, compound, derivative or preparation of coca leaves.

(iii) A salt, compound, derivative or preparation which is chemically equivalent or identical with any of the substances under subparagraphs (i) and (ii).

(iv) A mixture containing any of the substances under subparagraphs (i) and (ii), except decocainized coca leaves or extracts of coca leaves which do not contain cocaine or ecgonine.

(4) Any of the following, if the aggregate weight of the compound or mixture of the substance involved is at least 100 grams:

(i) Methamphetamine.

(ii) Phencyclidine.

(iii) A salt, isomer or salt of an isomer of methamphetamine or phencyclidine.

(iv) A mixture containing:

(A) Methamphetamine or phencyclidine.

(B) A salt of methamphetamine or phencyclidine.

(C) An isomer of methamphetamine or phencyclidine.

(D) A salt of an isomer of methamphetamine or phencyclidine.

(5) Heroin or a mixture containing heroin, if the aggregate weight of the compound or mixture containing the heroin is 50 grams or greater.

(6) A mixture containing 3,4-methylenedioxyamphetamine (MDA); 3,4-methylenedioxymethamphetamine (MDMA); 5-methoxy-3,4-methylenedioxyamphetamine (MMDA);

3,4-methylenedioxy-N-ethylamphetamine; N-hydroxy-3,4-methylenedioxyamphetamine when the aggregate weight of the compound or mixture containing the substance involved is at least 1,000 tablets, capsules, caplets or other dosage units or 300 grams.

(7) Fentanyl or a mixture containing fentanyl, if the aggregate weight of the compound or mixture containing the fentanyl is 10 grams or more.

(8) Carfentanil or a mixture containing carfentanil, if the aggregate weight of the compound or mixture containing the carfentanil is one gram or more.

"Healing arts." The science and skill of diagnosis or treatment in any manner whatsoever of disease or any ailment of the human body.

"Health care practitioner." An individual who is authorized to practice some component of the healing arts by a license, certificate, registration or permit issued by a licensing board or licensing commission.

"Sexual offense." An act, conspiracy or solicitation to commit any of the following offenses or an equivalent crime in another jurisdiction:

(1) 18 Pa.C.S. § 2910 (relating to luring a child into a motor vehicle or structure).

(2) Any of the offenses enumerated in 18 Pa.C.S. Ch. 30 (relating to human trafficking) if the offense involved sexual servitude.

(3) Any of the offenses enumerated in 18 Pa.C.S. Ch. 31 (relating to sexual offenses).

(4) 18 Pa.C.S. § 4302 (relating to incest).

(5) 18 Pa.C.S. § 4304(a)(1) (relating to endangering welfare of children) if the offense involved sexual contact with the victim.

(6) 18 Pa.C.S. § 5901 (relating to open lewdness) if the offense involved a minor under 18 years of age.

(7) 18 Pa.C.S. § 5902(b) or (b.1) (relating to prostitution and related offenses).

(8) 18 Pa.C.S. § 5903 (relating to obscene and other sexual materials and performances) if the offense involved a minor under 18 years of age.

(9) 18 Pa.C.S. § 6301(a)(1)(i) (relating to corruption of minors) if the offense involved sexual contact with the victim.

(10) 18 Pa.C.S. § 6301(a)(1)(ii).

(11) 18 Pa.C.S. § 6312 (relating to sexual abuse of children).

(12) 18 Pa.C.S. § 6318 (relating to unlawful contact with minor).

(13) 18 Pa.C.S. § 6320 (relating to sexual exploitation of children).

(14) 18 Pa.C.S. § 7507.1 (relating to invasion of privacy).

Effective Date. Section 6(1) of Act 53 of 2020 provided that the addition of section 3113 shall take effect in 180 days.

Special Provisions in Appendix. See section 5 of Act 53 of 2020 in the appendix to this title for special provisions relating to applicability.

Cross References. Section 3113 is referred to in sections 3115, 3116, 3117, 3118 of this title; section 9124 of Title 18 (Crimes and Offenses).

§ 3114. Juvenile adjudications.

Notwithstanding any provision of law to the contrary, when determining whether an applicant is qualified to be issued a license, registration, certificate or permit, a licensing board or licensing commission may not consider the applicant's juvenile adjudications.

Effective Date. Section 6(1) of Act 53 of 2020 provided that the addition of section 3114 shall take effect in 180 days.

Special Provisions in Appendix. See section 5 of Act 53 of 2020 in the appendix to this title for special provisions relating to applicability.

Cross References. Section 3114 is referred to in sections 3116, 3118 of this title; section 9124 of Title 18 (Crimes and Offenses).

§ 3115. Preliminary determinations by licensing boards and licensing commissions.

An applicant with a criminal history who, based on a review of the best practices guide published under section 3116 (relating to best practices guide), is unable to determine whether the applicant's criminal record would preclude the issuance of a license, certificate, registration or permit may file a petition for preliminary review with the licensing board or licensing commission under the bureau seeking a preliminary decision on whether the applicant's criminal history would disqualify the applicant from receiving a license, certificate, registration or permit, subject to the following:

(1) If the petition is filed separately from a formal application for a license, certificate, registration or permit, the licensing board or licensing commission shall issue a preliminary decision within 45 days. The preliminary decision shall be limited to a declaration of whether a conviction on the petitioner's criminal history record falls within the set of convictions that the licensing board or licensing commission has previously determined may be directly related to the profession or occupation over which the licensing board or licensing commission has authority.

(2) If the licensing board or licensing commission determines that a conviction on the petitioner's criminal history record is directly related to the occupation, trade or profession, the notice of the preliminary decision shall inform the petitioner that the determination is not final or binding as to whether the petitioner qualifies for a license, certificate, registration or permit, and that the petitioner has the opportunity to present evidence of the factors specified in section 3113(c) (relating to consideration of criminal convictions) in connection with any subsequent formal application for a license, certificate, registration or permit. Where appropriate, the notice may also inform the petitioner that a sexual offense, crime of violence or drug trafficking offense may prevent licensure in accordance with section 3113(d), (e) and (f).

(3) The licensing board or licensing commission may charge a filing fee, which shall not exceed $45, to be paid for each petition for preliminary review filed on or after January 1, 2022. The licensing board or licensing commission may establish by regulation reasonable fees which may not exceed an amount sufficient to reimburse the licensing board or licensing commission for the administrative costs associated with processing the petition for preliminary review. The licensing board or licensing commission shall make available forms for petitioners to request in forma pauperis status in connection with a petition. The licensing

board or licensing commission may not unreasonably deny in forma pauperis status. A petitioner granted in forma pauperis status shall be permitted to file a petition and receive a preliminary decision without payment of the filing fee.

(4) The determination by the licensing board or licensing commission shall be binding, subject to:

(i) A review of criminal history record information submitted during the application process.

(ii) Section 3113.

Effective Date. Section 6(1) of Act 53 of 2020 provided that the addition of section 3115 shall take effect in 180 days.

Special Provisions in Appendix. See section 5 of Act 53 of 2020 in the appendix to this title for special provisions relating to applicability.

Cross References. Section 3115 is referred to in sections 3116, 3117, 3118 of this title; section 9124 of Title 18 (Crimes and Offenses).

§ 3116. Best practices guide.

(a) Development of guide.--Within 180 days of the effective date of this subsection, the Department of State shall, in collaboration with the licensing boards and licensing commissions, develop a guide of best practices for an applicant with a criminal conviction to use when seeking a license, certificate, registration or permit. The following apply:

(1) The guide shall be published in both English and Spanish.

(2) The guide shall include, at a minimum, a summary of the provisions of the following:

(i) Section 3112 (relating to restricted licenses for barbers and cosmetologists).

(ii) Section 3112.1 (relating to restricted licenses for other occupations).

(iii) Section 3113 (relating to consideration of criminal convictions).

(iv) Section 3114 (relating to juvenile adjudications).

(v) Section 3115 (relating to preliminary determinations by licensing boards and licensing commissions).

(vi) Section 3117 (relating to list of criminal offenses).

(b) Publication and distribution.--Within 180 days of the effective date of this subsection, the Department of State shall publish the guide under subsection (a) on its publicly accessible Internet website and shall provide a written copy upon request. The written copy of the guide shall be provided without cost to the person requesting the guide.

Special Provisions in Appendix. See section 5 of Act 53 of 2020 in the appendix to this title for special provisions relating to applicability.

Cross References. Section 3116 is referred to in sections 3115, 3117, 3118 of this title; section 9124 of Title 18 (Crimes and Offenses).

§ 3117. List of criminal offenses.

(a) Duty of commissioner.--After consultation with the licensing boards, licensing commissions and representatives of the business community with knowledge of the respective professions, the commissioner shall have the power and duty to publish a schedule of criminal convictions that may constitute grounds to refuse to issue, suspend or revoke a license,

certificate, registration or permit for each occupation or profession under the respective practice acts. The following shall apply:

(1) The schedule shall indicate which offenses are those that the licensing board or licensing commission deems as directly relating to the occupation, trade or profession.

(2) The schedule shall indicate the licensing board and licensing commission responsible for licensure of each occupation or profession.

(3) Within 180 days of the effective date of this subsection, the commissioner shall transmit notice of the completion of the schedule to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin.

(4) Within two years of the publication under paragraph (3), the commissioner shall transmit notice of a regulation to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin. The regulation shall be subject to the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act.

(5) The commissioner shall submit a regulation to update the schedule of criminal convictions as often as the commissioner deems appropriate to reflect new statutory enactments of the General Assembly affecting the schedule.

(b) Public comment period.--Within 120 days of the publication of the schedule in the Pennsylvania Bulletin under subsection (a), the commissioner shall submit initial proposed regulations to the Independent Regulatory Review Commission under section 5 of the Regulatory Review Act.

(c) Dissemination.--Within 180 days of the effective date of this subsection, the schedule of offenses in subsection (a) shall be provided in writing to each applicant for a license, certificate, registration or permit issued by a licensing board or licensing commission as part of the application and shall be made part of the best practices guide under section 3116 (relating to best practices guide). The following shall apply:

(1) Within 180 days of the effective date of this subsection, the schedule shall be published on the publicly accessible Internet website of the Department of State.

(2) The schedule of criminal convictions shall be published in both English and Spanish.

(3) Notice that the list of criminal offenses will change based upon new enactments by the General Assembly shall be provided on the publicly accessible Internet website of the Department of State, in writing as part of the application and in the best practices guide.

(d) Application.--The schedule shall be used by the licensing boards and licensing commissions when:

(1) preparing preliminary determinations under section 3115 (relating to preliminary determinations by licensing boards and licensing commissions);

(2) determining which criminal convictions may result in discipline of a licensee; and

(3) determining whether a criminal conviction may result in refusing to issue a license, certificate, registration or permit under section 3113 (relating to consideration of criminal convictions).

Special Provisions in Appendix. See section 5 of Act 53 of 2020 in the appendix to this title for special provisions relating to applicability.

Cross References. Section 3117 is referred to in sections 3113, 3116, 3118 of this title; section 9124 of Title 18 (Crimes and Offenses).

§ 3118. Report to General Assembly.

(a) Report required.--Within two years after the effective date of this section and every four years thereafter, the Secretary of the Commonwealth shall issue a written report regarding the implementation and effectiveness of the following:

(i) Section 3112 (relating to restricted licenses for barbers and cosmetologists).

(ii) Section 3112.1 (relating to restricted licenses for other occupations).

(iii) Section 3113 (relating to consideration of criminal convictions).

(iv) Section 3114 (relating to juvenile adjudications).

(v) Section 3115 (relating to preliminary determinations by licensing boards and licensing commissions).

(vi) Section 3116 (relating to best practices guide).

(vii) Section 3117 (relating to list of criminal offenses).

(b) Submittal of report.--The report under subsection (a) shall be submitted to the following:

(1) The President pro tempore of the Senate.

(2) The chairperson and minority chairperson of the Consumer Protection and Professional Licensure Committee of the Senate.

(3) The chairperson and minority chairperson of the Judiciary Committee of the Senate.

(4) The Speaker of the House of Representatives.

(5) The chairperson and minority chairperson of the Professional Licensure Committee of the House of Representatives.

(6) The chairperson and minority chairperson of the Judiciary Committee of the House of Representatives.

(c) Contents of report.--The report under subsection (a) shall include the following:

(1) The number of applications for a license, certificate, registration or permit that each licensing board and licensing commission receives each year.

(2) The number of applicants with criminal convictions that submit applications to the State Board of Barber Examiners and the State Board of Cosmetology, including the following:

(i) The number of applicants that are issued a restricted license under section 3112.

(ii) The number of applicants that are denied a restricted license under section 3112 and the reasons for the denials.

(iii) The number of restricted license holders that are issued a license to practice under the act of June 19, 1931 (P.L.589, No.202), referred to as the Barbers' License Law, or the act of May 3, 1933 (P.L.242, No.86), referred to as the Cosmetology Law, following the restricted license term.

(iv) The number of restricted licenses that are revoked during the restricted license term under section 3112(d) and the reasons for the revocations.

(3) The number of applicants that are denied licenses, certificates, registrations and permits each year by the

licensing boards and licensing commissions as a result of criminal convictions.

(4) Whether to amend any provision of this chapter.

(d) Public record.--The report under subsection (a) shall be a public record under the Right-to-Know Law.

Special Provisions in Appendix. See section 5 of Act 53 of 2020 in the appendix to this title for special provisions relating to applicability.

CHAPTER 33
MILITARY AND VETERANS' LICENSURE

Sec.
3301. Definitions.
3302. Bureau requirements.
3303. Licensing for military applicants.
3304. Relevant military experience.
3305. Renewal of license for deployed servicemembers.
3306. Fees.
3307. Reports.

Enactment. Chapter 33 was added July 7, 2022, P.L.436, No.35, effective in 120 days.

§ 3301. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Bureau." The Bureau of Professional and Occupational Affairs in the Department of State.

"License." A registration, permit, certificate or license issued by a licensing board.

"Licensing board." A departmental or administrative board or commission under the bureau.

"Military applicant." A servicemember, veteran or military spouse who submits an application for a license and documentation demonstrating status as a servicemember, veteran or military spouse.

"Military Occupational Codes Crosswalk." A module created by the bureau to provide guidance when evaluating servicemembers' and veterans' applications for licensure to identify skills, experience, credentials and education that have been obtained in the military and crosswalking those skills, experience, credentials and education into substitute licensure requirements.

"Military spouse." The spouse of a servicemember or veteran. The term includes an unmarried spouse of a deceased servicemember where the servicemember died within one year prior to the date an application for a license is submitted to a licensing board.

"Servicemember." An active duty member of the armed forces of the United States, a reserve component or the national guard of a state.

"Veteran." A former servicemember who was discharged from active duty under conditions other than dishonorable.

§ 3302. Bureau requirements.

The bureau shall:

(1) Include a question on an application for licensure, renewal and reactivation asking whether the individual submitting the application is a servicemember, veteran or military spouse.

(2) Expedite an application for a military applicant who submits documentation demonstrating status as a servicemember, veteran or military spouse.

(3) Update the Military Occupational Codes Crosswalk as necessary to accommodate changes in a license or military skills, experience, credentials and education.

(4) Develop criteria for temporary licensure at the discretion of each licensing board specific to a military applicant.

(5) Submit to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin and post on each licensing board's publicly accessible Internet website the licensure process for military applicants.

§ 3303. Licensing for military applicants.

(a) Issuance.--A licensing board may issue a license to a military applicant who does not meet the educational requirements for a license if the military applicant:

(1) Submits an application and fee as prescribed by the board by regulation.

(2) Passes all exams required for licensure.

(3) Has engaged in active practice for at least two of the previous five years before submitting the application. Relevant military service experience and official duties shall be credited in the calculation of the number of years of practice in the profession.

(4) Meets all other noneducational requirements for licensure.

(5) Meets necessary qualifications outlined in section 3304 (relating to relevant military experience).

(b) Temporary license.--The following shall apply:

(1) A licensing board may issue a temporary license to a military applicant who:

(i) Is assigned to a duty station in this Commonwealth or has established legal residence in this Commonwealth.

(ii) Complies with the licensing board's requirements for temporary licensure for a limited period of time at the discretion of the licensing board while the military applicant completes additional requirements for licensure in this Commonwealth.

(2) The temporary license shall be valid until the earlier of:

(i) six months after the date of issuance of the temporary license by the licensing board;

(ii) the date a license is granted; or

(iii) the date a notice to deny a license is issued.

§ 3304. Relevant military experience.

A licensing board shall use the Military Occupational Codes Crosswalk to facilitate the acceptance of military practice or experience if training or education requirements for licensure are incomplete. The Military Occupational Codes Crosswalk shall include:

(1) Notwithstanding any other provision of law, in calculating a military applicant's years of practice or experience in an occupation or a profession, a licensing board shall give credit to the military applicant for relevant experience obtained as a servicemember.

(2) A licensing board shall give credit for training and education provided by the military and completed by a military applicant toward training or education requirements for licensure if the training or education is determined by the licensing board to be substantially equivalent to the

training or education required for licensure in this Commonwealth.

Cross References. Section 3304 is referred to in section 3303 of this title.

§ 3305. Renewal of license for deployed servicemembers.

(a) Renewal application submission before deployment.--The following shall apply:

(1) A servicemember who is scheduled to be deployed outside this Commonwealth may apply for renewal of a license if the deployment will occur when the license is eligible for renewal.

(2) The servicemember may submit to the licensing board all requirements for renewal prior to deployment outside this Commonwealth.

(3) The licensing board shall provide a review of the application and information received.

(4) If the licensing board finds that a requirement is not met, the licensing board shall notify the servicemember of the deficiency.

(5) The licensing board shall process the application upon the opening of the next licensing renewal.

(b) Reactivation after deployment.--A licensing board may reactivate a license of a servicemember after the expiration of the license without penalty if the renewal period occurred during deployment outside of this Commonwealth. The servicemember must seek reactivation of the license within one month following the end of the deployment.

(c) Extension of continuing education.--A licensing board shall extend a requirement to complete continuing education or continued competency requirements for up to six months after the end of deployment outside of this Commonwealth of a servicemember if the servicemember meets all other requirements for license renewal.

(d) Military spouse.--This section shall apply to a military spouse if the military spouse resides with the servicemember during deployment outside of this Commonwealth.

§ 3306. Fees.

A licensing board may not assess a fee for an initial licensure of a military spouse who relocates to this Commonwealth as a result of the servicemember's military orders.

§ 3307. Reports.

(a) Submission and content.--The bureau shall submit an annual report to the chairperson and minority chairperson of the Consumer Protection and Professional Licensure Committee of the Senate, the chairperson and minority chairperson of the Professional Licensure Committee of the House of Representatives, the chairperson and minority chairperson of the Veterans Affairs and Emergency Preparedness Committee of the Senate and the chairperson and minority chairperson of the Veterans Affairs and Emergency Preparedness Committee of the House of Representatives. The report shall include:

(1) The number of military applicants.

(2) The number of military applicants who were approved for licensure.

(3) The number of military applicants who were denied licensure, including data on the reasons for denial.

(4) Data on the licensing board's application processing times for military applicants, including reasons for delays.

(5) Recommendations on ways to improve the licensing board's ability to meet the licensing needs of servicemembers, veterans and military spouses.

(b) Expiration.--This section shall expire six years after the effective date of this section.

APPENDIX TO TITLE 63
PROFESSIONS AND OCCUPATIONS
(STATE LICENSED)

Supplementary Provisions of Amendatory Statutes

2020, JULY 1, P.L.575, NO.53

§ 4. Continuation of prior law.

The addition of 63 Pa.C.S. Ch. 31 is a continuation of the act of July 2, 1993 (P.L.345, No.48). The following apply:

(1) Except as otherwise provided in 63 Pa.C.S. Ch. 31, all activities initiated under the act of July 2, 1993 (P.L.345, No.48), shall continue and remain in full force and effect and may be completed under 63 Pa.C.S. Ch. 31. Orders, regulations, rules and decisions which were made under the act of July 2, 1993 (P.L.345, No.48), and which are in effect on the effective date of section 3 of this act shall remain in full force and effect until revoked, vacated or modified under 63 Pa.C.S. Ch. 31. Contracts, obligations and collective bargaining agreements entered into under the act of July 2, 1993 (P.L.345, No.48), are not affected nor impaired by the repeal of the act of July 2, 1993 (P.L.345, No.48).

(2) Except as set forth in paragraph (3), any difference in language between 63 Pa.C.S. Ch. 31 and the act of July 2, 1993 (P.L.345, No.48), is intended only to conform to the style of the Pennsylvania Consolidated Statutes and is not intended to change or affect the legislative intent, judicial construction or administration and implementation of the act of July 2, 1993 (P.L.345, No.48).

(3) Paragraph (2) does not apply to the addition of the following provisions:

(i) The definition of "criminal conviction" in 63 Pa.C.S. § 3102.
(ii) 63 Pa.C.S. § 3112.
(iii) 63 Pa.C.S. § 3112.1.
(iv) 63 Pa.C.S. § 3113.
(v) 63 Pa.C.S. § 3114.
(vi) 63 Pa.C.S. § 3115.
(vii) 63 Pa.C.S. § 3116.
(viii) 63 Pa.C.S. § 3117.
(ix) 63 Pa.C.S. § 3118.

Explanatory Note. Act 53 amended section 9124 of Title 18 and added Parts I (Reserved) and II of Title 63.

§ 5. Applicability.

The addition of 63 Pa.C.S. §§ 3112, 3112.1, 3113, 3114, 3115, 3116, 3117 and 3118 shall apply to official acts and matters, including disciplinary matters, related to the issuance of licenses, certificates, registrations or permits by licensing boards or licensing commissions beginning on or after 180 days after the effective date of this section.