

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 119 Session of 1991

INTRODUCED BY DeLUCA, RUDY, PITTS, PESCI, VEON, TRELLO, KOSINSKI, McGEEHAN, TANGRETTI, HALUSKA, NOYE, E. Z. TAYLOR, MAIALE, BUNT, HERMAN, MELIO, STEELMAN, GAMBLE, CLARK, SAURMAN, BELFANTI, KASUNIC, DALEY, BILLOW, GEIST, JAMES, KRUSZEWSKI, SCHEETZ, SERAFINI AND PETRONE, JANUARY 29, 1991

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES, APRIL 17, 1991

AN ACT

1 Amending the act of April 14, 1972 (P.L.233, No.64), entitled
2 "An act relating to the manufacture, sale and possession of
3 controlled substances, other drugs, devices and cosmetics;
4 conferring powers on the courts and the secretary and
5 Department of Health, and a newly created Pennsylvania Drug,
6 Device and Cosmetic Board; establishing schedules of
7 controlled substances; providing penalties; requiring
8 registration of persons engaged in the drug trade and for the
9 revocation or suspension of certain licenses and
10 registrations; and repealing an act," providing automatic
11 suspension of practitioners' licenses for conviction of drug
12 offenses.

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

15 Section 1. Section 23 of the act of April 14, 1972 (P.L.233,
16 No.64), known as The Controlled Substance, Drug, Device and
17 Cosmetic Act, is amended by adding a subsection to read:

18 Section 23. Revocation of Licenses of Practitioners.--* * *

19 ~~(c) Any practitioner who is convicted of a misdemeanor~~
20 ~~violation of the provisions of this act shall be subject to an~~
21 ~~automatic suspension of any license, registration or other~~

<—

1 ~~authority to practice for a period of not less than one year.~~

2 (C) ANY LICENSE HERETOFORE ISSUED TO ANY PRACTITIONER BY A <—

3 LICENSING BOARD IN THE DEPARTMENT OF STATE SHALL AUTOMATICALLY

4 BE SUSPENDED FOR A PERIOD OF ONE YEAR UPON CONVICTION OF A

5 MISDEMEANOR VIOLATION OF THE PROVISIONS OF THIS ACT. Such

6 suspension may be extended for a period beyond one year by the

7 ~~applicable State licensing or registration board or authority~~ <—

8 BOARD. The district attorney of each county shall immediately <—

9 ~~notify the appropriate State licensing or registration board or~~ <—

10 ~~authority~~ BOARD of practitioners subject to the provisions of <—

11 this section. However, the provisions of such automatic

12 suspension may be stayed by the appropriate State licensing or <—

13 ~~registration board or authority~~ BOARD in those cases where a <—

14 practitioner has violated the provisions of this act only for

15 the personal use of controlled substances by the practitioner

16 and the practitioner participates in an impaired practitioner <—

17 PROFESSIONAL program for a period of between three and five <—

18 years, as directed by the appropriate licensing or registration <—

19 ~~board or authority.~~ Failure BOARD. IF THE PRACTITIONER FAILS to <—

20 comply in all respects with the standards of such a program

21 ~~shall result in the immediate institution~~ THE APPROPRIATE <—

22 LICENSING BOARD SHALL IMMEDIATELY VACATE THE STAY OF THE

23 ENFORCEMENT of the suspension provided for herein. As used in

24 this section, the term "conviction" shall include a guilty

25 verdict or judgment, an admission of guilt or a plea of nolo

26 contendere. Automatic suspension shall not be stayed pending any

27 appeal of a conviction. Restoration of such license shall be

28 made as in the case of a ~~revocation or~~ suspension of license. <—

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