

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 845 Session of  
1995

INTRODUCED BY CIVERA, LLOYD, WAUGH, BOYES, SHEEHAN, KING, ALLEN,  
VANCE, FAIRCHILD, FLICK, LAWLESS, RAYMOND AND GANNON,  
FEBRUARY 14, 1995

AS REPORTED FROM COMMITTEE ON PROFESSIONAL LICENSURE, HOUSE OF  
REPRESENTATIVES, AS AMENDED, MARCH 6, 1995

## AN ACT

~~Amending the act of April 9, 1929 (P.L.177, No.175), entitled~~ <—  
~~"An act providing for and reorganizing the conduct of the~~  
~~executive and administrative work of the Commonwealth by the~~  
~~Executive Department thereof and the administrative~~  
~~departments, boards, commissions, and officers thereof,~~  
~~including the boards of trustees of State Normal Schools, or~~  
~~Teachers Colleges; abolishing, creating, reorganizing or~~  
~~authorizing the reorganization of certain administrative~~  
~~departments, boards, and commissions; defining the powers and~~  
~~duties of the Governor and other executive and administrative~~  
~~officers, and of the several administrative departments,~~  
~~boards, commissions, and officers; fixing the salaries of the~~  
~~Governor, Lieutenant Governor, and certain other executive~~  
~~and administrative officers; providing for the appointment of~~  
~~certain administrative officers, and of all deputies and~~  
~~other assistants and employes in certain departments, boards,~~  
~~and commissions; and prescribing the manner in which the~~  
~~number and compensation of the deputies and all other~~  
~~assistants and employes of certain departments, boards and~~  
~~commissions shall be determined," further providing for~~  
~~administration of examinations.~~

PROVIDING FOR THE ADMINISTRATION OF EXAMINATIONS; AND MAKING A <—  
REPEAL.

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

~~Section 1. Section 812.1(a) of the act of April 9, 1929~~ <—  
~~(P.L.177, No.175), known as The Administrative Code of 1929,~~

1 ~~amended March 21, 1986 (P.L.62, No.18), is amended to read:~~

2 ~~Section 812.1. Administration of Examinations.~~

3 ~~(a) All written, oral, practical or other nonwritten~~  
4 ~~examinations shall be prepared and administered by a qualified~~  
5 ~~and approved professional testing organization under contract to~~  
6 ~~the appropriate board or commission within the Bureau of~~  
7 ~~Professional and Occupational Affairs and approved by the~~  
8 ~~appropriate board or commission, except that where the~~  
9 ~~particular professional and occupational statutes permit the use~~  
10 ~~of national uniform examinations and/or grading services, these~~  
11 ~~examinations and grading services may continue to be used. No~~  
12 ~~board or commission member shall have a financial interest in a~~  
13 ~~professional testing organization. Notwithstanding any other~~  
14 ~~provision of law, the requirements of this subsection shall~~  
15 ~~{not} apply to any oral, practical or other nonwritten~~  
16 ~~examination which may be required by a board or commission~~  
17 ~~{until}. If no such examination is available from a qualified~~  
18 ~~and approved professional testing organization the~~  
19 ~~unavailability of an examination shall not render an applicant~~  
20 ~~ineligible for a license issued by a board or commission within~~  
21 ~~the Bureau of Occupational Affairs.~~

22 ~~\* \* \*~~

23 ~~Section 2. This act shall take effect May 31, 1995.~~

24 SECTION 1. SHORT TITLE.

25 THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE THIRD-PARTY  
26 TESTING LAW.

27 SECTION 2. DEFINITIONS.

28 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL  
29 HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
30 CONTEXT CLEARLY INDICATES OTHERWISE:

1 "COST." ALL CONTRACTUAL CHARGES RELATING TO THE PREPARATION,  
2 ADMINISTRATION, GRADING AND RECORDING OF THE EXAMINATION.

3 SECTION 3. ADMINISTRATION OF EXAMINATIONS.

4 ALL WRITTEN, ORAL, PRACTICAL OR OTHER NONWRITTEN EXAMINATIONS  
5 SHALL BE PREPARED AND ADMINISTERED BY A QUALIFIED AND APPROVED  
6 PROFESSIONAL TESTING ORGANIZATION UNDER CONTRACT TO THE  
7 APPROPRIATE BOARD OR COMMISSION WITHIN THE BUREAU OF  
8 PROFESSIONAL AND OCCUPATIONAL AFFAIRS AND APPROVED BY THE  
9 APPROPRIATE BOARD OR COMMISSION, EXCEPT THAT WHERE THE  
10 PARTICULAR PROFESSIONAL AND OCCUPATIONAL STATUTES PERMIT THE USE  
11 OF NATIONAL UNIFORM EXAMINATIONS AND/OR GRADING SERVICES, THESE  
12 EXAMINATIONS AND GRADING SERVICES MAY CONTINUE TO BE USED. NO  
13 BOARD OR COMMISSION MEMBER SHALL HAVE A FINANCIAL INTEREST IN A  
14 PROFESSIONAL TESTING ORGANIZATION. NOTWITHSTANDING ANY OTHER  
15 PROVISION OF LAW, THE REQUIREMENTS OF THIS SECTION SHALL APPLY  
16 TO ANY ORAL, PRACTICAL OR OTHER NONWRITTEN EXAMINATION WHICH MAY  
17 BE REQUIRED BY A BOARD OR COMMISSION. IF NO ORAL, PRACTICAL OR  
18 OTHER NONWRITTEN EXAMINATION IS AVAILABLE FROM A QUALIFIED AND  
19 APPROVED PROFESSIONAL TESTING ORGANIZATION, THE UNAVAILABILITY  
20 OF AN EXAMINATION SHALL NOT RENDER AN APPLICANT INELIGIBLE FOR A  
21 LICENSE ISSUED BY A BOARD OR COMMISSION WITHIN THE BUREAU OF  
22 OCCUPATIONAL AFFAIRS.

23 SECTION 4. FEE.

24 EACH BOARD OR COMMISSION WITHIN THE BUREAU OF PROFESSIONAL  
25 AND OCCUPATIONAL AFFAIRS SHALL HAVE THE DISCRETIONARY POWER TO  
26 CHARGE A FEE FOR THE ADMINISTRATION OF AND COST OF EACH  
27 EXAMINATION. THE PURPOSE OF THIS FEE IS TO INSURE THAT THE  
28 APPLICANTS' FEES COVER THE ENTIRE COST OF THE EXAMINATION. THIS  
29 FEE SHALL BE IN ADDITION TO ANY FEE IMPOSED PURSUANT TO ANY  
30 OTHER PROVISION OF LAW.

1 SECTION 5. ADDITIONAL FEE.

2 NOTHING IN THIS ACT SHALL PRECLUDE AN ADDITIONAL FEE FOR  
3 FIRST LICENSURE WHERE SUCH IS PROVIDED BY LAW.

4 SECTION 6. RULES AND REGULATIONS.

5 EACH BOARD AND COMMISSION WITHIN THE BUREAU OF PROFESSIONAL  
6 AND OCCUPATIONAL AFFAIRS SHALL PROMULGATE THE NECESSARY RULES  
7 AND REGULATIONS IN ORDER TO CARRY OUT THE PROVISIONS OF THIS  
8 ACT.

9 SECTION 7. REPORT.

10 THE BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS SHALL  
11 ISSUE A REPORT EACH YEAR TO EACH BOARD AND COMMISSION. THE  
12 REPORT SHALL CONTAIN A STATEMENT OF ALL FEES, FINES AND OTHER  
13 MONEYS COLLECTED AND ALL DISBURSEMENTS MADE.

14 SECTION 8. REPEAL.

15 SECTION 812.1 OF THE ACT OF APRIL 9, 1929 (P.L.177, NO.175),  
16 KNOWN AS THE ADMINISTRATIVE CODE OF 1929, IS REPEALED.

17 SECTION 9. EFFECTIVE DATE.

18 THIS ACT SHALL TAKE EFFECT MAY 31, 1995.