

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 213 Session of
1993

INTRODUCED BY DeLUCA, MIHALICH, COY, SAURMAN, DALEY, PESCI,
LAUGHLIN, PISTELLA, TRELLO, BROWN, KELLER, SCHEETZ, CLARK,
BATTISTO, KIRKLAND, PRESTON, DONATUCCI, TOMLINSON AND
KASUNIC, FEBRUARY 3, 1993

REFERRED TO COMMITTEE ON RULES, FEBRUARY 3, 1993

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 license heretofore issued to any practitioner by a
20 licensing board in the Department of State shall automatically
21 be suspended for a period of one year upon conviction of a
22 misdemeanor violation of the provisions of this act. Such

suspension may be extended for a period beyond one year by the
applicable State licensing board. The district attorney of each
county shall immediately notify the appropriate State licensing
board of practitioners subject to the provisions of this
section. However, the provisions of such automatic suspension
may be stayed by the appropriate State licensing board in those
cases where a practitioner has violated the provisions of this
act only for the personal use of controlled substances by the
practitioner and the practitioner participates in an impaired
professional program for a period of between three and five
years, as directed by the appropriate licensing board. If the
practitioner fails to comply in all respects with the standards
of such a program the appropriate licensing board shall
immediately vacate the stay of the enforcement of the suspension
provided for herein. As used in this section, the term
"conviction" shall include a guilty verdict or judgment, an
admission of guilt or a plea of nolo contendere. Automatic
suspension shall not be stayed pending any appeal of a
conviction. Restoration of such license shall be made as in the
case of a suspension of license.

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