

AMENDMENTS TO SENATE BILL NO. 354

Sponsor: REPRESENTATIVE MUSTIO

Printer's No. 710

1 Amend Bill, page 1, line 8, by inserting after "suspension,"
2 further providing for definitions;

3 Amend Bill, page 1, line 10, by inserting after "suspension"
4 ; and further providing for civil penalties

5 Amend Bill, page 1, lines 13 through 21; page 2, lines 1
6 through 28; by striking out all of said lines on said pages and
7 inserting

8 Section 1. Section 1 of the act of July 2, 1993 (P.L.345,
9 No.48), entitled "An act empowering the General Counsel or his
10 designee to issue subpoenas for certain licensing board
11 activities; providing for hearing examiners in the Bureau of
12 Professional and Occupational Affairs; providing additional
13 powers to the Commissioner of Professional and Occupational
14 Affairs; and further providing for civil penalties and license
15 suspension," is amended by adding a definition to read:
16 Section 1. Definitions.

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

20 * * *

21 "Licensee." Any person holding a license, registration,
22 certificate or permit with a licensing board or commission under
23 the Bureau of Professional and Occupational Affairs in the
24 Department of State.

25 * * *

26 Section 2. The act is amended by adding sections to read:
27 Section 2.1. Reporting of sanctions and criminal proceedings.

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

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

34 (2) A finding or verdict of guilt, an admission of
35 guilt, a plea of nolo contendere, probation without verdict,

1 a disposition in lieu of trial or an Accelerated
2 Rehabilitative Disposition of any felony or misdemeanor
3 offense and any drug or alcohol related summary offense.
4 (b) Sanctions.--A licensing board or licensing commission
5 may take disciplinary action against a licensee who violates
6 this section.

7 Amend Bill, page 2, line 30, by striking out "licensing"
8 where it occurs the second time

9 Amend Bill, page 3, line 1, by striking out "or" and
10 inserting a comma

11 Amend Bill, page 3, line 2, by inserting after "registration"
12 or permit

13 Amend Bill, page 3, line 4, by inserting after "The"
14 licensing

15 Amend Bill, page 3, line 6, by striking out ", certificate
16 holder OR REGISTRANT"

17 Amend Bill, page 3, line 6, by striking out "his" and
18 inserting

19 the licensee's

20 Amend Bill, page 3, lines 8 and 9, by striking out "or,
21 certificate holder OR REGISTRANT"

22 Amend Bill, page 3, line 9, by inserting after "the" where it
23 occurs the second time

24 licensing

25 Amend Bill, page 3, line 11, by striking out "OR" and
26 inserting a comma

27 Amend Bill, page 3, line 11, by inserting after

28 "REGISTRATION"

29 or permit

30 Amend Bill, page 3, lines 15 and 16, by striking out

31 "temporarily suspending a license, CERTIFICATE OR REGISTRATION"

1 and inserting

2 of temporary suspension

3 Amend Bill, page 3, line 16, by striking out "licensing"

4 where it occurs the second time

5 Amend Bill, page 3, line 19, by striking out ", certificate

6 holder OR REGISTRANT"

7 Amend Bill, page 3, line 20, by striking out "OR" and

8 inserting a comma

9 Amend Bill, page 3, line 20, by inserting after

10 "REGISTRATION"

11 or permit

12 Amend Bill, page 3, line 26, by striking out "OR" and

13 inserting a comma

14 Amend Bill, page 3, line 26, by inserting after

15 "REGISTRATION"

16 or permit

17 Amend Bill, page 3, line 28, by inserting after "the"

18 licensing

19 Amend Bill, page 3, line 30, by striking out "OR" and

20 inserting a comma

21 Amend Bill, page 4, line 1, by inserting after "REGISTRATION"

22 or permit

23 Amend Bill, page 4, line 1, by striking out "licensing" where

24 it occurs the second time

25 Amend Bill, page 4, line 4, by striking out ", certificate

26 holder OR REGISTRANT"

27 Amend Bill, page 4, line 16, by striking out "OR" and

28 inserting a comma

1 Amend Bill, page 4, line 16, by inserting after

2 "REGISTRATION"

3 or permit

4 Amend Bill, page 4, line 17, by striking out "OR" and
5 inserting a comma

6 Amend Bill, page 4, line 18, by inserting after

7 "REGISTRATION"

8 or permit

9 Amend Bill, page 4, lines 19 through 21, by striking out all
10 of said lines and inserting

11 Section 3. Section 5(b), (d.1), (d.3) and (d.4) of the act
12 are amended to read:

13 Section 5. Civil penalties.

14 * * *

15 (b) Additional powers.--In addition to the disciplinary
16 powers and duties of the boards and commissions within the
17 Bureau of Professional and Occupational Affairs under their
18 respective practice acts, boards and commissions shall have the
19 power, respectively:

20 (1) To impose discipline, including, but not limited to,
21 a civil penalty of up to \$10,000 per violation on any
22 licensee[, registrant, certificate holder, permit holder] or
23 unlicensed person who violates a lawful disciplinary order of
24 the board.

25 (2) To impose discipline, including, but not limited to,
26 a civil penalty of up to \$10,000 per violation on any
27 licensee[, registrant, certificate holder, permit holder] or
28 unlicensed person who aids and abets the unlicensed practice
29 of a profession, occupation or business.

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

37 (4) To levy a civil penalty of not more than \$10,000 per
38 violation on any licensee[, registrant, certificate holder,
39 permit holder] or unlicensed person who violates any
40 provision of the applicable licensing act or board
41 regulation.

42 (5) To assess against the respondent determined to be in
43 violation of the disciplinary provisions administered by a

1 licensing board or commission in a disciplinary proceeding
2 pending before the board or commission for final
3 determination, as part of the sanction, the costs of
4 investigation underlying that disciplinary action. The cost
5 of investigation shall not include those costs incurred by
6 the board or commission after the filing of formal actions or
7 disciplinary charges against the respondent.

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

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

15 * * *

16 (d.1) Entry of judgment.--Within 60 months of the final
17 disposition of a disciplinary case, if an unpaid civil penalty,
18 fee, interest and cost of a licensee[, registrant, certificate
19 holder or permit holder] total \$1,000 or more, the licensing
20 board or commission, or its respective agent, may transmit a
21 copy of the final disposition to the prothonotary of the court
22 of common pleas in the county where the licensee[, registrant,
23 certificate holder or permit holder,] or property of the
24 licensee[, registrant, certificate holder or permit holder,]
25 upon whom the penalty, fee, interest and cost are imposed is
26 located. The prothonotary shall enter and docket the same
27 without requiring payment of costs as a condition precedent to
28 the entry thereof. The total of the penalty, fee, interest and
29 cost shall be entered as a judgment upon the licensee[,
30 registrant, certificate holder or permit holder] regardless of
31 whether the amount has been ordered to be paid in installments.

32 * * *

33 (d.3) Execution.--A writ of execution may directly issue
34 upon the lien without the issuance and prosecution to judgment
35 of a writ of scire facias, provided that a notice of the filing
36 and the effect of the lien be provided to the licensee[,
37 registrant, certificate holder or permit holder] not less than
38 ten days before the execution on the lien. Notice may be sent by
39 registered mail to the last known address of the licensee[,
40 registrant, certificate holder or permit holder].

41 (d.4) Exception to execution.--The lien shall have no effect
42 upon any stock of goods, wares or merchandise regularly sold or
43 leased in the ordinary course of business by the licensee[,
44 registrant, certificate holder or permit holder] against whom
45 the lien has been entered, unless and until a writ of execution
46 has been issued and a levy made upon the stock of goods, wares
47 and merchandise.

48 * * *

49 Amend Bill, page 4, line 22, by striking out "2" and

1 inserting

2 4