
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 760

Session of
1973

INTRODUCED BY MESSRS. PIPER, WELLS, RIEGER, DORR, MRS. FAWCETT,
MESSRS. BENNETT, FEE, MRS. KELLY, MRS. TOLL, MESSRS. POLITE,
KLINGAMAN, MALADY, ZIMMERMAN, D. S. HAYES, ROWE, GRING, MRS.
CRAWFORD AND MR. GEISLER, APRIL 9, 1973

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, JUNE 17, 1974

AN ACT

1 Relating to the right to practice medicine and surgery in the
2 Commonwealth of Pennsylvania; and establishing means and
3 methods whereby the right to practice medicine and surgery
4 and any of its branches and limited right to practice
5 medically related acts may be obtained, and exemptions
6 therefrom; imposing powers and duties on the State Board of
7 Medical Education and Licensure; providing for appropriation
8 of board fees to carry out the provisions thereof, and for
9 the granting, revocation and suspension of licenses;
10 providing penalties for violations; and making repeals.

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

13 Section 1. Short Title.--This act shall be known and may be
14 cited as "The Medical Practice Act of 1973."

15 Section 2. Definitions.--As used in this act, the following
16 terms shall have the following meanings ascribed to them in this
17 section unless the context clearly determines otherwise:

18 (1) "Board." The State Board of Medical Education and
19 Licensure, established by section 412 of the act of April 9,
20 1929 (P.L.177, No.175), known as "The Administrative Code of

1 1929," and its amendments.

2 (2) "Medical college." An institution of higher learning
3 which has been fully accredited by the Association of American
4 Medical Colleges, its successors or assigns, or the American
5 Medical Association, either directly or through their respective
6 accrediting bodies, as an agency to provide courses in the arts
7 and sciences of medicine and related subjects and empowered by
8 ~~the Commonwealth~~ to grant Academic Degrees in Medicine.

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9 (3) "Medicine and surgery." The art and science having for
10 its object the cure of the diseases of and the preservation of
11 the health of man including all practice of the healing art with
12 or without drugs, except healing by spiritual means or prayer.

13 (4) "Physician." A person who has received formal and
14 recognized training in the art and science of medicine and is
15 qualified to seek or has acquired a license to practice medicine
16 and surgery.

17 (5) "Healing art." The science and skill of diagnosis and
18 treatment in any manner whatsoever of disease or any ailment of
19 the human body.

20 (6) "Intern" or "resident." A physician who is receiving
21 supervised graduate medical training at an approved hospital or
22 its legal affiliate.

23 (7) "Clinical clerk." An undergraduate student in a medical
24 college, who is assigned under the auspices of the school in
25 which he is currently enrolled to make notes upon patient
26 histories and physical examinations and to perform certain
27 procedures and laboratory tests for the sole purpose of
28 instruction and experience or who may make notes which become
29 official only when edited and countersigned by a member of the
30 hospital staff WHO IS LICENSED PURSUANT TO THIS ACT. Nothing

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1 contained in this act shall be construed to entitle a clinical
2 clerk to practice medicine and surgery or to prescribe drugs.

3 (8) "Hospital." An institution fully accredited by the
4 Joint Commission on Accreditation of Hospitals or ~~licensed~~ <—
5 REGULATED by the Commonwealth of Pennsylvania to render health <—
6 care.

7 (9) "Approved hospital." A hospital which has been approved
8 by the board for providing supervised graduate medical training.

9 (10) "Affiliate." A member of a group of two or more fully
10 accredited health care institutions legally united by an
11 agreement of affiliation, conceived to enhance the potential of
12 all participants in the provision of health care and medical
13 education. This affiliation shall have the approval of the
14 board.

15 Section 3. Practice of Medicine and Surgery without License
16 Prohibited; Penalties.--It shall be unlawful for any person in
17 the Commonwealth to engage in the practice of medicine and
18 surgery, or pretend to a knowledge of any branch or branches of
19 medicine and surgery, or to hold himself or herself forth as a
20 practitioner in medicine and surgery, or to assume the title of
21 doctor of medicine and surgery or doctor of any specific
22 disease, or to diagnose diseases, or to treat diseases by the
23 use of medicines and surgery as defined in clause (3) of section
24 2 of this act or by any other means, or to sign any death
25 certificate, unless otherwise authorized by law or to hold
26 himself or herself forth as able to do so, excepting those
27 hereinafter exempted, unless he or she has first fulfilled the
28 requirements of this act and has received a certificate of
29 licensure or permission from the board, which license shall be
30 properly recorded in the office of the board. ACTS OF MEDICAL <—

1 DIAGNOSIS OR PRESCRIPTION OF MEDICAL THERAPEUTIC OR CORRECTIVE
2 MEASURES MAY BE PERFORMED BY PERSONS LICENSED PURSUANT TO THE
3 ACT OF MAY 22, 1951 (P.L.317, NO.69), KNOWN AS "THE PROFESSIONAL
4 NURSING LAW," IF AUTHORIZED BY RULES AND REGULATIONS JOINTLY
5 PROMULGATED BY THE BOARD AND THE STATE BOARD OF NURSE EXAMINERS.

6 The aborting of a pregnancy shall be considered the practice of
7 surgery. On first offense any person wilfully violating the
8 provisions of this section of this act shall, upon conviction,
9 be guilty of a misdemeanor and shall be subject to a fine of not
10 more than one thousand dollars (\$1,000) or imprisonment for not
11 more than six months in the county prison, or both, at the
12 discretion of the court; and on each additional offense shall be
13 subject to a fine of not less than two thousand dollars (\$2,000)
14 and imprisonment of not less than six months or more than one
15 year, at the discretion of the court. In the event the violation
16 is the aborting of a pregnant woman the person convicted thereof
17 shall be guilty of a misdemeanor and shall be subject to a fine
18 of not less than ~~five thousand dollars (\$5,000)~~ and TEN THOUSAND <—
19 DOLLARS (\$10,000) OR imprisonment for five years, or both.

20 ~~Section 4. Acts and Services Performed by an Assistant to a <—~~
21 ~~Physician. The board shall have the power to adopt and revise~~
22 ~~regulations governing allied medical personnel who assist~~
23 ~~physicians if such allied medical personnel are not at the~~
24 ~~effective date of this act otherwise controlled by law or~~
25 ~~regulation. In the absence of standards established by the~~
26 ~~board, nothing in this act shall be construed as to prohibit~~
27 ~~services and acts rendered by a physician's technician,~~
28 ~~assistant and/or other allied medical person if such services~~
29 ~~and acts are rendered under the supervision, direction and/or~~
30 ~~control of a licensed physician.~~

1 Section ~~5-~~ 4. The Board's Power to Grant License.--The board <—

2 may grant the following licenses:

3 (1) License. License for the practice of medicine and
4 surgery without restriction.

5 (2) Temporary License. A graduate of a medical ~~school~~ <—
6 COLLEGE who qualifies under section 7 6 of this act, may, on <—
7 receiving his medical degree, apply to the board for a temporary
8 license upon presenting a completed application form issued by
9 the board and paying a reasonable registration fee in an amount
10 as determined from time to time by the board.

11 A temporary license shall be valid for twelve consecutive
12 months and shall be recognized only as conferring upon the
13 licensee the right to participate in approved graduate medical
14 training within the complex of the hospital to which he is
15 assigned. Temporary licenses will become null and void after
16 twelve months, at which time they shall be surrendered to the
17 board. The board may extend the validity of a temporary license
18 when such action is warranted.

19 (3) Limited License. A limited license may be granted by
20 the board to graduates of foreign medical schools who have
21 attained through professional growth and teaching experience the
22 true status of teacher, or its equivalent, for the purpose of
23 teaching and/or practicing medicine and surgery in one of the
24 medical ~~schools~~ COLLEGES, its affiliates or community hospitals <—
25 within the Commonwealth. Persons granted limited licenses who
26 subsequently desire to obtain a license for the practice of
27 medicine and surgery without restriction shall be required to
28 meet all of the standard requirements for such license as set
29 forth in this act.

30 (4) Midwifery, Physical Therapy and Drugless Therapy.

1 minimum requirements for accreditation shall be duly notified of
2 such failure. Until such deficiencies are corrected, graduates
3 of such institutions shall be ineligible for licensure and/or
4 graduate medical training.

5 Section ~~7-~~ 6. Qualifications for License.--(a) A graduate of <—
6 a United States or Canadian medical college who seeks licensure
7 by the board shall furnish the board with evidence, prior to any
8 examination, that he is of legal age, is of good moral
9 character, and is not addicted to the intemperate use of alcohol
10 or the habitual use of narcotics or other habit-forming drugs,
11 and that he has completed the educational requirements
12 prescribed by the board.

13 (b) Foreign medical school graduates, except graduates of
14 Canadian medical colleges, who seek licensure by the board,
15 shall in addition to the foregoing requirements present evidence
16 of certification by the Educational Council for Foreign Medical
17 Graduates, its successors or assigns.

18 (c) Each application to the board shall have attached
19 thereto the affidavit or affirmation of the applicant as to its
20 verity. Any applicant who knowingly or wilfully makes a false
21 statement of fact in his application shall be subject to
22 prosecution.

23 Section ~~8-~~ 7. Certification of Licenses.--The fact of <—
24 licensure to practice medicine and surgery in the Commonwealth
25 shall be certified to by the board to other jurisdictions upon
26 formal application and by payment by the licensee of a
27 reasonable fee in an amount as determined from time to time by
28 the board providing that the licensee at such time is in good
29 standing.

30 Section ~~9-~~ 8. Meetings of the Board; Examinations.--(a) The <—

1 board shall hold two stated meetings each year at a place within
2 the Commonwealth as determined by the board for the transaction
3 of its business, and may hold special meetings upon giving due
4 notice thereof. The board shall hold at least two examinations
5 for applicants for licensure under clause (1) of section 4 of
6 this act each year.

7 (b) Such examinations conducted by the board shall be in the
8 English language. Special examinations can be designated by the
9 board. The examinations shall be held at such times and places
10 as designated by the board.

11 (c) In case of failure at any such examination the applicant
12 shall have, after the expiration of six months and within two
13 years, the privilege of a second examination by the board. In
14 case of failure in a second examination the applicant must enter
15 de novo and only after a year of graduate study approved by the
16 board, and qualify under the conditions obtaining at the time of
17 his application.

18 (d) Applicants for a license to practice medicine and
19 surgery who have been successfully examined by any agency
20 considered competent by the board and who can, in addition,
21 present to the board satisfactory evidence of having in every
22 way fulfilled all the scholastic and other requirements of this
23 act and applicable regulations of the board, may, without
24 further examination, receive from the board, in its discretion,
25 a license conferring all the rights accorded by this act,
26 provided the applicant has paid a reasonable fee in an amount as
27 determined from time to time by the board, and further provided
28 that such applicant has not previously failed a licensing
29 examination given by the board.

30 (e) For the purpose of conducting all examinations the board

1 shall have the privilege of calling to its aid medical
2 consultants, who shall be compensated for their services at a
3 reasonable rate in an amount as determined from time to time by
4 the board in addition to all incurred expenses.

5 Section ~~10~~. 9. Reciprocity or Endorsement.--Reciprocity or <—
6 endorsement may be established at the discretion of the board.

7 Section ~~11~~. 10. Licenses; Exemptions, Non-resident <—
8 Practitioners; Graduate Students; Biennial Registration.--(a)
9 All physicians who have complied with the requirements of the
10 board, and who shall have passed a final examination, and who
11 have otherwise complied with the provisions of this act, shall
12 receive from the Commissioner of Professional and Occupational
13 Affairs in the Department of State, OR WHOEVER EXERCISES <—
14 EQUIVALENT AUTHORITY acting for the board, a license entitling
15 them to the right to practice medicine and surgery without
16 restriction in this Commonwealth. Each such license shall be
17 duly recorded in the office of the board, in a record to be
18 properly kept for that purpose which shall be open to public
19 inspection; and a certified copy of said record shall be
20 received as evidence in all courts in this Commonwealth in the
21 trial of any case: Provided, That this section relating to
22 licenses to practice medicine and surgery shall not apply to
23 medical officers in the medical service of the Armed Forces of
24 the United States, or the United States Public Health Service,
25 or Veterans Administration, or physicians employed within
26 Federal services, while in discharge of their official duties;
27 or to any one who may be a duly licensed practitioner of
28 medicine in any state or commonwealth who may be called upon by
29 a licensed physician of this Commonwealth to consult with him in
30 a case under treatment; or to physicians of other jurisdictions

1 who are training for certification in special departments of
2 medicine and surgery under subsection (b) of this section; or
3 anyone while actually serving as a clinical clerk under the
4 supervision of the medical or surgical staff in any hospital.
5 Nothing contained in this section shall be construed to entitle
6 a clinical clerk to practice medicine and surgery or to
7 prescribe drugs: And provided further, That any duly licensed
8 physician residing in or maintaining his office of practice in
9 any state near the boundary line between said state and this
10 Commonwealth whose practice extends into this Commonwealth shall
11 have the right to practice in this Commonwealth, at the
12 discretion of the board, provided he files with the secretary of
13 the board a certified copy of his license in the state where he
14 resides, and provided that the board of examiners of the
15 adjoining state reciprocates by extending the same privilege to
16 physicians in this Commonwealth when he shall receive from the
17 secretary of the board a license which shall be automatically
18 revoked if he changes his said residence or office of practice.
19 A record of all persons so licensed shall be kept in the office
20 of the board and shall have the standing before the law of any
21 other license issued by the board.

22 (b) Physicians who are legally authorized to practice
23 medicine and surgery in other states or territories of the
24 United States and the Dominion of Canada, and who apply for
25 training and certification in special departments of medicine
26 and surgery in institutions in this Commonwealth recognized by
27 the board with advice and consultation with the various
28 examining boards in medical specialties approved by the Council
29 on Medical Education of the American Medical Association as
30 proper for such training, shall receive a graduate certificate

1 that is limited to said training within the complex of the
2 hospital and/or its affiliates or community hospitals where he
3 is engaged in such training. This training experience shall not
4 be converted into a staff service. It shall be valid for one
5 year but may be renewed from year to year. Any person who has
6 been certified in a specialty discipline recognized by the
7 board, and who makes an application for licensure to practice
8 medicine and surgery without restriction in the Commonwealth,
9 upon the payment of a reasonable fee as determined from time to
10 time by the board and at the discretion of the board may be
11 given a qualifying examination. Such examination shall emphasize
12 the subject matter of the specialty discipline for which the
13 applicant has been trained but may also include material from
14 the general field of medical science.

15 (c) It shall be the duty of all persons now or hereafter
16 licensed to practice medicine and surgery without restriction to
17 be registered with the board; and, thereafter, to register in
18 like manner at such intervals and by such methods as the board
19 shall determine by regulations; but in no case shall such
20 renewal period be longer than two years. The form and method of
21 such registration shall be determined by the board.

22 (d) Each person so registering with the board shall pay, for
23 each biennial registration, a reasonable fee as determined from
24 time to time by the board which fee shall accompany the
25 application for such registration.

26 (e) Upon receiving a proper application for such
27 registration accompanied by the fee above provided for, the
28 board shall issue its certificate of registration to the
29 applicant. Said certificate together with its renewals shall be
30 good and sufficient evidence of registration under the

1 provisions of this act.

2 Section ~~12~~. 11. Violation of Act.--Any person, or the <—
3 responsible officer or employe of any corporation or
4 partnership, institution or association, violating any of the
5 provisions other than section 3 of this act shall upon summary
6 conviction be sentenced to pay a fine of not less than one
7 hundred dollars (\$100) and not more than five hundred dollars
8 (\$500).

9 Section ~~13~~. 12. Examination Fees.--The board shall have the <—
10 power to charge a reasonable fee for all examinations, as
11 determined from time to time by the board.

12 Section ~~14~~. 13. Fees and Fines for Board.--All fees and <—
13 fines collected under the provisions of this act shall be paid
14 into the State Treasury for the use of the Commonwealth.

15 Section ~~15~~. 14. Automatic Suspension.--A license issued <—
16 under this act shall automatically be suspended upon the legal
17 commitment to an institution of a licensee because of mental
18 incompetency from any cause upon filing with the board a
19 certified copy of such commitment. Restoration of such license
20 shall be made as hereinafter provided as in the case of
21 revocation or suspension of such license.

22 Section ~~16~~. 15. Reasons for Refusal; Revocation or <—
23 Suspension of License.--(a) The board shall have authority to
24 refuse, revoke or suspend the license of a physician for any or
25 all of the following reasons:

26 (1) Failing to demonstrate the qualifications or standards
27 for a license contained in this act or regulations of the board.

28 (2) Making misleading, deceptive, untrue or fraudulent
29 representations in the practice of medicine; practicing fraud or
30 deceit in obtaining a license to practice medicine and surgery;

1 or making a false or deceptive biennial registration with the
2 board.

3 (3) Being convicted of a felony in the courts of this
4 Commonwealth or any other state, territory or country.
5 Conviction as used in this paragraph shall include a finding or
6 verdict of guilt, an admission of guilt or a plea of nolo
7 contendere.

8 (4) Having his license to practice medicine and surgery
9 revoked or suspended or having other disciplinary action taken,
10 or his application for a license refused, revoked or suspended
11 by the proper licensing authority of another state, territory or
12 country.

13 (5) Being unable to practice medicine with reasonable skill
14 and safety to patients by reason of illness, drunkenness,
15 excessive use of drugs, narcotics, chemicals, or any other type
16 of material, or as a result of any mental or physical condition.

17 In enforcing this clause (5), the board shall, upon probable
18 cause, have authority to compel a physician to submit to a
19 mental or physical examination by physicians designated by it.
20 Failure of a physician to submit to such examination when
21 directed shall constitute an admission of the allegations
22 against him unless failure is due to circumstances beyond his
23 control, consequent upon which a default and final order may be
24 entered without the taking of testimony or presentation of
25 evidence. A physician affected under this paragraph shall at
26 reasonable intervals be afforded an opportunity to demonstrate
27 that he can resume a competent practice of medicine with
28 reasonable skill and safety to patients.

29 (6) Violating a lawful regulation promulgated by the board
30 or violating a lawful order of the board, previously entered by

1 the board in a disciplinary proceeding.

2 (7) Knowingly maintaining a professional connection or
3 association with any person who is in violation of this act or
4 regulations of the board or knowingly aiding, assisting,
5 procuring or advising any unlicensed person to practice medicine
6 contrary to this act, or regulations of the board.

7 (8) Being guilty of immoral or unprofessional conduct.

8 Unprofessional conduct shall include any departure from, or the
9 failure to conform to, the ~~minimal~~ standards of acceptable and <—
10 prevailing medical practice, in which proceeding actual injury
11 to a patient need not be established.

12 (b) When the board finds that the license of any person may
13 be refused, revoked or suspended under the terms of subsection
14 (a) above, the board may:

15 (1) Deny the application for a license.

16 (2) Administer a public or private reprimand.

17 (3) Revoke, suspend, limit, or otherwise restrict a license
18 as determined by the board.

19 (4) Require a licensee to submit to the care, counseling, or
20 treatment of a physician or physicians designated by the board.

21 (5) Suspend enforcement of its finding thereof and place a
22 licensee on probation with the right to vacate the probationary
23 order for noncompliance.

24 (6) Restore or reissue, in its discretion, a license to
25 practice medicine and surgery, and may impose any disciplinary
26 or corrective measure which it might originally have imposed.

27 (c) All actions of the board shall be taken subject to the
28 right of notice, hearing and adjudication and the right of
29 appeal therefrom in accordance with the provisions of the act of
30 June 4, 1945 (P.L.1388, No.442), known as the "Administrative

1 Agency Law."

2 Section ~~17~~. 16. Regulatory Powers of the Board.--The board <—
3 in the exercise of its duties under this act shall have the
4 power to adopt and revise such regulations as are reasonably
5 necessary to carry out the purposes of this act in conformity
6 with the provisions of the act of July 31, 1968 (P.L.769,
7 No.240), known as the "Commonwealth Documents Law."

8 Section ~~18~~. 17. Applicability of Act.--(a) The provisions of <—
9 this act shall not apply either directly or indirectly, by
10 intent or purpose, to affect the practice of:

11 (1) Pharmacy as authorized by the acts approved April 14,
12 1972 (P.L.233, No.64), known as "The Controlled Substance, Drug,
13 Device and Cosmetic Act," and September 27, 1961 (P.L.1700,
14 No.699), known as the "Pharmacy Act."

15 (2) Dentistry as authorized by the act approved May 1, 1933
16 (P.L.216, No.76), known as "The Dental Law."

17 (3) Optometry, as authorized by the act approved March 30,
18 1917 (P.L.21, No.10), entitled, "An act defining optometry; and
19 relating to the right to practice optometry in the Commonwealth
20 of Pennsylvania, and making certain exceptions; and providing a
21 Board of Optometrical Education, Examination, and Licensure, and
22 means and methods whereby the right to practice optometry may be
23 obtained; and providing for the means to carry out the
24 provisions of this act; and providing for revocation or
25 suspension of licenses given by said board, and providing
26 penalties for violations thereof; and repealing all acts or
27 parts of acts inconsistent therewith."

28 (4) Chiropractic, as authorized by the act of August 10,
29 1951 (P.L.1182, No.264), known as the "Chiropractic Registration
30 Act of 1951."

1 (5) Podiatry, as authorized by the act of March 2, 1956
2 (P.L.1206, No.375), known as the "Podiatry Act of 1956."

3 (6) Osteopathy, as authorized by the act of March 19, 1909
4 (P.L.46, No.29), entitled, as amended, "An act to regulate the
5 practice of osteopathy and surgery in the State of Pennsylvania;
6 to provide for the establishment of a State Board of Osteopathic
7 Examiners; to define the powers and duties of said Board of
8 Osteopathic Examiners; to provide for the examining and
9 licensing of osteopathic physicians and surgeons in this State;
10 and to provide penalties for the violation of this act."

11 (7) Professional Nursing, as authorized by the act of May
12 22, 1951 (P.L.317, No.69), known as "The Professional Nursing
13 Law."

14 (8) PSYCHOLOGISTS, AS AUTHORIZED BY THE ACT OF MARCH 23, <—
15 1972 (P.L.136, NO.52), ENTITLED "AN ACT RELATING TO THE PRACTICE
16 OF PSYCHOLOGY, PROVIDING FOR LICENSING OF PSYCHOLOGISTS, MAKING
17 CERTAIN ACTS ILLEGAL AND PROVIDING PENALTIES."

18 (b) This act shall not be construed so as to give the Board
19 of Medical Education and Licensure any jurisdiction over any of
20 the schools or colleges of the methods exempted in this section.

21 (C) THE PROVISIONS OF THIS ACT SHALL NOT APPLY EITHER <—
22 DIRECTLY OR INDIRECTLY BY INTENT OR PURPOSE TO THE PRACTICE OF
23 HYPNOSIS.

24 Section ~~19~~ 18. Specific Repeals.--(a) The act of June 3, <—
25 1911 (P.L.639, No.246), known as the "Medical Practice Act," is
26 repealed absolutely.

27 (b) All other acts and parts of acts inconsistent herewith
28 are repealed to the extent of such inconsistency.