

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1208 Session of
1985

INTRODUCED BY BELL, ANDREZESKI, BODACK, HANKINS, MOORE,
PETERSON, REIBMAN AND SHUMAKER, NOVEMBER 12, 1985

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
MARCH 11, 1986

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled
2 "An act providing for and reorganizing the conduct of the
3 executive and administrative work of the Commonwealth by the
4 Executive Department thereof and the administrative
5 departments, boards, commissions, and officers thereof,
6 including the boards of trustees of State Normal Schools, or
7 Teachers Colleges; abolishing, creating, reorganizing or
8 authorizing the reorganization of certain administrative
9 departments, boards, and commissions; defining the powers and
10 duties of the Governor and other executive and administrative
11 officers, and of the several administrative departments,
12 boards, commissions, and officers; fixing the salaries of the
13 Governor, Lieutenant Governor, and certain other executive
14 and administrative officers; providing for the appointment of
15 certain administrative officers, and of all deputies and
16 other assistants and employes in certain departments, boards,
17 and commissions; and prescribing the manner in which the
18 number and compensation of the deputies and all other
19 assistants and employes of certain departments, boards and
20 commissions shall be determined," further providing for
21 ~~professional and occupational affairs.~~ THE POWERS AND DUTIES <—
22 OF THE COMMISSIONER OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS. <—

23 The General Assembly of the Commonwealth of Pennsylvania

24 hereby enacts as follows:

25 Section 1. Section 810(a) of the act of April 9, 1929

26 (P.L.177, No.175), known as The Administrative Code of 1929, is

1 amended by adding a clause AND SECTION 810(B), ADDED JUNE 3, <—
2 1963 (P.L.63, NO.44), IS AMENDED to read:

3 Section 810. Professional and Occupational Affairs.--(a)
4 The Commissioner of Professional and Occupational Affairs shall
5 be appointed by the Governor and have the power and his duty
6 shall be--

7 * * *

8 ~~(10) To place notice, for at least two consecutive days~~ <—
9 ASSURE THAT NOTICE IS PUBLISHED in a newspaper of general <—
10 circulation in the area where the licensee, certificate holder
11 or registrant of any of the professional and OR occupational <—
12 ~~examining boards~~ LICENSING BOARD OR COMMISSION conducts or <—
13 recently conducted his or her practice, of any order suspending
14 or revoking his or her right to practice, unless the person is <—
15 ~~satisfactorily progressing in a rehabilitation program and the~~
16 ~~board determines that such publication of suspension would be~~
17 ~~detrimental to the person's rehabilitation.~~ RIGHT TO PRACTICE. <—
18 THIS CLAUSE SHALL NOT APPLY IN THOSE CASES IN WHICH A PERSON
19 ENTERS INTO AN AGREEMENT WITH A BOARD OR COMMISSION TO
20 PARTICIPATE IN AN APPROVED TREATMENT PROGRAM FOR IMPAIRED
21 PROFESSIONALS AND THE ENFORCEMENT OF THAT PERSON'S SUSPENSION OR
22 REVOCATION IS STAYED IN ACCORDANCE WITH THAT AGREEMENT. THIS
23 CLAUSE SHALL SUPERSEDE ANY POWER OR DUTY OF A BOARD OR
24 COMMISSION UNDER ANY OTHER PROVISION OF LAW TO PUBLISH NOTICE IN
25 A NEWSPAPER OF GENERAL CIRCULATION OF DISCIPLINARY ACTION TAKEN
26 BY THAT BOARD OR COMMISSION.

27 (B) IN ADDITION TO THE POWERS AND DUTIES IMPOSED UNDER THE
28 PROVISIONS OF SUBSECTION (A) HEREOF, THE COMMISSIONER OF
29 PROFESSIONAL AND OCCUPATIONAL AFFAIRS SHALL BE [AN EX-OFFICIO] A
30 MEMBER OF EACH OF THE SAID BOARDS.

1 * * *

2 SECTION 2. SECTION 812.1(A) AND (B) OF THE ACT, ADDED
3 OCTOBER 8, 1980 (P.L.785, NO.146), ARE AMENDED TO READ:

<—

4 SECTION 812.1. ADMINISTRATION OF EXAMINATIONS.--

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

21 (B) EACH BOARD OR COMMISSION SHALL HAVE THE DISCRETIONARY
22 POWER TO CHARGE A FEE FOR THE ADMINISTRATION OF AND COST OF EACH
23 EXAMINATION. THE PURPOSE OF THIS FEE IS TO INSURE THAT THE
24 APPLICANTS' FEES COVER THE ENTIRE COST OF THE EXAMINATION. THIS
25 FEE SHALL BE IN ADDITION TO ANY FEE IMPOSED PURSUANT TO [THE ACT
26 OF JULY 1, 1978 (P.L.700, NO.124), KNOWN AS THE "BUREAU OF
27 PROFESSIONAL AND OCCUPATIONAL AFFAIRS FEE ACT."] ANY OTHER
28 PROVISION OF LAW.

29 * * *

30 SECTION 3. SECTION 813 OF THE ACT IS AMENDED BY ADDING A

1 SUBSECTION TO READ:

2 SECTION 813. PUBLIC MEMBERS OF LICENSING BOARDS AND
3 COMMISSIONS.--* * *

4 (F) A PUBLIC MEMBER WHO FAILS TO ATTEND TWO CONSECUTIVE
5 CONFERENCES CONDUCTED PURSUANT TO SUBSECTION (E) SHALL FORFEIT
6 HIS SEAT ON THE BOARD OR COMMISSION OF WHICH HE IS A PUBLIC
7 MEMBER UNLESS THE COMMISSIONER OF PROFESSIONAL AND OCCUPATIONAL
8 AFFAIRS, UPON WRITTEN REQUEST FROM THE PUBLIC MEMBER, FINDS THAT
9 THE PUBLIC MEMBER SHOULD BE EXCUSED FROM A CONFERENCE BECAUSE OF
10 ILLNESS OR THE DEATH OF A FAMILY MEMBER.

11 ~~Section 2 4. This act shall take effect in 45 days.~~ <—

12 SECTION 4. (A) SECTION 2 OF THIS ACT SHALL TAKE EFFECT <—
13 IMMEDIATELY.

14 (B) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 45 DAYS.