

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1399 Session of
1999

INTRODUCED BY FARGO, BELARDI, E. Z. TAYLOR, PESCI, BENNINGHOFF,
DeLUCA, FRANKEL, GEIST, LAUGHLIN, LEDERER, LEH, LYNCH,
R. MILLER, S. MILLER, MYERS, ORIE, PRESTON, RAMOS, ROHRER,
RUBLEY, SATHER, SAYLOR, SCHULER, SEYFERT, S. H. SMITH, STERN,
THOMAS, TRELLO AND YOUNGBLOOD, APRIL 28, 1999

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, APRIL 28, 1999

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, providing for
3 confidentiality of certain records of the Bureau of
4 Professional and Occupational Affairs.

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

7 Section 1. Title 42 of the Pennsylvania Consolidated
8 Statutes is amended by adding a section to read:

9 § 5950. Confidentiality of records of Bureau of Professional
10 and Occupational Affairs.

11 (a) Applicability.--This section shall apply only to
12 reports, communications, records, papers and other objects in
13 the custody of the Bureau of Professional and Occupational
14 Affairs and to persons employed by or acting in their official
15 capacity on behalf of or for the Bureau of Professional and
16 Occupational Affairs.

17 (b) Investigative files.--All reports, communications,

records, papers and other objects disclosing the institution,
progress or result of an investigation undertaken by the Bureau
of Professional and Occupational Affairs or concerning a
complaint filed with the Bureau of Professional and Occupational
Affairs shall be confidential and privileged, shall not be
subject to subpoena or discovery and shall not be introduced
into evidence in any judicial or administrative proceeding. No
person who has investigated or has access to or custody of a
report, communication, record, paper or other object which is
confidential and privileged under this subsection shall be
required to testify in any judicial or administrative proceeding
without the written consent of the Commissioner of Professional
and Occupational Affairs. This section shall not preclude or
limit introduction of the contents of an investigative file or
related witness testimony in a hearing or proceeding held before
a board or commission of the Bureau of Professional and
Occupational Affairs.

(c) Impaired professional program records.--All reports,
communications, records, papers and other objects disclosing a
person's admission, participation, progress or completion of any
impaired professional program approved by the appropriate board
of the Bureau of Professional and Occupational Affairs shall be
confidential and privileged, shall not be subject to subpoena or
discovery and shall not be introduced into evidence in any
judicial or administrative proceeding. No person who has
prepared or who has access to or custody of a report,
communication, record, paper or other object which is
confidential and privileged under this subsection shall be
permitted or required to testify in any judicial or
administrative proceeding. This section shall not preclude or

1 limit the availability or introduction of impaired professional
2 program records or related witness testimony in a proceeding
3 before a board or commission of the Bureau of Professional and
4 Occupational Affairs for alleged violations of an impaired
5 professional program agreement.

6 (d) Public records.--Except as provided in subsections (b)
7 and (c), this section shall not prevent disclosure of any
8 report, communication, record, paper or other object pertaining
9 to the status of a license, permit or certificate issued or
10 prepared by the Bureau of Professional and Occupational Affairs
11 or relating to a public disciplinary proceeding or hearing.

12 Section 2. All acts and parts of acts are repealed insofar
13 as they are inconsistent with this act.

14 Section 3. This act shall take effect in 60 days.