
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2042 Session of
2018

INTRODUCED BY THOMAS, MURT AND RYAN, JANUARY 30, 2018

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE,
JANUARY 30, 2018

AN ACT

1 Amending the act of July 2, 1993 (P.L.345, No.48), entitled "An
2 act empowering the General Counsel or his designee to issue
3 subpoenas for certain licensing board activities; providing
4 for hearing examiners in the Bureau of Professional and
5 Occupational Affairs; providing additional powers to the
6 Commissioner of Professional and Occupational Affairs; and
7 further providing for civil penalties and license
8 suspension," providing for protections for licensees with
9 mental health history.

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

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

20 Section 3.1. Protections for licensees with mental health
21 history.

1 (a) General rule.--The Bureau of Professional and
2 Occupational Affairs and a licensing board or commission may not
3 take action against a licensee under this act solely on the
4 basis of present or past mental health history to:

5 (1) Refuse a license.

6 (2) Revoke a license.

7 (3) Suspend a license.

8 (4) Investigate a licensee.

9 (5) Require a licensee to undergo a mental health
10 examination.

11 (b) Burden of proof.--The burden shall be on the Bureau of
12 Professional and Occupational Affairs or a licensing board or
13 commission to prove that an action under subsection (a) is based
14 on a complaint or other information involving the licensee's
15 conduct or abilities and not based solely on present or past
16 mental health history.

17 (c) Restriction.--The Bureau of Professional and
18 Occupational Affairs or a licensing board or commission may not
19 investigate a licensee solely on the basis of a licensee's
20 disclosure of present or past mental health history to the
21 Department of State, Bureau of Professional and Occupational
22 Affairs or a licensing board or commission, including, but not
23 limited to, the disclosure of present or past mental health
24 history by a licensee when filing a complaint against another
25 licensee.

26 Section 2. A licensing board or licensing commission under
27 the Bureau of Professional Licensing shall promulgate
28 regulations necessary to effectuate this act no later than 120
29 days from the effective date of this act.

30 Section 3. This act shall take effect immediately.