

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 346 Session of
2005

INTRODUCED BY DeLUCA, BARRAR, BASTIAN, BEBKO-JONES, BELFANTI,
BIANCUCCI, BOYD, CALTAGIRONE, CREIGHTON, CURRY, EACHUS,
GERGELY, GOODMAN, HERSHEY, KOTIK, LaGROTTA, LEDERER,
LEVDANSKY, McILHATTAN, PALLONE, PISTELLA, PRESTON, ROONEY,
SCHRODER, STABACK, SURRA, TANGRETTI, E. Z. TAYLOR, THOMAS,
VEON, WALKO AND YOUNGBLOOD, FEBRUARY 8, 2005

REFERRED TO COMMITTEE ON HEALTH AND HUMAN SERVICES,
FEBRUARY 8, 2005

AN ACT

1 Amending the act of December 20, 1985 (P.L.457, No.112),
2 entitled "An act relating to the right to practice medicine
3 and surgery and the right to practice medically related acts;
4 reestablishing the State Board of Medical Education and
5 Licensure as the State Board of Medicine and providing for
6 its composition, powers and duties; providing for the
7 issuance of licenses and certificates and the suspension and
8 revocation of licenses and certificates; providing penalties;
9 and making repeals," defining "publicly funded health care
10 program"; and further providing for temporary and automatic
11 suspension.

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

14 Section 1. Section 2 of the act of December 20, 1985
15 (P.L.457, No.112), known as the Medical Practice Act of 1985, is
16 amended by adding a definition to read:

17 Section 2. Definitions.

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

1 * * *

2 "Publicly funded health care program." Care or services
3 rendered by a government entity or any facility thereof or
4 health care services for which payment is made directly or
5 indirectly by a government entity, including, but not limited
6 to, Medicare and medical assistance, or by their fiscal
7 intermediary.

8 * * *

9 Section 2. Sections 40(b) and 43(b) of the act are amended
10 to read:

11 Section 40. Temporary and automatic suspensions.

12 * * *

13 (b) Automatic suspensions.--A license or certificate issued
14 under this act shall automatically be suspended upon [the]:

15 (1) The legal commitment to an institution of a licensee
16 or certificate holder because of mental incompetency from any
17 cause upon filing with the board a certified copy of such
18 commitment, conviction of a felony under the act of April 14,
19 1972 (P.L.233, No.64), known as The Controlled Substance,
20 Drug, Device and Cosmetic Act, or conviction of an offense
21 under the laws of another jurisdiction, which, if committed
22 in this Commonwealth, would be a felony under The Controlled
23 Substance, Drug, Device and Cosmetic Act.

24 (2) A felony conviction of a licensee or certificate
25 holder when the conviction is of insurance fraud in
26 connection with a publicly funded health care program.

27 (c) Definition.--As used in this section the term
28 "conviction" shall include a judgment, an admission of guilt or
29 a plea of nolo contendere. Automatic suspension under this
30 subsection shall not be stayed pending any appeal of a

conviction. Restoration of such license or certificate shall be made as hereinafter provided in the case of revocation or suspension of such license or certificate.

Section 43. Reinstatement of license, certificate or registration.

* * *

(b) Reinstatement after felony conviction.--

(1) Any person whose license, certificate or registration has been suspended or revoked because of a felony conviction under the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, or similar law of another jurisdiction, may apply for reinstatement after a period of at least ten years has elapsed from the date of conviction. The board may reinstate the license if the board is satisfied that the person has made significant progress in personal rehabilitation since the conviction such that his reinstatement should not be expected to create a substantial risk of harm to the health and safety of his patients or the public or a substantial risk of further criminal violations and if the person meets all other licensing qualifications of this act, including the examination requirement.

(2) Any person whose license, certificate or registration has been suspended because of a felony conviction of insurance fraud in connection with a publicly funded health care program may apply for reinstatement after a period of at least three years has elapsed from the date of conviction. The board may reinstate the license, certificate or registration if the board is satisfied that reinstatement should not be expected to create a substantial risk of

1 further criminal violations and if the person meets all other
2 licensing qualifications of this act, including the
3 examination requirement.

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