

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2783

Session of
1980

INTRODUCED BY MR. POLITE, JUNE 24, 1980

AS REPORTED FROM COMMITTEE ON PROFESSIONAL LICENSURE, HOUSE OF
REPRESENTATIVES, AS AMENDED, SEPTEMBER 15, 1980

AN ACT

1 Amending the act of August 10, 1951 (P.L.1182, No.264), entitled
2 "An act relating to and defining chiropractic and the right
3 to practice chiropractic; requiring licensure; conferring
4 powers and imposing duties upon the State Board of
5 Chiropractic Examiners and the Department of Public
6 Instruction; providing for the granting, suspension and
7 revocation of licenses issued by the board; preserving the
8 rights of existing licensees and giving them certain personal
9 choice as to jurisdiction; conferring jurisdiction upon the
10 court of common pleas of Dauphin County; and prescribing
11 penalties," ~~providing for hearing examiners and making an~~ <—
12 ~~editorial change.~~ FURTHER PROVIDING FOR HEARINGS BY THE BOARD <—
13 OR A HEARING EXAMINER AND PROVIDING FOR LEGISLATIVE
14 OVERSIGHT.

15 The General Assembly of the Commonwealth of Pennsylvania
16 hereby enacts as follows:

17 Section 1. ~~Section 17,~~ THE act of August 10, 1951 (P.L.1182, <—
18 No.264), known as the "Chiropractic Registration Act of 1951,"
19 is amended BY ADDING A SECTION to read: <—

20 ~~Section 17. Hearing; Appeals. The board may refuse to~~ <—
21 ~~issue, suspend, revoke or restore any license or certificate of~~
22 ~~registration for sufficient cause in accordance with the rules~~
23 ~~and regulations of the board, but any suspension or revocation~~

1 ~~shall be after a full and fair hearing held as provided [by the~~
2 ~~Administrative Agency Law (Act of June 4, 1945, Pamphlet Laws~~
3 ~~1388, as amended).] in Title 2 of the Pennsylvania Consolidated~~
4 ~~Statutes (relating to administrative law and procedure). The~~
5 ~~board shall appoint, with the approval of the Governor, such~~
6 ~~hearing examiners as shall be necessary to conduct hearings as~~
7 ~~may be required under this section. The board shall have the~~
8 ~~power to adopt and promulgate rules and regulations setting~~
9 ~~forth the functions, powers, standards and duties to be followed~~
10 ~~by the hearing examiners. The hearing examiners shall have the~~
11 ~~power to conduct hearings in accordance with the regulations of~~
12 ~~the board, and to issue subpoenas requiring the attendance and~~
13 ~~testimony of individuals or the production of, pertinent books,~~
14 ~~records, documents and papers by persons whom they believe to~~
15 ~~have information relevant to any matter pending before the~~
16 ~~examiner. Such examiner shall also have the power to administer~~
17 ~~oaths. The hearing examiner shall hear evidence submitted and~~
18 ~~arguments of counsel, if any, with reasonable dispatch, and~~
19 ~~shall promptly record his decision, supported by findings of~~
20 ~~fact, and a copy thereof shall immediately be sent to the board~~
21 ~~and to counsel of record, or the parties, if not represented. If~~
22 ~~application for review is made to the board within twenty (20)~~
23 ~~days from the date of any decision made as a result of a hearing~~
24 ~~held by a hearing examiner, the board shall review the evidence,~~
25 ~~and if deemed advisable by the board, hear argument and~~
26 ~~additional evidence. As soon as practicable, the board shall~~
27 ~~make a decision and shall file the same with its finding of the~~
28 ~~facts on which it is based and send a copy thereof to each of~~
29 ~~the parties in dispute.~~

30 SECTION 17.1. LICENSING POWERS; HEARINGS; LEGISLATIVE

<—

1 OVERSIGHT.--(A) THE BOARD SHALL HAVE THE FOLLOWING POWERS:

2 (1) TO GRANT, REFUSE, REVOKE OR SUSPEND ANY LICENSE TO
3 PRACTICE CHIROPRACTIC IN THIS COMMONWEALTH PURSUANT TO THE
4 PROVISIONS OF THIS ACT.

5 (2) TO CONDUCT HEARINGS, INVESTIGATIONS AND DISCOVERY
6 PROCEEDINGS; TO ADMINISTER OATHS OR AFFIRMATIONS TO WITNESSES,
7 TAKE TESTIMONY, ISSUE SUBPOENAS TO COMPEL ATTENDANCE OF
8 WITNESSES OR THE PRODUCTION OF RECORDS, DOCUMENTS OR OTHER
9 MATTER: TO EXERCISE ALL POWER GRANTED BY LAW OR REGULATION IN
10 ACCORDANCE WITH THE GENERAL RULES OF ADMINISTRATIVE PRACTICE AND
11 PROCEDURE. SAID HEARING MAY BE CONDUCTED BY THE BOARD, OR A
12 DESIGNATED REPRESENTATIVE THEREOF, OR BY SUCH HEARING EXAMINER
13 AS SHALL BE APPOINTED BY THE BOARD AND APPROVED BY THE GOVERNOR.
14 THE BOARD SHALL HAVE THE POWER TO ADOPT AND PROMULGATE RULES AND
15 REGULATIONS SETTING FORTH THE FUNCTIONS, POWERS, STANDARDS AND
16 DUTIES TO BE FOLLOWED BY ANY HEARING EXAMINERS APPOINTED BY IT.
17 THE HEARING EXAMINER SHALL HAVE ALL THOSE POWERS THAT ARE VESTED
18 IN THE BOARD TO CONDUCT HEARINGS. UPON CONCLUSION OF THE
19 PRESENTATION OF THE CASE BY ALL PARTIES INVOLVED, THE EXAMINER
20 SHALL REPORT HIS FINDINGS IN WRITING TO THE BOARD, WHICH
21 WRITINGS SHALL INCLUDE FINDINGS OF FACT, CONCLUSIONS OF LAW, AND
22 RECOMMENDED SANCTION, WHICH SHALL THEREUPON BE REVIEWED BY THE
23 BOARD AND AN ORDER ISSUED UPON A MAJORITY VOTE OF THOSE MEMBERS
24 OF THE BOARD.

25 (B) RULES AND REGULATIONS PROPOSED UNDER SUBSECTION (A)(2)
26 SHALL FIRST BE SUBMITTED TO THE SECRETARY OF THE SENATE AND THE
27 CHIEF CLERK OF THE HOUSE OF REPRESENTATIVES WHO SHALL CAUSE THE
28 PROPOSED RULES AND REGULATIONS TO BE PRINTED AND DISTRIBUTED
29 AMONG ALL MEMBERS OF BOTH CHAMBERS IN THE SAME MANNER AS A
30 REORGANIZATION PLAN. IF BOTH BODIES FAIL TO ACT WITHIN 60 DAYS

1 OF RECEIPT OF SUCH RULES AND REGULATIONS, OR WITHIN TEN
2 LEGISLATIVE DAYS AFTER RECEIPT, WHICHEVER SHALL LAST OCCUR,
3 PROPOSED RULES AND REGULATIONS ADOPTED BY THE BOARD SHALL BE
4 PROMULGATED PURSUANT TO THE PROVISIONS OF THE ACT OF JULY 31,
5 1968 (P.L.769, NO.240), REFERRED TO AS THE COMMONWEALTH
6 DOCUMENTS LAW AND 45 PA.C.S. PART II (RELATING TO PUBLICATION
7 AND EFFECTIVENESS OF COMMONWEALTH DOCUMENTS). IF EITHER CHAMBER
8 DISAPPROVES ANY SUCH RULE OR REGULATION, SUCH INFORMATION SHALL
9 BE CERTIFIED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES OR
10 PRESIDENT PRO TEMPORE OF THE SENATE TO THE BOARD AND THE
11 PROPOSED RULES OR REGULATIONS SHALL NOT BE PROMULGATED.

12 Section 2. This act shall take effect in 60 days.