
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 338

Session of
1985

INTRODUCED BY O'PAKE, BELL, STAPLETON, MELLOW AND WILLIAMS,
FEBRUARY 11, 1985

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,
FEBRUARY 11, 1985

AN ACT

1 Amending the act of July 20, 1974 (P.L.551, No.190), entitled
2 "An act relating to the right to practice medicine and
3 surgery in the Commonwealth of Pennsylvania; and establishing
4 means and methods whereby the right to practice medicine and
5 surgery and any of its branches and limited right to practice
6 medically related acts may be obtained, and exemptions
7 therefrom; imposing powers and duties on the State Board of
8 Medical Education and Licensure; providing for appropriation
9 of board fees to carry out the provisions thereof, and for
10 the granting, revocation and suspension of licenses;
11 providing penalties for violations; and making repeals,"
12 further providing for qualifications for license and for
13 suspension.

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

16 Section 1. Sections 6(a) and 14 of the act of July 20, 1974
17 (P.L.551, No.190), known as the Medical Practice Act of 1974,
18 are amended to read:

19 Section 6. Qualifications for License.--(a) A graduate of a
20 United States or Canadian medical college who seeks licensure by
21 the board shall furnish the board with evidence, prior to any
22 examination, that he is of legal age, is of good moral

1 character, and is not addicted to the intemperate use of alcohol
2 or the habitual use of narcotics or other habit-forming drugs,
3 [and] that he has completed the educational requirements
4 prescribed by the board, and he has not been convicted of a
5 felonious act prohibited by the act of April 14, 1972 (P.L.233,
6 No.64), known as "The Controlled Substance, Drug, Device and
7 Cosmetic Act," or convicted of a felony relating to a controlled
8 substance in a court of law of the United States or any other
9 state, territory or country. An applicant's statement on the
10 application declaring the absence of a conviction shall be
11 deemed satisfactory evidence of the absence of a conviction,
12 unless the board has some evidence to the contrary.

13 * * *

14 Section 14. [Automatic] Suspension.--(a) A license issued
15 under this act shall automatically be suspended upon the legal
16 commitment to an institution of a licensee because of mental
17 incompetency from any cause upon filing with the board a
18 certified copy of such commitment[.] or conviction of a
19 felonious act prohibited by the act of April 14, 1972 (P.L.233,
20 No.64), known as "The Controlled Substance, Drug, Device and
21 Cosmetic Act." Restoration of such license shall be made as
22 hereinafter provided as in the case of revocation or suspension
23 of such license.

24 (b) If the board determines from the evidence or information
25 presented to it that a person licensed to practice medicine in
26 this State by his continuation in practice would constitute an
27 immediate danger to the public, the board may temporarily
28 suspend the license of that person without notice or hearing on
29 the complaint, provided institution of proceedings for a hearing
30 before the board is initiated simultaneously with the temporary

1 suspension and provided that a hearing is held as soon as can be
2 accomplished under Title 2 of the Pennsylvania Consolidated
3 Statutes (relating to administrative law and procedure) and this
4 act.

5 Section 2. This act shall take effect immediately.