

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 824

Session of
1985

INTRODUCED BY BELL, MAY 6, 1985

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,
MAY 6, 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 the powers and duties of the board.

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

15 Section 1. Section 3 of the act of July 20, 1974 (P.L.551,
16 No.190), known as the Medical Practice Act of 1974, amended June
17 23, 1978 (P.L.502, No.79), is amended to read:

18 Section 3. Practice of Medicine and Surgery without License
19 Prohibited; Penalties.--(a) It shall be unlawful for any person
20 in the Commonwealth to engage in the practice of medicine and
21 surgery, or pretend to a knowledge of any branch or branches of
22 medicine and surgery, or to hold himself or herself forth as a

1 practitioner in medicine and surgery, or to assume the title of
2 doctor of medicine and surgery or doctor of any specific
3 disease, or to diagnose diseases, or to treat diseases by the
4 use of medicines and surgery as defined in clause (3) of section
5 2 of this act or by any other means, or to sign any death
6 certificate, unless otherwise authorized by law or to hold
7 himself or herself forth as able to do so, excepting those
8 hereinafter exempted, unless he or she has first fulfilled the
9 requirements of this act and has received a certificate of
10 licensure or permission from the board, which license shall be
11 properly recorded in the office of the board. Acts of medical
12 diagnosis or prescription of medical therapeutic or corrective
13 measures may be performed by persons licensed pursuant to the
14 act of May 22, 1951 (P.L.317, No.69), known as "The Professional
15 Nursing Law," if authorized by rules and regulations jointly
16 promulgated by the board and the State Board of Nurse Examiners.
17 Nothing in this act shall be construed to prohibit services and
18 acts rendered by a qualified physician assistant, technician or
19 other allied medical person if such services and acts are
20 rendered under the supervision, direction or control of a
21 licensed physician. It shall be unlawful for any person to
22 practice as a physician assistant unless certified and approved
23 by the board. It shall also be unlawful for any physician
24 assistant to render medical care and services except under the
25 supervision and direction of the supervising physician. The
26 aborting of a pregnancy shall be considered the practice of
27 surgery. On first offense any person wilfully violating the
28 provisions of this [section of this act] subsection shall, upon
29 conviction, be guilty of a misdemeanor and shall be subject to a
30 fine of not more than one thousand dollars (\$1,000) or

1 imprisonment for not more than six months in the county prison,
2 or both, at the discretion of the court; and on each additional
3 offense shall be subject to a fine of not less than two thousand
4 dollars (\$2,000) and imprisonment of not less than six months or
5 more than one year, at the discretion of the court. In the event
6 the violation is the aborting of a pregnant woman the person
7 convicted thereof shall be guilty of a misdemeanor and shall be
8 subject to a fine of not less than ten thousand dollars
9 (\$10,000) or imprisonment for five years, or both.

10 (b) The board shall have the power and its duty shall be to
11 investigate any alleged violations of subsection (a). The board
12 may recommend to the appropriate authorities that a person be
13 charged with violating subsection (a).

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