
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1158 Session of
1985

INTRODUCED BY BELL, OCTOBER 16, 1985

AS REPORTED FROM COMMITTEE ON PROFESSIONAL LICENSURE, HOUSE OF
REPRESENTATIVES, AS AMENDED, DECEMBER 9, 1985

AN ACT

1 Relating to the right to practice medicine and surgery and the
2 right to practice medically related acts; reestablishing the
3 State Board of Medical Education and Licensure as the State
4 Board of Medicine and providing for its composition, powers
5 and duties; providing for the issuance of licenses and
6 certificates and the suspension and revocation of licenses
7 and certificates; providing penalties; and making repeals.

8 TABLE OF CONTENTS

- 9 Section 1. Short title.
- 10 Section 2. Definitions.
- 11 Section 3. State Board of Medicine.
- 12 Section 4. Impaired professionals.
- 13 Section 5. Consultants.
- 14 Section 6. Fees, fines and civil penalties.
- 15 Section 7. Reports of the board.
- 16 Section 8. Regulatory powers of the board.
- 17 Section 9. Procedure, oaths and subpoenas.
- 18 Section 10. Unauthorized practice of medicine and surgery.

- 1 Section 11. Clinical clerks.
- 2 Section 12. Midwifery.
- 3 Section 13. Physician assistants.
- 4 Section 14. Drugless therapist.
- 5 Section 15. Certified registered nurse practitioner.
- 6 Section 16. Consultation.
- 7 Section 17. Delegation of duties to health care practitioner or
- 8 technician.
- 9 Section 18. Federal medical personnel.
- 10 Section 19. Osteopathic act.
- 11 Section 20. Other health care practitioners.
- 12 Section 21. Acts outside nonphysician license or certificate.
- 13 Section 22. Licenses and certificates; general qualification.
- 14 Section 23. Standards for medical training facilities.
- 15 Section 24. Examinations.
- 16 Section 25. Licenses and certificates; biennial registration.
- 17 Section 26. Certification of license or certificate.
- 18 Section 27. Reciprocity or endorsement.
- 19 Section 28. License to practice medicine and surgery.
- 20 Section 29. License without restriction.
- 21 Section 30. ~~License with restriction.~~ INTERIM LIMITED LICENSE. <—
- 22 Section 31. Graduate license.
- 23 Section 32. Institutional license.
- 24 Section 33. Temporary license.
- 25 Section 34. Extraterritorial license.
- 26 Section 35. Nurse-midwife license.
- 27 Section 36. Physician assistant certificate.
- 28 Section 37. Reporting of multiple licensure.
- 29 Section 38. Injunctions against unlawful practice.
- 30 Section 39. Penalties.

- 1 Section 40. Temporary and automatic suspensions.
- 2 Section 41. Reasons for refusal, revocation, suspension or
3 other corrective actions against a licensee or
4 certificate holder.
- 5 Section 42. Types of corrective action.
- 6 Section 43. Reinstatement of license, certificate or
7 registration.
- 8 Section 44. Surrender of suspended or revoked license, <—
9 CERTIFICATE OR REGISTRATION.
- 10 SECTION 45. RADIOLOGIC PROCEDURES; EDUCATION AND TRAINING <—
11 REQUIRED.
- 12 Section ~~45~~ 46. Reestablishment. <—
- 13 Section ~~46~~ 47. Severability. <—
- 14 Section ~~47~~ 48. Repeals. <—
- 15 Section ~~48~~ 49. Applicability of act. <—
- 16 Section ~~49~~ 50. Existing board. <—
- 17 Section ~~50~~ 51. Existing rules and regulations. <—
- 18 Section ~~51~~ 52. Existing licenses, certificates and <—
19 registrations.
- 20 Section ~~52~~ 53. Effective date. <—

21 The General Assembly of the Commonwealth of Pennsylvania
22 hereby enacts as follows:

23 Section 1. Short title.

24 This act shall be known and may be cited as the Medical
25 Practice Act of 1985.

26 Section 2. Definitions.

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

30 "Accredited medical college." An institution of higher

1 learning which has been fully accredited by the Association of
2 American Medical Colleges, its successors or assigns, or the
3 American Medical Association, either directly or through their
4 respective accrediting bodies, as an agency to provide courses
5 in the art and science of medicine and surgery and empowered to
6 grant Academic Degrees in Medicine.

7 "Affiliate." A member of a group of two or more medical
8 training facilities legally united by an agreement of
9 affiliation, approved by the board and formed to enhance the
10 potential of all participants in the provision of health care
11 and medical education.

12 "Applicant." An applicant for any license or certificate
13 issued by the board.

14 "Board." The State Board of Medicine.

15 "Board regulated practitioner." A medical doctor, midwife,
16 physician assistant, drugless therapist, or an applicant for a
17 license or certificate the board may issue.

18 "Clinical clerk." An undergraduate student in good standing
19 in an accredited medical college who is assigned to provide
20 medical services in a hospital by the medical college and the
21 hospital.

22 "Commissioner." The Commissioner of Professional and
23 Occupational Affairs in the Department of State.

24 CONVICTION." A JUDGMENT OF GUILT, AN ADMISSION OF GUILT, OR ←
25 A PLEA OF NOLO CONTENDERE.

26 "Doctor of osteopathy or osteopathic doctor." An individual
27 licensed to practice osteopathic medicine and surgery by the
28 State Board of Osteopathic Medical Examiners.

29 "Graduate medical training." Training approved or recognized
30 by the board which is either:

1 (1) accredited as graduate medical education by the
2 Accreditation Council for Graduate Medical Education or by
3 any other accrediting body recognized by the board for the
4 purpose of accrediting graduate medical education; or

5 (2) provided by a hospital accredited by the Joint
6 Commission on Accreditation of Hospitals, its successors or
7 assigns, and is acceptable to an American specialty board
8 towards the training it requires for the certification it
9 issues in a medical specialty or subspecialty.

10 "Healing arts." The science and skill of diagnosis and
11 treatment in any manner whatsoever of disease or any ailment of
12 the human body.

13 "Health care practitioner." An individual, other than a
14 physician assistant, who is authorized to practice some
15 component of the healing arts by a license, permit, certificate
16 or registration issued by a Commonwealth licensing agency or
17 board.

18 "Hospital." An institution licensed or regulated as a
19 hospital by the Department of Health or the Department of Public
20 Welfare or a facility owned or operated by the Federal
21 Government and accredited by the Joint Commission on
22 Accreditation of Hospitals as a hospital.

23 "Medical doctor." An individual who has acquired one of the
24 following licenses to practice medicine and surgery issued by
25 the board:

26 (1) License without restriction.

27 (2) ~~License with restriction~~ INTERIM LIMITED LICENSE. <—

28 (3) Graduate license.

29 (4) Institutional license.

30 (5) Temporary license.

1 (6) Extraterritorial license.

2 "Medical service." Activity which lies within the scope of
3 the practice of medicine and surgery.

4 "Medical training facility." A medical college, hospital or
5 other institution which provides courses in the art and science
6 of medicine and surgery and related subjects for the purpose of
7 enabling a matriculant to qualify for a license ~~or~~ TO practice ←
8 medicine and surgery, graduate medical training, midwife
9 certificate or physician assistant certificate.

10 "Medicine and surgery." The art and science of which the
11 objectives are the cure of diseases and the preservation of the
12 health of man, including the practice of the healing art with or
13 without drugs, except healing by spiritual means or prayer.

14 "Midwife or nurse-midwife." An individual who is licensed as
15 a midwife by the board.

16 "Physician." A medical doctor or doctor of osteopathy.

17 "Physician assistant." An individual who is certified as a
18 physician assistant by the board.

19 "Resident." A medical doctor who is participating in
20 graduate training.

21 "Technician." A person, other than a health care
22 practitioner or physician assistant, who through training,
23 education or experience has achieved expertise in the technical
24 details of a subject or occupation which is a component of the
25 healing art.

26 "Unaccredited medical college." An institution of higher
27 learning which provides courses in the art and science of
28 medicine and surgery and related subjects, is empowered to grant
29 professional degrees in medicine, is not accredited by the
30 Association of American Medical Colleges, its successors or

1 assigns, or the American Medical Association, either directly or
2 through their respective accrediting bodies, and is listed by
3 the World Health Organization, its successors or assigns, or is
4 otherwise recognized as a medical college by the country in
5 which it is situated.

6 Section 3. State Board of Medicine.

7 (a) Establishment.--The State Board of Medicine shall
8 consist of the commissioner, the Secretary of Health, two
9 members appointed by the Governor who shall be persons
10 representing the public at large and seven members appointed by
11 the Governor, six of whom shall be medical doctors with
12 unrestricted licenses to practice medicine and surgery in this
13 Commonwealth for five years immediately preceding their
14 appointment, and one who shall be a nurse midwife, physician
15 assistant or certified registered nurse practitioner licensed or
16 certified under the laws of this Commonwealth. ALL PROFESSIONAL <—
17 AND PUBLIC MEMBERS OF THE BOARD SHALL BE APPOINTED BY THE
18 GOVERNOR, WITH THE ADVICE AND CONSENT OF A MAJORITY OF THE
19 MEMBERS ELECTED TO THE SENATE.

20 (b) Terms of office.--The term of each professional and
21 public member of the board shall be four years or until his or
22 her successor has been appointed and qualified, but not longer
23 than six months beyond the four-year period. In the event that
24 any of said members shall die or resign or otherwise ~~becomes~~ <—
25 BECOME disqualified during his or her term, a successor shall be <—
26 appointed in the same way and with the same qualifications and
27 shall hold office for the unexpired term. No member shall be
28 eligible for appointment to serve more than two consecutive
29 terms. THE GOVERNOR SHALL ASSURE THAT NURSE MIDWIVES, PHYSICIAN <—
30 ASSISTANTS, AND CERTIFIED REGISTERED NURSE PRACTITIONERS ARE

1 APPOINTED TO FOUR-YEAR TERMS ON A ROTATING BASIS SO THAT OF
2 EVERY THREE APPOINTMENTS TO A FOUR-YEAR TERM, ONE IS A NURSE
3 MIDWIFE, ONE IS A PHYSICIAN ASSISTANT, AND ONE IS A CERTIFIED
4 REGISTERED NURSE PRACTITIONER.

5 (c) Quorum.--A majority of the members of the board serving
6 in accordance with law shall constitute a quorum for purposes of
7 conducting the business of the board. Except for temporary and
8 automatic suspensions under section 40, a member may not be
9 counted as part of a quorum or vote on any issue unless he or
10 she is physically in attendance at the meeting.

11 (d) Chairman.--The board shall select annually a chairman
12 from among its ~~professional~~ members. ←

13 (e) Compensation.--Each member of the board, except the
14 commissioner and the Secretary of Health, shall receive \$60 per
15 diem when actually attending to the work of the board. Members
16 shall also receive the amount of reasonable traveling, hotel and
17 other necessary expenses incurred in the performance of their
18 duties in accordance with Commonwealth regulations.

19 (f) Sunset.--The board is subject to evaluation, review and
20 termination in the manner provided in the act of December 22,
21 1981 (P.L.508, No.142), known as the Sunset Act.

22 (g) Attendance at meetings.--A member of the board who fails
23 to attend three consecutive meetings shall forfeit his or her
24 seat unless the commissioner, upon written request from the
25 member, finds that the member should be excused from a meeting
26 because of illness or the death of a family member.

27 (h) Attendance at training seminars.--A public member who
28 fails to attend two consecutive statutorily mandated training
29 seminars in accordance with section 813(e) of the act of April
30 9, 1929 (P.L.177, No.175), known as The Administrative Code of

1 1929, shall forfeit his or her seat unless the commissioner,
2 upon written request from the public member, finds that the
3 public member should be excused from a meeting because of
4 illness or the death of a family member.

5 (i) Meetings.--The board shall meet at least once every two
6 months, and at such additional times as may be necessary to
7 conduct the business of the board.

8 (j) Executive secretary.--The board, with the approval of
9 the commissioner, shall appoint and fix the compensation of an
10 executive secretary who shall be responsible for the day-to-day
11 operation of the board and administration of board activities.

12 Section 4. Impaired professionals.

13 ~~(a) Appointment of Disciplinary Advisory Committee. The~~ <—
14 ~~board, with the approval of the commissioner, shall appoint a~~
15 ~~Disciplinary Advisory Committee composed of three medical~~
16 ~~doctors, not members of the board, who shall be compensated at~~
17 ~~the same rate as members of the board and who shall receive the~~
18 ~~amount of reasonable traveling, hotel and other necessary~~
19 ~~expenses incurred in the performance of their duties in~~
20 ~~accordance with Commonwealth regulations.~~

21 ~~(b) Recommendations involving potential disciplinary~~
22 ~~actions. The board may refer to the committee cases involving~~
23 ~~potential disciplinary actions under this act. Upon such~~
24 ~~referral, the committee shall review the case and make~~
25 ~~recommendations to the board within such time as the board shall~~
26 ~~designate; provided, that once the committee has accepted an~~
27 ~~impaired professional in an approved treatment program in~~
28 ~~accordance with this section, the committee may not thereafter~~
29 ~~accept referral of a disciplinary case regarding that individual~~
30 ~~from the board.~~

1 ~~(c) Liaison. The committee shall act as a liaison between~~
2 ~~the board and treatment programs, such as alcohol and drug~~
3 ~~treatment programs licensed by the Department of Health,~~
4 ~~psychological counseling and impaired professional support~~
5 ~~groups, which are approved by the board and which provide~~
6 ~~services to licensees or certificate holders under this act.~~

7 ~~(d) Review of corrective action by the board. The board may~~
8 ~~defer and ultimately dismiss any of the types of corrective~~
9 ~~action set forth in this act for an impaired professional so~~
10 ~~long as the professional is progressing satisfactorily in an~~
11 ~~approved treatment program, provided that the provisions of this~~
12 ~~subsection shall not apply to a professional convicted of a~~
13 ~~felonious act prohibited by the act of April 14, 1972 (P.L.233,~~
14 ~~No.64), known as The Controlled Substance, Drug, Device and~~
15 ~~Cosmetic Act, or the conviction of a felony relating to a~~
16 ~~controlled substance in a court of law of the United States or~~
17 ~~any other state, territory or country. An approved program~~
18 ~~provider shall, upon request, disclose to the Disciplinary~~
19 ~~Advisory Committee all information in its possession regarding~~
20 ~~an impaired professional in treatment.~~

21 ~~(e) Voluntary suspension or limitation. An impaired~~
22 ~~professional who enrolls in an approved treatment program shall,~~
23 ~~if necessary, agree to a limitation of his or her ability to~~
24 ~~practice. Failure to do so disqualifies the professional from~~
25 ~~the impaired professional program and shall activate an~~
26 ~~immediate investigation and disciplinary proceeding by the~~
27 ~~board.~~

28 ~~(f) Failure to satisfactorily progress. If, in the opinion~~
29 ~~of the committee after consultation with the provider, an~~
30 ~~impaired professional who is enrolled in an approved treatment~~

1 ~~has not progressed satisfactorily, the committee shall disclose~~
2 ~~to the board all information in its possession regarding the~~
3 ~~professional; and such disclosure shall constitute the basis for~~
4 ~~instituting proceedings to suspend or revoke the license or~~
5 ~~certificate of said professional.~~

6 ~~(g) Immunity. An approved program provider who makes a~~
7 ~~disclosure pursuant to this subsection shall not be subject to~~
8 ~~civil liability for such disclosure or its consequences.~~

9 ~~(h) Reports to the board. Any hospital or health care~~
10 ~~facility, peer or colleague who knows or has evidence to suspect~~
11 ~~a professional has an addictive disease, is diverting a~~
12 ~~controlled substance, or is mentally or physically incompetent~~
13 ~~to carry out the duties of his or her license or certificate,~~
14 ~~shall make, or cause to be made, a report to the board: Provided~~
15 ~~that any person or facility who acts in a treatment capacity to~~
16 ~~an impaired professional in an approved treatment program is~~
17 ~~exempt from the mandatory reporting requirements of this~~
18 ~~subsection. Any person or facility who reports pursuant to this~~
19 ~~section in good faith and without malice shall be immune from~~
20 ~~any civil or criminal liability arising from such report.~~
21 ~~Failure to provide such report within a reasonable time from~~
22 ~~receipt of knowledge of impairment shall subject the person or~~
23 ~~facility to a fine not to exceed \$1,000. The board shall levy~~
24 ~~this penalty only after affording the accused party the~~
25 ~~opportunity for a hearing, as provided in Title 2 of the~~
26 ~~Pennsylvania Consolidated Statutes (relating to administrative~~
27 ~~law and procedure).~~

28 (A) CONSULTANTS.--THE BOARD, WITH THE APPROVAL OF THE
29 COMMISSIONER, SHALL APPOINT AND FIX THE COMPENSATION OF A
30 PROFESSIONAL CONSULTANT WHO IS A LICENSEE OF THE BOARD, OR SUCH

<—

1 OTHER PROFESSIONAL AS THE BOARD MAY DETERMINE, WITH EDUCATION
2 AND EXPERIENCE IN THE IDENTIFICATION, TREATMENT AND
3 REHABILITATION OF PERSONS WITH PHYSICAL OR MENTAL IMPAIRMENTS.
4 SUCH CONSULTANT SHALL BE ACCOUNTABLE TO THE BOARD AND SHALL ACT
5 AS A LIAISON BETWEEN THE BOARD AND TREATMENT PROGRAMS, SUCH AS
6 ALCOHOL AND DRUG TREATMENT PROGRAMS LICENSED BY THE DEPARTMENT
7 OF HEALTH, PSYCHOLOGICAL COUNSELING AND IMPAIRED PROFESSIONAL
8 SUPPORT GROUPS, WHICH ARE APPROVED BY THE BOARD AND WHICH
9 PROVIDE SERVICES TO LICENSEES UNDER THIS ACT.

10 (B) ELIGIBILITY AND DISCLOSURE.--THE BOARD MAY DEFER AND
11 ULTIMATELY DISMISS ANY OF THE TYPES OF CORRECTIVE ACTION SET
12 FORTH IN THIS ACT FOR AN IMPAIRED PROFESSIONAL SO LONG AS THE
13 PROFESSIONAL IS PROGRESSING SATISFACTORILY IN AN APPROVED
14 TREATMENT PROGRAM, PROVIDED THAT THE PROVISIONS OF THIS
15 SUBSECTION SHALL NOT APPLY TO A PROFESSIONAL CONVICTED OF A
16 FELONIOUS ACT PROHIBITED BY THE ACT OF APRIL 14, 1972 (P.L.233,
17 NO.64), KNOWN AS THE CONTROLLED SUBSTANCE, DRUG, DEVICE AND
18 COSMETIC ACT, OR CONVICTED OF A FELONY RELATING TO A CONTROLLED
19 SUBSTANCE IN A COURT OF LAW OF THE UNITED STATES OR ANY OTHER
20 STATE, TERRITORY OR COUNTRY. AN APPROVED PROGRAM PROVIDER SHALL,
21 UPON REQUEST, DISCLOSE TO THE CONSULTANT SUCH INFORMATION IN ITS
22 POSSESSION REGARDING AN IMPAIRED PROFESSIONAL IN TREATMENT WHICH
23 THE PROGRAM PROVIDER IS NOT PROHIBITED FROM DISCLOSING BY AN ACT
24 OF THIS COMMONWEALTH, ANOTHER STATE, OR THE UNITED STATES. SUCH
25 REQUIREMENT OF DISCLOSURE BY AN APPROVED PROGRAM PROVIDER SHALL
26 APPLY IN THE CASE OF IMPAIRED PROFESSIONALS WHO ENTER INTO AN
27 AGREEMENT IN ACCORDANCE WITH THIS SECTION, IMPAIRED
28 PROFESSIONALS WHO ARE THE SUBJECT OF A BOARD INVESTIGATION OR
29 DISCIPLINARY PROCEEDING, AND IMPAIRED PROFESSIONALS WHO
30 VOLUNTARILY ENTER A TREATMENT PROGRAM OTHER THAN UNDER THE

1 PROVISIONS OF THIS SECTION BUT WHO FAIL TO COMPLETE THE PROGRAM
2 SUCCESSFULLY OR TO ADHERE TO AN AFTERCARE PLAN DEVELOPED BY THE
3 PROGRAM PROVIDER.

4 (C) AGREEMENT WITH BOARD.--AN IMPAIRED PROFESSIONAL WHO
5 ENROLLS IN AN APPROVED TREATMENT PROGRAM SHALL ENTER INTO AN
6 AGREEMENT WITH THE BOARD UNDER WHICH THE PROFESSIONAL'S LICENSE
7 SHALL BE SUSPENDED OR REVOKED BUT ENFORCEMENT OF THAT SUSPENSION
8 OR A REVOCATION MAY BE STAYED FOR THE LENGTH OF TIME THE
9 PROFESSIONAL REMAINS IN THE PROGRAM AND MAKES SATISFACTORY
10 PROGRESS, COMPLIES WITH THE TERMS OF THE AGREEMENT AND ADHERES
11 TO ANY LIMITATIONS ON HIS PRACTICE IMPOSED BY THE BOARD TO
12 PROTECT THE PUBLIC. FAILURE TO ENTER INTO SUCH AN AGREEMENT
13 SHALL DISQUALIFY THE PROFESSIONAL FROM THE IMPAIRED PROFESSIONAL
14 PROGRAM AND SHALL ACTIVATE AN IMMEDIATE INVESTIGATION AND
15 DISCIPLINARY PROCEEDING BY THE BOARD.

16 (D) DISCIPLINARY ACTION.--IF, IN THE OPINION OF THE
17 CONSULTANT AFTER CONSULTATION WITH THE PROVIDER, AN IMPAIRED
18 PROFESSIONAL WHO IS ENROLLED IN AN APPROVED TREATMENT PROGRAM
19 HAS NOT PROGRESSED SATISFACTORILY, THE CONSULTANT SHALL DISCLOSE
20 TO THE BOARD ALL INFORMATION IN HIS POSSESSION REGARDING SAID
21 PROFESSIONAL, AND THE BOARD SHALL INSTITUTE PROCEEDINGS TO
22 DETERMINE IF THE STAY OF THE ENFORCEMENT OF THE SUSPENSION OR
23 REVOCATION OF THE IMPAIRED PROFESSIONAL'S LICENSE SHALL BE
24 VACATED.

25 (E) IMMUNITY.--AN APPROVED PROGRAM PROVIDER WHO MAKES A
26 DISCLOSURE PURSUANT TO THIS SECTION SHALL NOT BE SUBJECT TO
27 CIVIL LIABILITY FOR SUCH DISCLOSURE OR ITS CONSEQUENCES.

28 (F) REPORTS TO THE BOARD.--ANY HOSPITAL OR HEALTH CARE
29 FACILITY, PEER OR COLLEAGUE WHO HAS SUBSTANTIAL EVIDENCE THAT A
30 PROFESSIONAL HAS AN ACTIVE ADDICTIVE DISEASE FOR WHICH THE

1 PROFESSIONAL IS NOT RECEIVING TREATMENT, IS DIVERTING A
2 CONTROLLED SUBSTANCE OR IS MENTALLY OR PHYSICALLY INCOMPETENT TO
3 CARRY OUT THE DUTIES OF HIS OR HER LICENSE SHALL MAKE OR CAUSE
4 TO BE MADE A REPORT TO THE BOARD: PROVIDED, THAT ANY PERSON OR
5 FACILITY WHO ACTS IN A TREATMENT CAPACITY TO AN IMPAIRED
6 PHYSICIAN IN AN APPROVED TREATMENT PROGRAM IS EXEMPT FROM THE
7 MANDATORY REPORTING REQUIREMENTS OF THIS SUBSECTION. ANY PERSON
8 OR FACILITY WHO REPORTS PURSUANT TO THIS SECTION IN GOOD FAITH
9 AND WITHOUT MALICE SHALL BE IMMUNE FROM ANY CIVIL OR CRIMINAL
10 LIABILITY ARISING FROM SUCH REPORT. FAILURE TO PROVIDE SUCH
11 REPORT WITHIN A REASONABLE TIME FROM RECEIPT OF KNOWLEDGE OF
12 IMPAIRMENT SHALL SUBJECT THE PERSON OR FACILITY TO A FINE NOT TO
13 EXCEED \$1,000. THE BOARD SHALL LEVY THIS PENALTY ONLY AFTER
14 AFFORDING THE ACCUSED PARTY THE OPPORTUNITY FOR A HEARING, AS
15 PROVIDED IN TITLE 2 OF THE PENNSYLVANIA CONSOLIDATED STATUTES
16 (RELATING TO ADMINISTRATIVE LAW AND PROCEDURE).

17 Section 5. Consultants.

18 The board ~~shall establish consultant panels or use~~ <—
19 ~~individual~~, WITH THE APPROVAL OF THE COMMISSIONER, MAY USE <—
20 consultants, as it deems appropriate, to assist it in carrying
21 out its responsibilities. The board may not delegate any of its
22 final decisionmaking responsibilities to a consultant or panel
23 of consultants.

24 Section 6. Fees, fines and civil penalties.

25 (a) Setting of fees.--All fees required under this act shall
26 be fixed by the board by regulation and shall be subject to the
27 act of June 25, 1982 (P.L.633, No.181), known as the Regulatory
28 Review Act. If the revenues raised by fees, fines and civil
29 penalties imposed under this act are not sufficient to meet
30 expenditures over a two-year period, the board shall increase

1 those fees by regulation so that the projected revenues will
2 meet or exceed projected expenditures.

3 (b) Inadequate fees.--If the Bureau of Professional and
4 Occupational Affairs determines that the fees established by the
5 board under subsection (a) are inadequate to meet the minimum
6 enforcement efforts required by this act, then the bureau after
7 consultation with the board and subject to the Regulatory Review
8 Act, shall increase the fees by regulation in an amount that
9 adequate revenues are raised to meet the required enforcement
10 effort.

11 (c) Disposition.--All fees, fines and civil penalties
12 imposed in accordance with this act and collected in accordance
13 with section 907(a) of the act of October 15, 1975 (P.L.390,
14 No.111), known as the Health Care Services Malpractice Act,
15 ~~along with any interest generated thereby,~~ shall be for the
16 exclusive use ~~by~~ OF the board in carrying out the provisions of
17 this act, and shall be annually appropriated for that purpose.

18 (d) Charging of fees.--The board may charge a reasonable
19 fee, as set by the board by regulation, for all examinations,
20 registrations, certificates, licensures or applications
21 permitted by this act or the regulations thereunder.

22 Section 7. Reports of the board.

23 (a) Reports to Department of State.--The board shall submit
24 annually to the Department of State an estimate of the financial
25 requirements of the board for its administrative, investigative,
26 legal and miscellaneous expenses.

27 (b) Reports to House and Senate Appropriations Committees.--
28 The board shall submit annually to the House and Senate
29 Appropriations Committees, 15 days after the Governor has
30 submitted his budget to the General Assembly, a copy of the

1 budget request for the upcoming fiscal year which the board
2 previously submitted to the department.

3 (c) Reports to other House and Senate committees.--The board
4 shall submit annually a report to the Professional Licensure
5 Committee of the House of Representatives and to the Consumer
6 Protection and Professional Licensure Committee of the Senate
7 CONTAINING a description of the types of complaints received, ←
8 status of cases, board action which has been taken and the
9 length of time from the initial complaint to final board
10 resolution. The report shall also include a statement of the
11 numbers and types of licenses granted and a statement on
12 physician assistant use in this Commonwealth, including
13 geographic location and practice settings.

14 Section 8. Regulatory powers of the board.

15 The board, in the exercise of its duties under this act,
16 shall have the power to adopt such regulations as are reasonably
17 necessary to carry out the purposes of this act. Regulations
18 shall be adopted in conformity with the provisions of the act of
19 July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth
20 Documents Law, and the act of June 25, 1982 (P.L.633, No.181),
21 known as the Regulatory Review Act.

22 Section 9. Procedure, oaths and subpoenas.

23 (a) All actions of the board.--All actions of the board
24 shall be taken subject to the right of notice, hearing and
25 adjudication, and the right of appeal therefrom, in accordance
26 with the provisions in Title 2 of the Pennsylvania Consolidated
27 Statutes (relating to administrative law and procedure).

28 (b) Disciplinary proceedings.--All disciplinary proceedings
29 conducted by hearing examiners shall be conducted in accordance
30 with sections 901 through 905 of the act of October 15, 1975

1 (P.L.390, No.111), known as the Health Care Services Malpractice
2 Act.

3 (c) Subpoena power.--The board shall have the authority to
4 issue subpoenas, upon application of an attorney responsible for
5 representing the Commonwealth in disciplinary matters before the
6 board, for the purpose of investigating alleged violations of
7 the disciplinary provisions administered by the board. The board
8 shall have the power to subpoena witnesses, to administer oaths,
9 to examine witnesses ~~or~~ AND to take testimony or compel the <—
10 production of books, records, papers and documents as it may
11 deem necessary or proper in and pertinent to any proceeding,
12 investigation or hearing held by it. Medical records may not be
13 subpoenaed without consent of the patient or without order of a
14 court of competent jurisdiction on a showing that the records
15 are reasonably necessary for the conduct of the investigation.
16 The court may impose such limitations on the scope of the
17 subpoena as are necessary to prevent unnecessary intrusion ~~in~~ <—
18 INTO patient confidential information. The board is authorized <—
19 to apply to Commonwealth Court to enforce its subpoenas.

20 (D) REPORTS TO THE BOARD.--AN ATTORNEY RESPONSIBLE FOR <—
21 REPRESENTING THE COMMONWEALTH IN DISCIPLINARY MATTERS BEFORE THE
22 BOARD SHALL NOTIFY THE BOARD IMMEDIATELY UPON RECEIVING
23 NOTIFICATION OF AN ALLEGED VIOLATION OF THIS ACT. THE BOARD
24 SHALL MAINTAIN CURRENT RECORDS OF ALL REPORTS OF ALLEGED
25 VIOLATIONS AND PERIODICALLY REVIEW THE RECORDS FOR THE PURPOSE
26 OF DETERMINING THAT EACH ALLEGED VIOLATION HAS BEEN RESOLVED IN
27 A TIMELY MANNER.

28 Section 10. Unauthorized practice of medicine and surgery.

29 No person other than a medical doctor shall engage in any of
30 the following conduct except as authorized or exempted in this

1 act:

2 (1) Practice medicine and surgery.

3 (2) Purport to practice medicine and surgery.

4 (3) Hold forth as authorized to practice medicine and
5 surgery through use of a title, including, but not
6 necessarily limited to, medical doctor, doctor of medicine,
7 doctor of medicine and surgery, doctor of a designated
8 disease, physician, physician of a designated disease, or any
9 abbreviation for the foregoing.

10 (4) Otherwise hold forth as authorized to practice
11 medicine and surgery.

12 Section 11. Clinical clerks.

13 (a) Authorized services.--A clinical clerk may perform the
14 following services in a hospital to which the clerk is assigned,
15 provided the services are performed within the restrictions
16 contained in or authorized by this section:

17 (1) Make notes on a patient's chart.

18 (2) Conduct a physical examination.

19 (3) Perform a medical procedure or laboratory test.

20 (b) Regulations.--A clinical clerk shall not perform a
21 medical service unless the performance of such by the clinical
22 clerk under the circumstances is consistent with THE REGULATIONS ←
23 PROMULGATED BY THE BOARD AND the standards of acceptable medical
24 practice embraced by the medical doctor community in this
25 Commonwealth. The board shall promulgate regulations which
26 define the medical services those standards permit a clinical
27 clerk to perform and the circumstances under which those
28 standards permit a clinical clerk to perform a medical service.

29 (c) Supervision.--A clinical clerk shall not perform a
30 medical service without the direct and immediate supervision of

1 the medical doctor members of the medical staff or residents at
2 the hospital in which the service is performed. The board shall
3 promulgate regulations which define the supervision required by
4 those standards.

5 (d) Drugs.--A clinical clerk shall not prescribe or dispense
6 drugs.

7 (e) Notes on patients' charts.--Notes made on a patient's
8 chart by a clinical clerk become official only when
9 countersigned by a medical doctor member of the hospital's
10 medical staff or resident beyond a first-year level of graduate
11 medical education at the hospital.

12 (f) Other licenses or certificates.--Nothing in this section
13 or the regulations authorized by this section shall be construed
14 to prohibit a clinical clerk who is licensed or certified to
15 practice a profession by a Commonwealth agency or board from
16 practicing within the scope of that license or certificate or as
17 otherwise authorized by law.

18 Section 12. Midwifery.

19 (a) Previous licensure.--A midwife who has been licensed
20 previously by the board may continue to practice midwifery in
21 accordance with regulations promulgated by the board.

22 (b) Use of title.--A midwife may use the title midwife,
23 nurse-midwife or an appropriate abbreviation of those titles.

24 (c) Other licenses or certificates.--Nothing in this section
25 or the regulations authorized by this section shall be construed
26 to prohibit a midwife who is licensed or certified to practice
27 another profession by a Commonwealth agency or board from
28 practicing within the scope of that license or certificate or as
29 otherwise authorized by law.

30 Section 13. Physician assistants.

1 (a) Authorized services.--A physician assistant may perform
2 a medical service delegated by an approved physician and as
3 approved by the appropriate board. An approved physician is a
4 physician identified in the writing required by subsection (e).

5 (b) Use of title.--A physician assistant may use the title
6 physician assistant or an appropriate abbreviation for that
7 title, such as "P.A.-C."

8 (c) Regulations.--The board shall promulgate regulations
9 which define the services and circumstances under which a
10 physician assistant may perform a medical service.

11 (d) Supervision.--A physician assistant shall not perform a
12 medical service without the supervision and personal direction
13 of an approved physician. The board shall promulgate regulations
14 which define the supervision and personal direction required by
15 those standards.

16 (e) Written agreement.--A physician assistant shall not
17 provide a medical service without a written agreement with one
18 or more physicians which provides for all of the following:

19 (1) Identifies and is signed by each physician the
20 physician assistant will be assisting.

21 (2) Describes the manner in which the physician
22 assistant will be assisting each named physician.

23 (3) Describes the nature and degree of supervision and
24 direction each named physician will provide the physician
25 assistant.

26 (4) Designates one of the named physicians as having the
27 primary responsibility for supervising and directing the
28 physician assistant.

29 (5) Has been approved by the board as satisfying the
30 foregoing and as consistent with the restrictions contained

1 in or authorized by this section.

2 A physician assistant shall not assist a physician in a manner
3 not described in the agreement or without the nature and degree
4 of supervision and direction described in the agreement. The
5 physician designated as having primary responsibility for the
6 physician assistant shall not have primary responsibility for
7 more than two physician assistants.

8 (f) Drugs.--A physician assistant shall not independently
9 prescribe or dispense drugs. The board ~~and the State Board of~~ <—
10 ~~Pharmacy~~ shall jointly promulgate regulations which permit a <—
11 physician assistant to prescribe and dispense drugs at the
12 direction of a physician. THE BOARD SHALL REQUEST THE COMMENTS <—
13 AND RECOMMENDATIONS OF THE STATE BOARD OF PHARMACY.

14 (g) Supervision.--A physician assistant may be employed by a
15 medical care facility under the supervision and direction of an
16 approved physician or group of such physicians, provided one of
17 those physicians is designated as having the primary
18 responsibility for supervising and directing the physician
19 assistant and provided that a physician assistant shall not be
20 responsible to more than three physicians.

21 (h) Reimbursement.--For reimbursement purposes a physician
22 assistant shall be an employee subject to the normal employer-
23 employee reimbursement procedures.

24 (i) Eye services.--No medical services may be performed by a
25 physician assistant under this act which include the measurement
26 of the range or powers of human vision or the determination of
27 the refractive status of the human eye. This subsection does not
28 prohibit the performance of routine vision screenings or the
29 performance of refractive screenings in the physician's office.

30 (j) Chiropractic practice.--Nothing in this act shall be

1 construed to allow physician assistants to practice
2 chiropractic.

3 (k) Other licenses or certificates.--Nothing in this section
4 or the regulations authorized by this section shall be construed
5 to prohibit a physician assistant who is licensed or certified
6 to practice another profession by a Commonwealth agency or board
7 from practicing within the scope of that license or certificate
8 or as otherwise authorized by law.

9 Section 14. Drugless therapist.

10 (a) Previous licensure.--A drugless therapist who has been
11 licensed previously by the board may continue to provide
12 drugless therapy in accordance with the regulations promulgated
13 by the board.

14 (b) Drugs.--A drugless therapist shall not prescribe or
15 dispense drugs.

16 (c) Other licenses or certificates.--Nothing in this section
17 or the regulations authorized by this section shall be construed
18 to prohibit a drugless therapist who is licensed or certified to
19 practice another profession by a Commonwealth agency or board
20 from practicing within the scope of that license or certificate
21 or as otherwise authorized by law.

22 Section 15. Certified registered nurse practitioner.

23 (a) General rule.--A certified registered nurse practitioner
24 shall act in accordance with regulations authorized by this
25 section.

26 (b) Regulations.--The board and the State Board of Nurse
27 Examiners shall jointly promulgate regulations authorizing a
28 certified registered nurse practitioner to perform acts of
29 medical diagnoses and prescription of medical, therapeutic,
30 diagnostic or corrective measures.

1 (c) Other licenses or certificates.--Nothing in this section
2 or the regulations authorized by this section shall be construed
3 to prohibit a certified registered nurse practitioner who is
4 licensed or certified to practice another profession by a
5 Commonwealth agency or board from practicing within the scope of
6 that license or certificate as otherwise authorized by law.

7 Section 16. Consultation.

8 A person authorized to practice medicine or surgery or
9 osteopathy without restriction by any other state may, upon
10 request by a medical doctor, provide consultation to the medical
11 doctor regarding the treatment of a patient under the care of
12 the medical doctor.

13 Section 17. Delegation of duties to health care practitioner or
14 technician.

15 (a) General rule.--A MEDICAL DOCTOR MAY DELEGATE TO A health <—
16 care practitioner or technician ~~may perform~~ THE PERFORMANCE OF a <—
17 medical service if:

18 ~~(1) The performance of the service was delegated by a <—~~
19 ~~medical doctor.~~

20 ~~(2)~~ (1) The delegation is consistent with the standards
21 of acceptable medical practice embraced by the medical doctor
22 community in this Commonwealth.

23 ~~(3)~~ (2) The delegation is not prohibited by regulations <—
24 promulgated by the board.

25 ~~(4)~~ (3) The delegation is not prohibited by statutes or <—
26 regulations relating to other licensed health care
27 practitioners.

28 (b) Regulations.--The board may promulgate regulations which
29 establish criteria pursuant to which a medical doctor may
30 delegate the performance of medical services, preclude a medical

1 doctor from delegating the performance of certain types of
2 medical services, or otherwise limit the ability of a medical
3 doctor to delegate medical services.

4 (c) Responsibility.--~~Nothing in this section shall be~~ <—
5 ~~construed to limit the~~ A MEDICAL DOCTOR SHALL BE RESPONSIBLE FOR <—
6 THE MEDICAL SERVICES DELEGATED TO THE HEALTH CARE PRACTITIONER
7 OR TECHNICIAN IN ACCORDANCE WITH SUBSECTIONS (A) AND (B). A
8 medical doctor's responsibility for the medical service
9 delegated to the health care practitioner or technician IS NOT <—
10 LIMITED BY ANY PROVISIONS OF THIS SECTION.

11 Section 18. Federal medical personnel.

12 Nothing in this act shall be construed to prohibit a medical
13 doctor in the medical service of the armed forces of the United
14 States, the United States Public Health Service or the Veterans'
15 Administration, or a Federal employee, from discharging official
16 duties.

17 Section 19. Osteopathic act.

18 (a) General rule.--Nothing in this act shall be construed to
19 prohibit a doctor of osteopathy from practicing osteopathic
20 medicine and surgery.

21 (b) Specific authorization.--Nothing in this act shall be
22 construed to prohibit a person authorized to practice
23 osteopathic medicine and surgery by the act of October 5, 1978
24 (P.L.1109, No.261), known as the Osteopathic Medical Practice
25 Act, to practice as authorized by that act.

26 Section 20. Other health care practitioners.

27 Nothing in this act shall be construed to prohibit a health
28 care practitioner from practicing that profession within the
29 scope of the health care practitioner's license or certificate
30 or as otherwise authorized by the law, including using the title

1 authorized by the practitioner's licensing act.

2 Section 21. Acts outside nonmedical doctor license or
3 certificate.

4 (a) Medical doctor involvement.--In the event the law,
5 including this act, conditions a person's authorization to
6 perform one or more medical services upon medical doctor
7 involvement, and the person performs a covered service without
8 the required involvement, the person shall be deemed to have
9 acted outside the scope of the person's license or certificate.

10 (b) Included involvements.--The medical doctor involvement
11 referred to in subsection (a) shall include, but shall not
12 necessarily be limited to, any of the following:

- 13 (1) An order.
- 14 (2) Direction or supervision.
- 15 (3) Presence.
- 16 (4) Immediate availability.
- 17 (5) Referral.
- 18 (6) Consultation.

19 (C) LIMITATION ON PROVIDING SERVICES.--NOTHING HEREIN SHALL <—
20 BE CONSTRUED AS AUTHORIZING A HEALTH CARE PRACTITIONER OR
21 TECHNICIAN TO PERFORM ANY MEDICAL SERVICE WHICH IS NOT WITHIN
22 THE SCOPE OF THAT PERSON'S PRACTICE, AS DEFINED BY THE
23 PRACTITIONER'S LICENSING ACT UNDER WHICH THAT PERSON IS
24 LICENSED, CERTIFICATED OR REGISTERED.

25 Section 22. Licenses and certificates; general qualification.

26 (a) Types of licenses and certificates.--The board may grant
27 the following licenses and certificates:

- 28 (1) License without restriction.
- 29 (2) ~~License with restriction.~~ INTERIM LIMITED LICENSE. <—
- 30 (3) Graduate license.

- 1 (4) Institutional license.
- 2 (5) Temporary license.
- 3 (6) Extraterritorial license.
- 4 (7) Midwife license.
- 5 (8) Physician assistant certificate.

6 (b) Qualifications.--The board shall not issue a license or
7 certificate to an applicant unless the applicant establishes
8 with evidence, verified by an affidavit or affirmation of the
9 applicant, that the applicant is of legal age, is of good moral
10 character and is not addicted to the intemperate use of alcohol
11 or the habitual use of narcotics or other habit-forming drugs,
12 and that the applicant has completed the educational
13 requirements prescribed by the board, and otherwise satisfies
14 the qualifications for the license or certificate contained in
15 or authorized by this act. The board shall not issue a license
16 or certificate to an applicant who has been convicted of a
17 felony under the act of April 14, 1972 (P.L.233, No.64), known
18 as The Controlled Substance, Drug, Device and Cosmetic Act, or
19 of an offense under the laws of another jurisdiction which if
20 committed in this Commonwealth would be a felony under The
21 Controlled Substance, Drug, Device and Cosmetic Act, unless:

22 (1) at least ten years have elapsed from the date of
23 conviction;

24 (2) the applicant satisfactorily demonstrates to the
25 board that he has made significant progress in personal
26 rehabilitation since the conviction such that licensure of
27 the applicant should not be expected to create a substantial
28 risk of harm to the health and safety of his patients or the
29 public or a substantial risk of further criminal violations;
30 and

1 (3) the applicant otherwise satisfies the qualifications
2 contained in or authorized by this act.

3 As used in this section the term "convicted" shall include a
4 judgment, and admission of guilt or a plea of nolo contendere.

5 (c) Refusal.--The board may refuse to issue a license or
6 certificate to an applicant based upon a ground for such action
7 contained in section 41.

8 (d) Limitation.--The board shall not refuse to issue a
9 license or certificate to an applicant unless the applicant has
10 been afforded the procedural protections required by this act.

11 ~~(e) Action on application. The application, upon filing by~~ ←
12 ~~the applicant of the evidence required under subsection (b) and~~
13 ~~the expiration of a period of 90 days, shall be deemed to meet~~
14 ~~the requirements of this act and become effective, the license~~
15 ~~or certificate shall be deemed issued, and the board shall take~~
16 ~~no action against the applicant for practicing without a license~~
17 ~~or certificate, unless within that period the application has~~
18 ~~been disapproved by the board or proceedings have been initiated~~
19 ~~against the applicant under this act.~~

20 Section 23. Standards for medical training facilities.

21 (a) General rule.--The educational qualifications for
22 acceptance as a matriculant in a medical college or other
23 medical training facility incorporated within this Commonwealth
24 and the curricula and training to be offered by such medical
25 colleges or other medical training facility shall meet the
26 requirements set by the board and any accrediting body which may
27 be recognized by the board.

28 (b) Duties of the board.--It shall be the duty of the board,
29 in its discretion, periodically to ascertain the character of
30 the instruction and the facilities possessed by each of the

1 medical colleges and other medical training facilities offering
2 or desiring to offer medical training in accordance with the
3 requirements of this act. It shall further be the duty of the
4 board, by inspection and otherwise, to ascertain the facilities
5 and qualifications of medical colleges and other medical
6 training facilities outside this Commonwealth, whose graduates
7 or trainees desire to obtain licensure, graduate medical
8 training or certification in this Commonwealth, provided further
9 that the board shall have the authority to refuse to license
10 graduates of any such medical institutions, colleges or
11 hospitals which in its judgment do not meet similar standards
12 for medical training and facilities as are required of medical
13 institutions in this Commonwealth. In enforcing this provision,
14 the board shall give due notice to any medical institution,
15 college or hospital upon which it has rendered a decision that
16 its training and facilities do not meet the standards required
17 by the board.

18 (c) Refusal of recognition.--In the event that the board
19 determines that a medical training facility has failed to
20 provide adequate facilities, curricula or training, the board
21 shall not recognize the education or degrees obtained from the
22 medical training facility during the period of inadequacy.

23 Section 24. Examinations.

24 (a) General rule.--The board may require an applicant to
25 take and pass an examination to the satisfaction of the board.

26 (b) Proficiency in English language.--In addition to any
27 other examination required by this act or by regulation of the
28 board, applicants for a license or certificate, whose principal
29 language is other than English, may also be required to
30 demonstrate, by examination, proficiency in the English language

1 to any agency considered competent by the board.

2 ~~(c) Authority to call in medical consultants. For the~~ <—
3 ~~purpose of conducting all examinations, the board shall have the~~
4 ~~privilege of calling to its aid medical consultants who shall be~~
5 ~~compensated for their services at a reasonable rate in an amount~~
6 ~~as determined, from time to time, by the board in addition to~~
7 ~~all incurred expenses, in accordance with Commonwealth~~
8 ~~regulations.~~

9 (C) THIRD-PARTY TESTING.--ALL WRITTEN, ORAL AND PRACTICAL <—
10 EXAMINATIONS SHALL BE PREPARED AND ADMINISTERED BY A QUALIFIED
11 AND APPROVED PROFESSIONAL TESTING ORGANIZATION IN THE MANNER
12 PRESCRIBED FOR WRITTEN EXAMINATIONS BY THE PROVISIONS OF SECTION
13 812.1 OF THE ACT OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN AS
14 THE ADMINISTRATIVE CODE OF 1929.

15 (d) Examining agency.--When the board accepts an examination
16 given by an examining agency, the board may establish the
17 criteria for passing, or may accept the criteria for passing,
18 established by the examining agency. If the examination is
19 offered in parts, the board may establish, by regulation, a time
20 period in which the entire examination must be successfully
21 completed. The board may establish, by regulation, a maximum
22 number of examination attempts it will recognize for the purpose
23 of receiving a passing score on an examination recognized but
24 not given by the board.

25 Section 25. Licenses and certificates; biennial registration.

26 (a) Issuance of licenses and certificates.--All applicants
27 who have complied with the requirements of the board, and who
28 ~~shall~~ have passed a final examination, and who have otherwise <—
29 complied with the provisions of this act, shall receive from the
30 commissioner, or whoever exercises equivalent authority acting

1 for the board, a license or certificate entitling them to the
2 right to practice in this Commonwealth. Each such license or
3 certificate shall be duly recorded in the office of the board,
4 in a record to be properly kept for that purpose which shall be
5 open to public inspection and a certified copy of said record
6 shall be received as evidence in all courts in this Commonwealth
7 in the trial of any case.

8 (b) Renewals.--It shall be the duty of all persons now or
9 hereafter licensed or certified to be registered with the board
10 and, thereafter, to register in like manner at such intervals
11 and by such methods as the board shall determine by regulations,
12 but in no case shall such renewal period be longer than two
13 years. The form and method of such registration shall be
14 determined by the board.

15 (c) Fees.--Each person so registering with the board shall
16 pay, for each biennial registration, a reasonable fee which, if
17 any, shall accompany the application for such registration.

18 (d) Evidence of registration.--Upon receiving a proper
19 application for such registration accompanied by the fee, if
20 any, above provided for, the board shall issue a certificate of
21 registration to the applicant. Said certificate together with
22 its renewals shall be good and sufficient evidence of
23 registration under the provisions of this act.

24 Section 26. Certification of license or certificate.

25 The status of a license or certificate issued by the board
26 shall be certified by the board to other jurisdictions or
27 persons upon formal application and payment of a reasonable fee.

28 Section 27. Reciprocity or endorsement.

29 Reciprocity or endorsement may be established at the
30 discretion of the board. As used in this section, the term

1 "reciprocity" means the act of the board and a licensing
2 authority in another jurisdiction, each recognizing that the
3 requirements for a license or certificate in this Commonwealth
4 and in the other jurisdiction are equivalent, issuing a license
5 or certificate to an applicant who possesses a similar license
6 or certificate in the other jurisdiction. As used in this
7 section, the term "endorsement" means the issuance of a license
8 or certificate by the board to an applicant who does not meet
9 standard requirements, if the applicant has achieved cumulative
10 qualifications which are accepted by the board as being
11 equivalent to the standard requirements for the license or
12 certificate.

13 Section 28. License to practice medicine and surgery.

14 An individual is not qualified for a license to practice
15 medicine and surgery unless the individual has received an
16 academic degree in medicine and surgery from a medical college
17 and the individual satisfies the other qualifications for the
18 license contained in or authorized by this act.

19 Section 29. License without restriction.

20 (a) General rule.--A license without restriction empowers
21 the licensee to practice medicine and surgery without any
22 restriction or limitation.

23 (b) Graduates of accredited medical colleges.--No license
24 without restriction may be issued to a graduate of an accredited
25 medical college unless the applicant has completed successfully
26 as a resident two years of approved graduate medical training.

27 (c) Graduates of unaccredited medical colleges.--No license
28 without restriction may be issued to a graduate of an
29 unaccredited medical college unless the applicant has completed
30 successfully as a resident three years of approved graduate

1 medical training, educational requirements prescribed by the
2 board and certification by the Educational Council for Foreign
3 Medical Graduates, or its successors.

4 (d) Examinations.--The board shall hold at least two
5 examinations for applicants for a license without restriction
6 each year. Special examinations may be designated by the board.
7 The examinations shall be held at such times and places as
8 designated by the board. In case of failure at any such
9 examination, the applicant shall have, after the expiration of
10 six months and within two years, the privilege of a second
11 examination by the board. In case of failure in a second
12 examination, or after the expiration of two years, the applicant
13 must thereafter successfully complete, as a resident, one year
14 of graduate medical training approved by the board, apply de
15 novo, and qualify under the conditions in existence at the time
16 of the application.

17 ~~Section 30. License with restriction.~~ <—

18 ~~(a) General rule. A license with restriction empowers the~~
19 ~~licensee to practice medicine and surgery with such restrictions~~
20 ~~or limitations as may be established by the board, including~~
21 ~~restrictions in the scope of permitted practice, a requirement~~
22 ~~that the applicant take one or more refresher educational~~
23 ~~courses or mandated submission of medical care, counseling or~~
24 ~~treatment.~~

25 ~~(b) Prerequisite. No license with restriction may be issued~~
26 ~~unless the applicant has otherwise been issued, or is qualified~~
27 ~~to be issued, a license without restriction in accordance with~~
28 ~~this act.~~

29 ~~(c) Disciplinary proceedings or voluntary request. The~~
30 ~~board may issue a license with restriction only upon completion~~

1 ~~of disciplinary proceedings in accordance with this act or upon~~
2 ~~a voluntary request of the applicant.~~

3 SECTION 30. INTERIM LIMITED LICENSE. ←

4 (A) GENERAL RULE.--AN INTERIM LIMITED LICENSE EMPOWERS THE
5 LICENSEE TO PROVIDE MEDICAL SERVICE OTHER THAN AT THE TRAINING
6 LOCATION OF THE LICENSEE'S APPROVED GRADUATE TRAINING PROGRAM
7 FOR A PERIOD OF UP TO 12 CONSECUTIVE MONTHS.

8 (B) REQUIREMENTS.--NO INTERIM LIMITED LICENSE MAY BE ISSUED
9 UNLESS THE APPLICANT IS A GRADUATE OF AN ACCREDITED MEDICAL
10 COLLEGE AND HOLDS A VALID GRADUATE LICENSE, HAS SUCCESSFULLY
11 COMPLETED ONE FULL YEAR OF APPROVED GRADUATE TRAINING, HAS
12 RECEIVED THE WRITTEN APPROVAL OF THE DIRECTOR OF THE GRADUATE
13 TRAINING PROGRAM, AND IS IN COMPLIANCE WITH APPLICABLE
14 REGULATIONS OF THE BOARD.

15 (C) EXTENSIONS.--THE BOARD, UPON APPLICATION WHEN SUCH
16 ACTION IS WARRANTED, MAY EXTEND THE VALIDITY OF AN INTERIM
17 LIMITED LICENSE FOR A PERIOD OF UP TO 12 ADDITIONAL CONSECUTIVE
18 MONTHS, BUT IN NO EVENT SHALL THE EXTENSION BE FOR A GREATER
19 PERIOD OF TIME.

20 Section 31. Graduate license.

21 (a) General rule.--A graduate license empowers the licensee
22 to participate for a period of up to 12 consecutive months in
23 graduate medical training within the complex of the hospital to
24 which the licensee is assigned and any satellite facility or
25 other training location utilized in the graduate training
26 program.

27 (b) Requirements.--No graduate license may be issued unless
28 the applicant is a graduate of an accredited medical college or
29 an unaccredited medical college and has received a medical
30 degree. A graduate license may be issued to an applicant who

1 holds the equivalent of a license without restriction granted by
2 another state or territory of the United States or the Dominion
3 of Canada.

4 (c) Extensions; waivers.--The board may extend the validity
5 of a graduate license upon application when such action is
6 warranted. In the event a graduate license holder is issued a
7 license without restriction and wishes to continue graduate
8 medical training, the graduate license holder shall complete and
9 keep current a form satisfactory to the board containing
10 information desired by the board ~~on the~~ ABOUT SAID graduate ←
11 medical training program. A graduate of an unaccredited medical
12 college, who does not possess all of the qualifications for the
13 issuance of a graduate license but desires to train in a
14 hospital within this Commonwealth in an area of advanced medical
15 training, may have the unmet qualifications waived by the board
16 if the board determines that the applicant possesses the
17 technical skills and educational background to participate in
18 such training and that its issuance is beneficial to the health,
19 safety and welfare of the general public of this Commonwealth.
20 Section 32. Institutional license.

21 (a) General rule.--An institutional license empowers the
22 licensee to teach or practice medicine and surgery in one of the
23 medical colleges, affiliates or hospitals within this
24 Commonwealth.

25 (b) Requirements.--No institutional license may be issued
26 unless the applicant:

27 (1) is a graduate of an unaccredited medical college who
28 has attained through professional growth and teaching
29 experience the status of teacher; or

30 (2) is not otherwise licensed to practice medicine and

1 surgery in this Commonwealth but has achieved outstanding
2 medical skills in a particular area of medicine and surgery
3 and wishes to practice, demonstrate or teach with those
4 outstanding medical skills.

5 (c) Determinations by the board.--The board shall issue an
6 institutional license valid for no more than three years, as the
7 board shall determine and only when it determines that its
8 issuance is beneficial to the health, safety and welfare of the
9 general public of this Commonwealth. A person granted an
10 institutional license who subsequently desires to obtain a
11 license without restriction shall be required to meet all of the
12 requirements of such license as set forth in this act.

13 Section 33. Temporary license.

14 (a) General rule.--A temporary license empowers the licensee
15 to:

16 (1) teach medicine and surgery or participate in a
17 medical procedure necessary for the well-being of a specified
18 patient within this Commonwealth; or

19 (2) practice medicine and surgery at a camp or resort
20 for no more than three months.

21 (b) Requirements.--No temporary license may be issued unless
22 the applicant holds the equivalent of a license without
23 restriction granted by another state, territory or country.

24 (c) Additional conditions.--The board may impose any
25 appropriate limitation in scope, duration or site of practice on
26 the temporary license. Temporary licensees shall be deemed
27 health care providers who conduct 50% or less of their health
28 care business or practice within this Commonwealth for the
29 purposes of the act of October 15, 1975 (P.L.390, No.111), known
30 as the Health Care Services Malpractice Act.

1 Section 34. Extraterritorial license.

2 (a) General rule.--An extraterritorial license empowers the
3 licensee residing in or maintaining the office of practice in
4 any adjoining state near the boundary line between such state
5 and this Commonwealth, whose medical practice extends into this
6 Commonwealth, to practice medicine and surgery with or without
7 restriction in this Commonwealth on such patients.

8 (b) Requirements.--No extraterritorial license may be issued
9 unless the applicant holds the equivalent of a license without
10 restriction granted by a state adjoining this Commonwealth.

11 (c) Additional conditions.--An extraterritorial license may
12 be granted by the board so long as the board is provided with:

13 (1) An application for the license, which shall include
14 information on malpractice insurance coverage compliance.

15 (2) A certification by the authorized licensing body of
16 such state of the current license in the state of residence
17 and primary practice.

18 The exercise of the discretion of the board in granting such a
19 license will depend primarily upon the needs of patients in this
20 Commonwealth, the availability of medical care in the specific
21 area involved and whether the adjoining state of licensure
22 reciprocates by extending similar privileges to medical doctors
23 who reside and have their office of practice in this
24 Commonwealth. Such a license will be automatically revoked if
25 such medical doctor relocates the office of practice or
26 residence. A medical doctor granted such a license has the duty
27 to inform the board of any changes in practice which may in any
28 way affect the maintenance of the license.

29 Section 35. Nurse-midwife license.

30 (a) General rule.--A nurse-midwife license empowers the

1 licensee to practice midwifery in this Commonwealth as provided
2 in this act. The board shall formulate and issue such rules and
3 regulations, from time to time, as may be necessary for the
4 examination, licensing and proper conduct of the practice of
5 midwifery.

6 (b) Requirements.--No nurse-midwife license will be issued
7 unless the applicant is a registered nurse licensed in this
8 Commonwealth. An applicant for a midwife license must have
9 completed an academic and clinical program of study in midwifery
10 which has been approved by the board or an accrediting body
11 recognized by the board.

12 Section 36. Physician assistant certificate.

13 (a) General rule.--A physician assistant certificate
14 empowers the holder to assist a medical doctor in the provision
15 of medical care and services under the supervision and direction
16 of that medical doctor as provided in this act.

17 (b) Requirements.--No physician assistant certificate may be
18 issued to the applicant unless the requirements set forth by
19 this act and such rules and regulations issued by the board are
20 met, including requirements for the physician assistant
21 certificate of training and educational programs which shall be
22 formulated by the board in accordance with such national
23 criteria as are established by national organizations or
24 societies as the board may accept.

25 (c) Criteria.--The board shall grant physician assistant
26 certificates to applicants who have fulfilled the following
27 criteria:

28 (1) Satisfactory performance on the proficiency
29 examination to the extent that a proficiency examination
30 exists.

1 (2) Satisfactory completion of a certified program for
2 the training and education of physician assistants.

3 (d) Biennial renewal.--A physician assistant certificate
4 shall be subject to biennial renewal by the board.

5 (e) Description of manner of assistance.--The application
6 shall include a written request from the applicant's supervising
7 medical doctor who shall file with the board a description of
8 the manner in which the physician assistant will assist the
9 supervising medical doctor, which description shall be subject
10 to the approval of the board.

11 Section 37. Reporting of multiple licensure.

12 Any licensed medical doctor in this Commonwealth who is also
13 licensed to practice medicine and surgery in any other state,
14 territory, POSSESSION or country shall report this information <—
15 to the board. ~~on the biennial registration application or within~~ <—
16 ~~90 days of final disposition, whichever is sooner.~~ Any
17 disciplinary action taken in other states ~~must~~ SHALL be reported <—
18 to the board on the biennial registration application OR WITHIN <—
19 90 DAYS OF FINAL DISPOSITION, WHICHEVER IS SOONER. Multiple
20 licensure ~~will~~ SHALL be noted BY THE BOARD on the medical <—
21 doctor's record and such state, territory, POSSESSION or country <—
22 ~~will~~ SHALL be notified BY THE BOARD of any disciplinary actions <—
23 taken against said medical doctor in this Commonwealth.

24 Section 38. Injunctions against unlawful practice.

25 It shall be unlawful for any person to practice, or attempt
26 to offer to practice, medicine and surgery, as defined in this
27 act OR OTHER AREAS OF PRACTICE REQUIRING A LICENSE, CERTIFICATE <—
28 OR REGISTRATION FROM THE BOARD, without having at the time of so
29 doing a valid, unexpired, unrevoked and unsuspended license, <—
30 CERTIFICATE OR REGISTRATION issued under this act. The unlawful

1 practice of medicine and surgery OR OTHER AREAS OF PRACTICE <—
2 REQUIRING A LICENSE, CERTIFICATE OR REGISTRATION FROM THE BOARD
3 as defined in this act may be enjoined by the courts on petition
4 of the board or ~~by~~ the commissioner. In any such proceeding it <—
5 shall not be necessary to show that any person is individually
6 injured by the actions complained of. If it is determined the
7 respondent has engaged in the unlawful practice of medicine and
8 surgery, OR OTHER AREAS OF PRACTICE REQUIRING A LICENSE, <—
9 CERTIFICATE OR REGISTRATION FROM THE BOARD, the court shall
10 enjoin him from so practicing unless and until he has been duly
11 licensed, CERTIFICATED OR REGISTERED. Procedure in such cases <—
12 shall be the same as in any other injunction suit. The remedy by
13 injunction hereby given is in addition to any other civil or
14 criminal prosecution and punishment.

15 Section 39. Penalties.

16 (a) General rule.--Any person, or the responsible officer or
17 employee of any corporation or partnership, institution or
18 association, ~~violating~~ WHO VIOLATES any provisions of this act, <—
19 or any rule or regulation of the board commits ~~of~~ a misdemeanor <—
20 of the third degree and shall, upon conviction, be sentenced to
21 pay a fine of not more than \$2,000 or to imprisonment for not
22 more than six months, or both, for the first violation. On the
23 second and each subsequent conviction, he or she shall be
24 sentenced to pay a fine of not less than \$5,000 nor more than
25 \$20,000 or to imprisonment for not less than six months nor more
26 than one year, or both.

27 (b) Civil penalties.--In addition to any other civil remedy
28 or criminal penalty provided for in this act, the board, by a
29 vote of the majority of the maximum number of the authorized
30 membership of the board as provided by law, or by a vote of the

1 majority of the duly qualified and confirmed membership or a
2 minimum of ~~four~~ FIVE members, whichever is greater, may levy a <—
3 civil penalty of up to \$1,000 on any current licensee who
4 violates any provision of this act or on any person who
5 practices medicine or other areas of practice ~~regulated by~~ <—
6 REQUIRING A LICENSE, CERTIFICATE OR REGISTRATION FROM the board <—
7 without being properly licensed ~~or~~, certificated OR REGISTERED <—
8 to do so under this act. The board shall levy this penalty only
9 after affording the accused party the opportunity for a hearing,
10 as provided in Title 2 of the Pennsylvania Consolidated Statutes
11 (relating to administrative law and procedure). ~~The board shall,~~ <—
12 ~~within six months after the effective date of this act, adopt~~
13 ~~guidelines setting forth the amounts and circumstances for which~~
14 ~~a fine may be imposed. No fines may be imposed in accordance~~
15 ~~with this subsection until the board has adopted the required~~
16 ~~guidelines. Nothing in this subsection shall be construed to~~
17 ~~give the board authority to impose a civil penalty upon any~~
18 ~~person licensed by another licensing board when acting within~~
19 ~~the scope of practice of that profession.~~

20 Section 40. Temporary and automatic suspensions.

21 (a) Temporary suspensions.--A license or certificate issued
22 under this act may be temporarily suspended under circumstances
23 as determined by the board to be an immediate and clear danger
24 to the public health and safety. The board shall issue an order
25 to that effect without a hearing, but upon due notice, to the
26 licensee or certificate holder concerned at his or her last
27 known address, which shall include a written statement of all
28 allegations against the licensee or certificate holder. The
29 provisions of section 9 shall not apply to temporary suspension.
30 The board shall thereupon commence formal action to suspend,

1 revoke ~~and~~ OR restrict the license or certificate of the person ←
2 concerned as otherwise provided for in this act. All actions
3 shall be taken promptly and without delay. Within 30 days
4 following the issuance of an order temporarily suspending a
5 license, the board shall conduct or cause to be conducted, a
6 preliminary hearing to determine that there is a prima facie
7 case supporting the suspension. The licensee or certificate
8 holder whose license or certificate has been temporarily
9 suspended may be present at the preliminary hearing and may be
10 represented by ~~council~~ COUNSEL, cross-examine witnesses, inspect ←
11 physical evidence, call witnesses, offer evidence and testimony
12 and make a record of the proceedings. If it is determined that
13 there is not a prima facie case, the suspended license shall be
14 immediately restored. The temporary suspension shall remain in
15 effect until vacated by the board, but in no event longer than
16 180 days.

17 (b) Automatic suspensions.--A license or certificate issued
18 under this act shall automatically be suspended upon the legal
19 commitment to an institution of a licensee or certificate holder
20 because of mental incompetency from any cause upon filing with
21 the board a certified copy of such commitment, conviction of a
22 felony under the act of April 14, 1972 (P.L.233, No.64), known
23 as The Controlled Substance, Drug, Device and Cosmetic Act, or
24 conviction of an offense under the laws of another jurisdiction,
25 which if committed in this Commonwealth, would be a felony under
26 The Controlled Substance, Drug, Device and Cosmetic Act. As used
27 in this section the term "conviction" shall include a judgment,
28 an admission of guilt or a plea of nolo contendere. Automatic
29 suspension under this subsection shall not be stayed pending any
30 appeal of a conviction. Restoration of such license or

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

3 Section 41. Reasons for refusal, revocation, suspension or
4 other corrective actions against a licensee or
5 certificate holder.

6 The board shall have authority to impose disciplinary or
7 corrective measures on a BOARD REGULATED practitioner for any or ←
8 all of the following reasons:

9 (1) Failing to demonstrate the qualifications or
10 standards for a license, certification or registration
11 contained in this act, or regulations of the board.

12 (2) Making misleading, deceptive, untrue or fraudulent
13 representations in the practice of the profession or
14 practicing fraud or deceit, either alone or as a conspirator
15 in obtaining a license, certification or registration, or in
16 obtaining admission to a medical college.

17 (3) Being convicted of a felony, a misdemeanor relating
18 to a health profession, or receiving probation without
19 verdict, disposition in lieu of trial or an accelerated
20 rehabilitative disposition in the disposition of felony
21 charges, in the courts of this Commonwealth, a Federal court
22 or a court of any other state, territory or country.

23 (4) Having a license or other authorization to practice
24 the profession revoked or suspended or having other
25 disciplinary action taken, or an application for a license or
26 other authorization refused, revoked or suspended by a proper
27 licensing authority of another state, territory, POSSESSION ←
28 or country, or a branch of the Federal Government.

29 (5) Being unable to practice the profession with
30 reasonable skill and safety to patients by reason of illness,

1 addiction to drugs or alcohol, having been convicted of a
2 felonious act prohibited by the act of April 14, 1972
3 (P.L.233, No.64), known as The Controlled Substance, Drug,
4 Device and Cosmetic Act, or convicted of a felony relating to
5 a controlled substance in a court of law of the United States
6 or any other state, territory, POSSESSION or country, or if ←
7 he or she is or shall become mentally incompetent. An
8 applicant's statement on the application declaring the
9 absence of a conviction shall be deemed satisfactory evidence
10 of the absence of a conviction unless the board has some
11 evidence to the contrary. In enforcing this paragraph, the
12 board shall, upon probable cause, have authority to compel a
13 practitioner to submit to a mental or physical examination by
14 ~~physicians~~ A PHYSICIAN OR A PSYCHOLOGIST approved by the ←
15 board. Failure of a practitioner to submit to such
16 examination when directed by the board, unless such failure
17 is due to circumstances beyond his or her control, shall
18 constitute an admission of the allegations against him or
19 her, consequent upon which a default and final order may be
20 entered without the taking of testimony or presentation of
21 evidence. A practitioner affected under this paragraph shall
22 at reasonable intervals be afforded an opportunity to
23 demonstrate that he or she can resume a competent practice of
24 his or her profession with reasonable skill and safety to
25 patients.

26 (6) Violating a lawful regulation promulgated by the
27 board or violating a lawful order of the board previously
28 entered by the board in a disciplinary proceeding.

29 (7) Knowingly maintaining a professional connection or
30 association with any person who is in violation of this act

1 or regulations of the board or knowingly aiding, assisting,
2 procuring or advising any unlicensed person to practice a
3 profession contrary to this act, or regulations of the board.

4 (8) Being guilty of immoral or unprofessional conduct.
5 Unprofessional conduct shall include departure from or
6 failing to conform to an ethical or quality standard of the
7 profession. IN PROCEEDINGS BASED ON THIS PARAGRAPH, ACTUAL <—
8 INJURY TO A PATIENT NEED NOT BE ESTABLISHED.

9 (i) The ethical standards of a profession are those
10 ethical tenets which are embraced by the professional
11 community in this Commonwealth.

12 (ii) A practitioner departs from, or fails to
13 conform to, a quality standard of the profession when the
14 practitioner provides a medical service at a level
15 beneath the accepted standard of care. The board may
16 promulgate regulations which define the accepted standard
17 of care. In the event the board has not promulgated an
18 applicable regulation, the accepted standard of care for
19 a practitioner is that which would be normally exercised
20 by the average professional of the same kind in this
21 Commonwealth under the circumstances, including locality
22 and whether the practitioner is or purports to be a
23 specialist in the area.

24 (9) Acting ~~is~~ IN such manner as to present an immediate <—
25 and clear danger to ~~publish~~ PUBLIC health or safety. <—

26 (10) Acting outside the scope of a license or
27 certificate.

28 (11) MAKING A FALSE OR DECEPTIVE BIENNIAL REGISTRATION <—
29 WITH THE BOARD.

30 Section 42. Types of corrective action.

1 (a) Authorized actions.--When the board is empowered to take
2 disciplinary or corrective action against a BOARD REGULATED <—
3 practitioner under the provisions of this act or pursuant to
4 other statutory authority, the board may:

5 (1) Deny the application for a license, certificate or
6 any other privilege granted by the board.

7 (2) Administer a public reprimand with or without
8 probation.

9 ~~(3) Administer a private reprimand with or without~~ <—
10 ~~probation.~~

11 ~~(4)~~ (3) Revoke, suspend, limit or otherwise restrict a
12 license or certificate.

13 ~~(5)~~ (4) Require the ~~professional~~ BOARD REGULATED <—
14 PRACTITIONER to submit to the care, counseling or treatment
15 of a physician or ~~other health care professional~~ A <—
16 PSYCHOLOGIST designated by the board.

17 ~~(6)~~ (5) Require the ~~professional~~ BOARD REGULATED <—
18 PRACTITIONER to take refresher educational courses.

19 ~~(7) Suspend~~ (6) STAY enforcement of any suspension, <—
20 other than that imposed in accordance with section 41, ~~or~~ <—
21 ~~revocation~~ and place a ~~practitioner~~ PROFESSIONAL on probation <—
22 with the right to vacate the probationary order ~~from~~ FOR <—
23 noncompliance.

24 ~~(8)~~ (7) Impose a monetary penalty in accordance with <—
25 this act.

26 (b) Failure to comply with conditions.--Failure of a
27 ~~professional~~ BOARD REGULATED PRACTITIONER to comply with <—
28 conditions set forth by the board shall be grounds for
29 reconsideration of the matter and institution of formal charges
30 against the licensee or certificate holder.

1 Section 43. Reinstatement of license, certificate or
2 registration.

3 (a) In general.--Unless ordered to do so by Commonwealth
4 Court or on appeal therefrom, the board shall not reinstate the
5 license, certificate or registration of a person to practice
6 medicine OR SURGERY OR OTHER AREAS OF PRACTICE REQUIRING A ←
7 LICENSE, CERTIFICATE OR REGISTRATION FROM THE BOARD pursuant to
8 this act which has been revoked. Except as provided in
9 subsection (b), any person whose license, certificate or
10 registration has been revoked may apply for reinstatement, after
11 a period of at least five years, but must meet all of the
12 licensing qualifications of this act for the license applied
13 for, to include the examination requirement, if he or she
14 desires to practice at any time after such revocation.

15 (b) Reinstatement after felony conviction.--Any person whose
16 license, certificate or registration has been suspended or
17 revoked because of a felony conviction under the act of April
18 14, 1972 (P.L.233, No.64), known as The Controlled Substance,
19 Drug, Device and Cosmetic Act, or similar law of another
20 jurisdiction, may apply for reinstatement after a period of at
21 least ten years has elapsed from the date of conviction. The
22 board may reinstate the license if the board is satisfied that
23 the person has made significant progress in personal
24 rehabilitation since the conviction such that his reinstatement
25 should not be expected to create a substantial risk of harm to
26 the health and safety of his patients or the public or a
27 substantial risk of further criminal violations and if the
28 person meets all other licensing qualifications of this act
29 INCLUDING THE EXAMINATION REQUIREMENT. ←

30 Section 44. Surrender of suspended or revoked license, ←

1 CERTIFICATE OR REGISTRATION.

2 The board shall require a person whose license, certificate
3 or registration has been suspended or revoked to return THE ←
4 LICENSE, CERTIFICATE OR REGISTRATION, in such manner as the
5 board directs, ~~the license, certificate or registration.~~ A ←
6 person who fails to do so commits a misdemeanor of the third
7 degree.

8 SECTION 45. RADIOLOGIC PROCEDURES; EDUCATION AND TRAINING ←
9 REQUIRED.

10 (A) SUPERVISION.--ON AND AFTER JANUARY 1, 1987, NO AUXILIARY
11 PERSONNEL SHALL PERFORM RADIOLOGIC PROCEDURES ON THE PREMISES OF
12 A MEDICAL DOCTOR UNLESS SUCH PERSON IS UNDER THE DIRECT
13 SUPERVISION OF A MEDICAL DENTIST WHO IS ON THE PREMISES AT THE
14 TIME THE X-RAY IS TAKEN AND UNLESS SUCH PERSON HAS PASSED AN
15 EXAMINATION APPROVED BY THE BOARD AND ADMINISTERED IN ACCORDANCE
16 WITH SECTION 812.1 OF THE ACT OF APRIL 9, 1929 (P.L.177,
17 NO.175), KNOWN AS THE ADMINISTRATIVE CODE OF 1929.

18 (B) EXCLUSION.--THE BOARD SHALL, BY REGULATION, PROVIDE FOR
19 THE EXCLUSION OF AUXILIARY PERSONNEL FROM PERFORMING RADIOLOGIC
20 PROCEDURES IF THE CONTINUED PERFORMANCE OF RADIOLOGIC PROCEDURES
21 BY THE AUXILIARY PERSONNEL IS DETERMINED BY THE BOARD TO POSE A
22 THREAT TO THE HEALTH, SAFETY OR WELFARE OF THE PUBLIC.

23 (C) PENALTY.--IT SHALL BE UNLAWFUL UNDER THIS ACT TO
24 KNOWINGLY PERMIT RADIOLOGIC PROCEDURES TO BE PERFORMED IN
25 VIOLATION OF THIS SECTION OR IN VIOLATION OF THE REGULATIONS
26 PROMULGATED ON ORDERS ISSUED IN ACCORDANCE WITH THIS SECTION.

27 (D) EDUCATION AND TESTING.--NO AUXILIARY PERSONNEL WHO HAS
28 OR OBTAINS A LICENSE, CERTIFICATE OR REGISTRATION ISSUED BY, OR
29 ON BEHALF OF, A BOARD WITHIN THE BUREAU OF PROFESSIONAL AND
30 OCCUPATIONAL AFFAIRS SHALL BE REQUIRED TO UNDERGO ANY ADDITIONAL

1 EDUCATION OR TESTING PURSUANT TO THIS SECTION IF RADIOLOGIC
2 PROCEDURES WERE INCLUDED IN THE EDUCATION OR THE EXAMINATION
3 WHICH HE OR SHE WAS REQUIRED TO COMPLETE SUCCESSFULLY IN ORDER
4 TO BE ELIGIBLE FOR SUCH LICENSE, CERTIFICATE OR REGISTRATION.

5 Section ~~45~~ 46. Reestablishment. <—

6 This act, with respect to the State Board of Medical
7 Education and Licensure, shall constitute the legislation
8 required to reestablish an agency pursuant to the act of
9 December 22, 1981 (P.L.508, No.142), known as the Sunset Act.

10 Section ~~46~~ 47. Severability. <—

11 The provisions of this act are severable. If any provision of
12 this act or its application to any person or circumstance is
13 held invalid, the invalidity shall not affect other provisions
14 or applications of this act which can be given effect without
15 the invalid provision or application.

16 Section ~~47~~ 48. Repeals. <—

17 (a) Specific repeals.--Section 412 of the act of April 9,
18 1929 (P.L.177, No.175), know as The Administrative Code of 1929,
19 is repealed.

20 The act of July 20, 1974 (P.L.551, No.190), known as the
21 Medical Practice Act of 1974, is repealed.

22 (b) General repeal.--All other acts and parts of acts are
23 repealed insofar as they are inconsistent with this act.

24 Section ~~48~~ 49. Applicability of act. <—

25 (a) General rule.--The provisions of this act shall not
26 apply either directly or indirectly, by intent or purpose, to
27 affect the practice of:

28 (1) Chiropractic, as authorized by the act of August 10,
29 1951 (P.L.1182, No.264), known as the Chiropractic
30 Registration Act of 1951.

1 (2) Dentistry, as authorized by the act of May 1, 1933
2 (P.L.216, No.76), known as The Dental Law.

3 (3) Optometry, as authorized by the act of June 6, 1980
4 (P.L.197, No.57), known as the Optometric Practice and
5 Licensure Act.

6 (4) Osteopathy, as authorized by the act of October 5,
7 1978 (P.L.1109, No.261), known as the Osteopathic Medical
8 Practice Act.

9 (5) Pharmacy, as authorized by the acts of April 14,
10 1972 (P.L.233, No.64), known as The Controlled Substance,
11 Drug, Device and Cosmetic Act, and September 27, 1961
12 (P.L.1700, No.699), known as the Pharmacy Act.

13 (6) Physical Therapy, as authorized by the act of
14 October 10, 1975 (P.L.383, No.110), known as the Physical
15 Therapy Practice Act.

16 (7) Podiatry, as authorized by the act of March 2, 1956
17 (P.L.1206, No.375), known as the Podiatry Act of 1956.

18 (8) Professional Nursing, as authorized by the act of
19 May 22, 1951 (P.L.317, No.69), known as The Professional
20 Nursing Law.

21 (9) Psychologists, as authorized by the act of March 23,
22 1972 (P.L.136, No.52), referred to as the Psychologists
23 License Act.

24 (b) Exemption.--This act shall not be construed so as to
25 give the Board of Medicine any jurisdiction over any of the
26 schools or colleges of the methods exempted in this section.

27 (c) No application to practice of hypnosis.--The provisions
28 of this act shall not apply either directly or indirectly, by
29 intent or purpose, to the practice of hypnosis.

30 Section ~~49~~ 50. Existing board.

<—

1 The presently confirmed members of the State Board of Medical
2 Education and Licensure constituted under section 412 of the act
3 of April 9, 1929 (P.L.177, No.175), known as The Administrative
4 Code of 1929, as of December 31, 1985, shall continue to serve
5 as board members until their present terms of office expire ~~and~~ <—
6 PROVIDED THAT ANY PRESENT BOARD MEMBER WHOSE TERM HAS EXPIRED ON <—
7 OR BEFORE THE EFFECTIVE DATE OF THIS ACT SHALL SERVE UNTIL a
8 successor has been appointed and qualified, but no longer than
9 six months after the effective date of this act.

10 Section ~~50~~ 51. Existing rules and regulations. <—

11 Each rule and regulation of the board in effect on December
12 31, 1985, not inconsistent with this act, shall remain in effect
13 after such date until repealed or amended by the board PROVIDED <—
14 THAT THE BOARD SHALL IMMEDIATELY INITIATE THE REPEAL OR
15 AMENDMENT OF ANY RULE OR REGULATION WHICH IS INCONSISTENT WITH
16 THE PROVISIONS OF THIS ACT. Each fee of the board in effect on
17 December 31, 1985, and not inconsistent with this act, shall
18 remain in effect after such date until repealed or amended ~~by~~ <—
19 ~~the board or the commissioner~~ IN ACCORDANCE WITH THE PROVISIONS <—
20 OF THIS ACT.

21 Section ~~51~~ 52. Existing licenses, certificates and <—
22 registrations.

23 Any person who holds a valid license, certificate or
24 registration issued by the State Board of Medical Education and
25 Licensure under the act of July 20, 1974 (P.L.551, No.190),
26 known as the Medical Practice Act of 1974, relating to the
27 practice of medicine, prior to the effective date of this act
28 shall, on and after the effective date hereof, be deemed
29 licensed, certificated or registered by the State Board of
30 Medicine as provided for in this act.

1 Section ~~52~~ 53. Effective date. <—

2 ~~This act shall take effect January 1, 1986.~~ <—

3 THIS ACT SHALL TAKE EFFECT AS FOLLOWS: <—

4 (1) SECTION 29(B) AND (C) SHALL TAKE EFFECT JULY 1,
5 1987.

6 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT JANUARY
7 1, 1986, OR IMMEDIATELY, WHICHEVER IS LATER.