
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 538 Session of
2015

INTRODUCED BY TOMLINSON, MENSCH, VANCE, SCHWANK, HUGHES AND
RAFFERTY, FEBRUARY 25, 2015

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,
FEBRUARY 25, 2015

AN ACT

1 Amending the act of July 2, 1993 (P.L.345, No.48), entitled "An
2 act empowering the General Counsel or his designee to issue
3 subpoenas for certain licensing board activities; providing
4 for hearing examiners in the Bureau of Professional and
5 Occupational Affairs; providing additional powers to the
6 Commissioner of Professional and Occupational Affairs; and
7 further providing for civil penalties and license
8 suspension," providing for reporting of sanctions and
9 criminal proceedings and for temporary and automatic
10 suspension.

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

13 Section 1. The act of July 2, 1993 (P.L.345, No.48),
14 entitled "An act empowering the General Counsel or his designee
15 to issue subpoenas for certain licensing board activities;
16 providing for hearing examiners in the Bureau of Professional
17 and Occupational Affairs; providing additional powers to the
18 Commissioner of Professional and Occupational Affairs; and
19 further providing for civil penalties and license suspension,"
20 is amended by adding sections to read:

21 Section 2.1. Reporting of sanctions and criminal proceedings.

1 (a) Duty.--An individual who holds a license, certificate or
2 registration issued by the Bureau of Professional and
3 Occupational Affairs Licensure shall, as a condition of
4 licensure, certification or registration, do all of the
5 following:

6 (1) Report to the appropriate licensing board or
7 licensing commission a disciplinary action taken against the
8 licensee, certificate holder or registrant by a licensing
9 agency of another jurisdiction.

10 (2) Report to the appropriate licensing board or
11 licensing commission any arrest, indictment or conviction of
12 the licensee, certificate holder or registrant.

13 (b) Time.--A report under subsection (a) shall be made as
14 follows:

15 (1) Within 30 days of the imposition of the sanction
16 under subsection (a)(1).

17 (2) Except as set forth in paragraph (3), within 30 days
18 of the earlier of:

19 (i) an arrest under subsection (a)(2); or

20 (ii) an indictment under subsection (a)(2).

21 (3) In the case of a criminal action under subsection
22 (a)(2) which is initiated prior to the effective date of this
23 paragraph, within 30 days from the later of:

24 (i) the date of conviction; or

25 (ii) the effective date of this paragraph.

26 (c) Sanctions.--A licensing board or licensing commission
27 shall take disciplinary action against a licensee, certificate
28 holder or registrant who violates this section.

29 Section 3.1. Temporary and automatic suspension.

30 (a) Temporary suspension.--A licensing board or licensing

1 commission may temporarily suspend a license, certificate or
2 registration under circumstances as determined by the board or
3 commission to be an immediate and clear danger to the public
4 health and safety. The board or commission shall issue an order
5 to that effect without a hearing, but upon due notice, to the
6 licensee or certificate holder concerned at his last known
7 address, which shall include a written statement of all
8 allegations against the licensee or certificate holder. The
9 board or commission shall thereupon commence formal action to
10 suspend, revoke or restrict the license or certificate of the
11 person concerned as otherwise provided for by law. All actions
12 shall be taken promptly and without delay.

13 (b) Hearing.--Within 30 days following the issuance of an
14 order temporarily suspending a license, the licensing board or
15 licensing commission shall conduct or cause to be conducted a
16 preliminary hearing to determine that there is a prima facie
17 case supporting the suspension. The licensee or certificate
18 holder whose license or certificate has been temporarily
19 suspended may be present at the preliminary hearing and may be
20 represented by counsel, cross-examine witnesses, inspect
21 physical evidence, call witnesses, offer evidence and testimony
22 and make a record of the proceedings. If it is determined that
23 there is not a prima facie case, the suspended license shall be
24 immediately restored. The temporary suspension shall remain in
25 effect until vacated by the board or commission, but in no event
26 longer than 180 days.

27 (c) Automatic suspension.--A license or certificate issued
28 by a licensing board or licensing commission shall automatically
29 be suspended upon:

30 (1) the legal commitment to an institution of a licensee

1 or certificate holder because of mental incompetency from any
2 cause upon filing with the board or commission a certified
3 copy of the commitment; or

4 (2) conviction of a felony under the act of April 14,
5 1972 (P.L.233, No.64), known as The Controlled Substance,
6 Drug, Device and Cosmetic Act, or conviction of an offense
7 under the laws of another jurisdiction, which, if committed
8 in this Commonwealth, would be a felony under The Controlled
9 Substance, Drug, Device and Cosmetic Act.

10 (d) Stay.--Automatic suspension under subsection (c) shall
11 not be stayed pending any appeal of a conviction.

12 (e) Restoration.--Restoration of a license or certificate
13 shall be made as provided by law in the case of revocation or
14 suspension of the license or certificate.

15 (f) Definition.--As used in this section, the term
16 "conviction" shall include a judgment, an admission of guilt or
17 a plea of nolo contendere.

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