

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1566 Session of 2019

INTRODUCED BY KORTZ, KINSEY, MERSKI, BURGOS, NEILSON, HILL- EVANS, READSHAW, FREEMAN, MURT, MILLARD, SCHWEYER, MARKOSEK, FITZGERALD AND WARREN, JUNE 4, 2019

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, SEPTEMBER 1, 2020

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," TITLE 63 (PROFESSIONS AND OCCUPATIONS (STATE <--
9 LICENSED)) OF THE PENNSYLVANIA CONSOLIDATED STATUTES, IN
10 POWERS AND DUTIES OF THE BUREAU OF PROFESSIONAL AND
11 OCCUPATIONAL AFFAIRS, further providing for civil penalties.

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

14 Section 1. Section 5(b) of the act of July 2, 1993 (P.L.345, <--
15 No.48), entitled "An act empowering the General Counsel or his
16 designee to issue subpoenas for certain licensing board
17 activities; providing for hearing examiners in the Bureau of
18 Professional and Occupational Affairs; providing additional
19 powers to the Commissioner of Professional and Occupational
20 Affairs; and further providing for civil penalties and license
21 suspension," 3108(B)(7) OF TITLE 63 OF THE PENNSYLVANIA <--

1 CONSOLIDATED STATUTES, ADDED JULY 1, 2020 (P.L.575, NO.53), is
2 amended AND THE SUBSECTION IS AMENDED by adding a paragraph to <--
3 read:

4 ~~Section 5~~ § 3108. Civil penalties. <--

5 * * *

6 (b) Additional powers.--In addition to the disciplinary
7 powers and duties of the LICENSING boards and LICENSING <--
8 commissions within the ~~Bureau of Professional and Occupational~~ <--
9 ~~Affairs~~ BUREAU under their respective practice acts, LICENSING <--
10 boards and LICENSING commissions shall have the power, <--
11 respectively:

12 * * *

13 (7) TO DENY, SUSPEND OR REVOKE A LICENSE, REGISTRATION, <--
14 CERTIFICATION OR PERMIT FOR FAILURE TO PAY ANY PENALTY, FEE,
15 INTEREST OR COST ASSESSED AS A RESULT OF A DISCIPLINARY
16 PROCEEDING BEFORE A LICENSING BOARD OR COMMISSION[.], EXCEPT
17 THAT UNDER NO CIRCUMSTANCE SHALL A BOARD OR COMMISSION LEVY A
18 CIVIL PENALTY OR DENY, SUSPEND OR REVOKE A LICENSE,
19 REGISTRATION, CERTIFICATION OR PERMIT SOLELY BECAUSE OF
20 ACTION TAKEN BY A LICENSEE CONTRARY TO THE DECLARATION OF
21 DISASTER EMERGENCY ISSUED BY THE GOVERNOR ON MARCH 6, 2020,
22 PUBLISHED AT 50 PA.B. 1644 (MARCH 21, 2020), AND ANY RENEWAL
23 OF THE STATE OF DISASTER EMERGENCY.

24 (8) To issue, upon request of a licensee, registrant,
25 certificate holder or permit holder, an advisory opinion
26 concerning the meaning or interpretation of an act or
27 regulation pertaining to the license, registration,
28 certificate or permit issued by the licensing board or
29 LICENSING commission. No person who acts in good faith on an <--
30 advisory opinion issued by a licensing board or LICENSING <--

1 commission upon the person's request shall be subject to
2 criminal or civil penalties or any disciplinary action by the
3 licensing board or LICENSING commission, ~~provided that~~ IF the <--
4 material facts are as stated in the opinion request. An
5 advisory opinion shall not be binding upon the licensing
6 board or LICENSING commission except with respect to the <--
7 person to whom the opinion is rendered. Advisory opinions
8 shall be public records and may be published.

9 * * *

10 Section 2. Each licensing board and licensing commission, as
11 defined in ~~section 1 of the act~~ 63 PA.C.S. § 3102, shall adopt <--
12 final regulations to implement the addition of ~~section 5(b)(8)~~ <--
13 ~~of the act~~ 63 PA.C.S. § 3108(B)(8) within 18 months of the <--
14 effective date of this section.

15 Section 3. This act shall take effect in 60 days.