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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 131 Session of  
2021

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INTRODUCED BY ROTHMAN, MULLINS AND CIRESI, JANUARY 12, 2021

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REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE,  
JANUARY 12, 2021

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AN ACT

1 Amending Title 63 (Professions and Occupations (State Licensed))  
2 of the Pennsylvania Consolidated Statutes, in powers and  
3 duties, further providing for hearing examiners.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Section 3105(b) of Title 63 of the Pennsylvania  
7 Consolidated Statutes, added July 1, 2020 (P.L.575, No.53) is  
8 amended to read:

9 § 3105. Hearing examiners.

10 \* \* \*

11 (b) Regulations.--The commissioner, after consultation with  
12 the licensing boards and commissions, shall have the power to  
13 promulgate regulations specifying the procedural rules to be  
14 followed by hearing examiners in the conduct of hearings in  
15 disciplinary matters before a licensing board or licensing  
16 commission. All proceedings shall comply with all of the  
17 following:

18 (1) Proceedings shall be conducted in accordance with

1 the provisions of 2 Pa.C.S. (relating to administrative law  
2 and procedure).

3 (2) The respondent shall appear in person for a hearing  
4 conducted under this act.

5 (3) An individual or entity, or an entity's  
6 representative, adversely affected by the respondent's  
7 actions which are relevant to the disciplinary matter pending  
8 before the licensing board or commission or a hearing  
9 examiner shall:

10 (i) have an opportunity to provide testimony at a  
11 hearing concerning any loss, damages or injury suffered  
12 as a direct result of the respondent's actions; or

13 (ii) have an opportunity to provide a written  
14 statement concerning any loss, damages or injury suffered  
15 as a direct result of the respondent's actions.

16 (4) Any written statement submitted pursuant to  
17 paragraph (3) shall be presented to the hearing examiner.

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