

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 245 Session of 2021

INTRODUCED BY KAUFER, JOZWIAK, PICKETT, JAMES, LONGIETTI, WHEELAND, CIRESI AND R. BROWN, JANUARY 25, 2021

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, APRIL 4, 2022

AN ACT

1 Amending the act of December 20, 1985 (P.L.457, No.112),
2 entitled "An act relating to the right to practice medicine
3 and surgery and the right to practice medically related acts;
4 reestablishing the State Board of Medical Education and
5 Licensure as the State Board of Medicine and providing for
6 its composition, powers and duties; providing for the
7 issuance of licenses and certificates and the suspension and
8 revocation of licenses and certificates; provided penalties;
9 and making repeals," further providing for license without
10 restriction AND, FOR INSTITUTIONAL LICENSE AND FOR TEMPORARY <--
11 LICENSE.

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

14 ~~Section 1. Section 29(c) of the act of December 20, 1985 <--~~
15 ~~(P.L.457, No.112), known as the Medical Practice Act of 1985, is~~
16 ~~amended to read:~~

17 SECTION 1. SECTIONS 29(C) AND 32(A), 32(A) AND 33(A) AND (C) <--
18 OF THE ACT OF DECEMBER 20, 1985 (P.L.457, NO.112), KNOWN AS THE
19 MEDICAL PRACTICE ACT OF 1985, ARE AMENDED TO READ:

20 Section 29. License without restriction.

21 * * *

22 (c) Graduates of unaccredited medical colleges.--No license

1 without restriction may be issued to a graduate of an
2 unaccredited medical college unless the applicant has completed
3 successfully, as a resident, [three] two years of approved
4 graduate medical training, educational requirements prescribed
5 by the board and certification by the Educational Council for
6 Foreign Medical Graduates, or its successors.

7 * * *

8 SECTION 32. INSTITUTIONAL LICENSE. <--

9 (A) GENERAL RULE.--AN INSTITUTIONAL LICENSE EMPOWERS THE
10 LICENSEE TO TEACH OR PRACTICE MEDICINE AND SURGERY IN ONE OF THE
11 MEDICAL COLLEGES, AFFILIATES OR HOSPITALS WITHIN THIS
12 COMMONWEALTH. NO INSTITUTIONAL LICENSE MAY LIMIT THE NUMBER OF
13 AFFILIATED FACILITIES WHERE A LICENSEE MAY PRACTICE OR TEACH
14 UNDER THE INSTITUTIONAL LICENSE.

15 * * *

16 SECTION 33. TEMPORARY LICENSE. <--

17 (A) GENERAL RULE.--A TEMPORARY LICENSE EMPOWERS THE LICENSEE
18 TO:

19 [(1) TEACH MEDICINE AND SURGERY OR PARTICIPATE IN A
20 MEDICAL PROCEDURE NECESSARY FOR THE WELL-BEING OF A SPECIFIED
21 PATIENT WITHIN THIS COMMONWEALTH; OR

22 (2) PRACTICE MEDICINE AND SURGERY AT A CAMP OR RESORT
23 FOR NO MORE THAN THREE MONTHS.]

24 (3) TEACH OR DEMONSTRATE ADVANCED MEDICAL AND SURGICAL
25 TECHNIQUES WITHIN THIS COMMONWEALTH;

26 (4) PARTICIPATE IN A MEDICAL OR SURGICAL PROCEDURE
27 NECESSARY FOR THE WELL-BEING OF A SPECIFIC PATIENT WITHIN
28 THIS COMMONWEALTH;

29 (5) PRACTICE MEDICINE AND SURGERY AT A CAMP OR RESORT
30 FOR NO MORE THAN THREE MONTHS;

1 (6) ATTEND TO THE MEDICAL AND SURGICAL NEEDS OF A PERSON
2 VISITING THIS COMMONWEALTH FOR NO MORE THAN THREE MONTHS;

3 (7) PRACTICE MEDICINE AND SURGERY WITHIN THIS
4 COMMONWEALTH IN RESPONSE TO A NEED FOR MEDICAL CARE CREATED
5 BY A DECLARATION OF DISASTER EMERGENCY ISSUED BY THE
6 GOVERNOR UNDER 35 PA.C.S. § 7301(C) (RELATING TO GENERAL
7 AUTHORITY OF GOVERNOR) OR ANY OTHER FEDERAL, STATE OR LOCAL
8 DISASTER EMERGENCY FOR A DURATION DETERMINED BY THE BOARD; OR

9 (8) ENGAGE IN ANY OTHER PURPOSE AS DEEMED APPROPRIATE BY
10 THE BOARD ON A CASE-BY-CASE BASIS.

11 * * *

12 (C) ADDITIONAL CONDITIONS.--THE BOARD MAY IMPOSE ANY
13 APPROPRIATE LIMITATION IN SCOPE, DURATION OR SITE OF PRACTICE ON
14 THE TEMPORARY LICENSE. TEMPORARY LICENSEES SHALL BE DEEMED
15 HEALTH CARE PROVIDERS WHO CONDUCT 50% OR LESS OF THEIR HEALTH
16 CARE BUSINESS OR PRACTICE WITHIN THIS COMMONWEALTH FOR THE
17 PURPOSES OF THE ACT OF [OCTOBER 15, 1975 (P.L.390, NO.111),
18 KNOWN AS THE HEALTH CARE SERVICES MALPRACTICE ACT] MARCH 20,
19 2002 (P.L.154, NO.13), KNOWN AS THE MEDICAL CARE AVAILABILITY
20 AND REDUCTION OF ERROR (MCARE) ACT.

21 Section 2. This act shall take effect ~~in 60 days~~
22 IMMEDIATELY.

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