

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1295 Session of 2023

INTRODUCED BY MULLINS, HILL-EVANS, KINSEY, MADDEN, SANCHEZ, CEPEDA-FREYTIZ AND NEILSON, JUNE 1, 2023

AS REPORTED FROM COMMITTEE ON PROFESSIONAL LICENSURE, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 7, 2023

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 is amended and the section is amended by
8 adding a subsection 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 be] A hearing in a
17 disciplinary matter under this title shall comply with the
18 following:

1           (1) Be conducted in accordance with the provisions of 2  
2 Pa.C.S. (relating to administrative law and procedure).

3           (2) A respondent shall MAY appear in person or remotely <--  
4 via the use of communication technology for a hearing before  
5 a hearing examiner, licensing board or commission. <--

6           (3) A complainant and any individual, entity or a  
7 representative of an entity that is named in a complaint for  
8 a disciplinary matter pending before a hearing examiner,  
9 licensing board or commission shall have an opportunity to  
10 provide testimony related to the complaint at a hearing.

11 COMMISSION. IF THE RESPONDENT FAILS TO APPEAR IN PERSON OR <--  
12 REMOTELY AND THE HEARING EXAMINER, BOARD OR COMMISSION FINDS  
13 THAT THE RESPONDENT WAS GIVEN PROPER NOTICE OF THE DATE,  
14 TIME, LOCATION OF THE HEARING AND THE ALLEGATIONS AGAINST THE  
15 RESPONDENT, A HEARING MAY BE HELD IN ABSENTIA AND A NEGATIVE  
16 INFERENCE MAY BE DRAWN BY THE HEARING EXAMINER, BOARD OR  
17 COMMISSION THAT THE ALLEGATIONS AGAINST THE RESPONDENT ARE  
18 TRUE. MULTIPLE CONTINUANCES MAY ONLY BE GRANTED FOR GOOD  
19 CAUSE.

20           (3) A PERSON WHO HAS SUFFERED AN ADVERSE EFFECT STEMMING  
21 FROM THE CONDUCT ALLEGED IN THE ORDER TO SHOW CAUSE OR OTHER  
22 DEPARTMENT OF STATE CHARGING DOCUMENT MAY, BEFORE OR AT THE  
23 HEARING, SUBMIT A WRITTEN IMPACT STATEMENT THAT MAY BE  
24 CONSIDERED BY THE HEARING EXAMINER, BOARD OR COMMISSION  
25 SOLELY FOR PURPOSES OF DETERMINING A SANCTION IMPOSED ON THE  
26 RESPONDENT.

27           \* \* \*

28           (e) Definitions.--As used in this section, the following  
29 words and phrases shall have the meanings given to them in this  
30 subsection unless the context clearly indicates otherwise:

1 "Communication technology." An electronic device or process  
2 that:

3 (1) Allows a hearing examiner and a remotely located  
4 individual to communicate with each other simultaneously by  
5 sight and sound. A REMOTELY LOCATED INDIVIDUAL MAY <--  
6 COMMUNICATE ONLY BY SOUND BY DEMONSTRATING GOOD CAUSE AND BY  
7 THE AGREEMENT OF THE PARTIES UNDER SUBSECTION (B).

8 (2) Makes reasonable accommodations for an individual  
9 with a vision, hearing or ~~speech impairment~~ OTHER DISABILITY. <--

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