

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1165 Session of
2024

INTRODUCED BY BOSCOLA, FONTANA AND LAUGHLIN, APRIL 22, 2024

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,
APRIL 22, 2024

AN ACT

1 Amending Title 63 (Professions and Occupations (State Licensed))
2 of the Pennsylvania Consolidated Statutes, in powers and
3 duties, providing for criminal history background checks.

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

6 Section 1. Title 63 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 3119. Criminal history background checks.

9 (a) Requirements.--An individual applying for a license,
10 certificate, registration or permit as a health care
11 practitioner, in addition to other requirements specified in
12 law, shall submit a full set of fingerprints to the Pennsylvania
13 State Police. The Pennsylvania State Police shall check the
14 fingerprints against records in the Pennsylvania State central
15 repository for the purpose of obtaining a current record of any
16 criminal arrests and convictions.

17 (b) National criminal history record check.--The
18 Pennsylvania State Police shall submit the fingerprints of

1 applicants seeking a license, certificate, registration or
2 permit as described in subsection (a) to the Federal Bureau of
3 Investigation for the purpose of verifying the identity of the
4 applicant and obtaining a current record of any criminal arrests
5 and convictions. The Pennsylvania State Police shall forward the
6 results of the criminal history record check to the Department
7 of State for the sole purpose of determining the applicant's
8 eligibility for a license, certificate, registration or permit
9 under subsection (a). The Department of State shall not
10 disseminate the criminal history record check information to any
11 other entity.

12 (c) Powers of the licensing board or licensing commission.--
13 The appropriate licensing board or licensing commission may
14 refuse to issue a license, certificate, registration or permit
15 to an applicant seeking licensure in accordance with section
16 3113 (relating to consideration of criminal convictions).

17 (d) Duties of Department of State.--No later than six months
18 after the effective date of this subsection, the Department of
19 State shall adopt policies and procedures necessary to carry out
20 the provisions of this section that comply with the Criminal
21 Justice Information Service Security Policy and applicable
22 Federal and State laws and regulations pertaining to the
23 confidentiality, maintenance and handling of criminal justice
24 information.

25 (e) Exemption.--The criminal history record check
26 information obtained under this section shall be exempt from the
27 limitations under 18 Pa.C.S. § 9121(b) (relating to general
28 regulations).

29 (f) Definitions.--As used in this section, the following
30 words and phrases shall have the meanings given to them in this

1 subsection unless the context clearly indicates otherwise:

2 "Health care practitioner." An individual who is authorized
3 to practice some component of the healing arts by a license,
4 certificate, registration or permit issued by one of the
5 following licensing boards under the bureau:

6 (1) The State Board of Chiropractic under the act of
7 December 16, 1986 (P.L.1646, No.188), known as the
8 Chiropractic Practice Act.

9 (2) The State Board of Dentistry under the act of May 1,
10 1933 (P.L.216, No.76), known as The Dental Law.

11 (3) The State Board of Examiners in Speech-Language
12 Pathology and Audiology under the act of December 21, 1984
13 (P.L.1253, No.238), known as the Speech-Language Pathologists
14 and Audiologists Licensure Act.

15 (4) The State Board of Medicine under any of the
16 following acts:

17 (i) The act of December 20, 1985 (P.L.457, No.112),
18 known as the Medical Practice Act of 1985.

19 (ii) The act of February 14, 1986 (P.L.2, No.2),
20 known as the Acupuncture Licensure Act.

21 (iii) The act of November 3, 2016 (P.L.997, No.128),
22 known as the Naturopathic Doctor Registration Act.

23 (5) The State Board of Nursing under either of the
24 following acts:

25 (i) The act of May 22, 1951 (P.L.317, No.69), known
26 as The Professional Nursing Law.

27 (ii) The act of March 2, 1956 (1955 P.L.1211,
28 No.376), known as the Practical Nurse Law.

29 (6) The State Board of Occupational Therapy Education
30 and Licensure under the act of June 15, 1982 (P.L.502,

1 No.140), known as the Occupational Therapy Practice Act.

2 (7) The State Board of Optometry under the act of June
3 6, 1980 (P.L.197, No.57), known as the Optometric Practice
4 and Licensure Act.

5 (8) The State Board of Osteopathic Medicine under either
6 of the following acts:

7 (i) The act of October 5, 1978 (P.L.1109, No.261),
8 known as the Osteopathic Medical Practice Act.

9 (ii) The act of February 14, 1986 (P.L.2, No.2),
10 known as the Acupuncture Licensure Act.

11 (9) The State Board of Pharmacy under the act of
12 September 27, 1961 (P.L.1700, No.699), known as the Pharmacy
13 Act.

14 (10) The State Board of Physical Therapy under the act
15 of October 10, 1975 (P.L.383, No.110), known as the Physical
16 Therapy Practice Act.

17 (11) The State Board of Podiatry under the act of March
18 2, 1956 (1955 P.L.1206, No.375), known as the Podiatry
19 Practice Act.

20 (12) The State Board of Psychology under the act of
21 March 23, 1972 (P.L.136, No.52), known as the Professional
22 Psychologists Practice Act.

23 (13) The State Board of Social Workers, Marriage and
24 Family Therapists and Professional Counselors under the act
25 of July 9, 1987 (P.L.220, No.39), known as the Social
26 Workers, Marriage and Family Therapists and Professional
27 Counselors Act.

28 "License, certificate, registration or permit." The
29 credential issued by one of the licensing boards under the
30 bureau that authorizes the holder to engage in a specific

1 occupation or profession.

2 Section 2. This act shall take effect in 180 days.