
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 802 Session of
2015

INTRODUCED BY READSHAW, D. COSTA, HELM, LONGIETTI, COHEN, KOTIK,
MOUL, McNEILL AND MURT, MARCH 17, 2015

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, MARCH 17, 2015

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," further providing for civil penalties.

9 The General Assembly of the Commonwealth of Pennsylvania

10 hereby enacts as follows:

11 Section 1. Section 5(b) of the act of July 2, 1993 (P.L.345,
12 No.48), entitled "An act empowering the General Counsel or his
13 designee to issue subpoenas for certain licensing board
14 activities; providing for hearing examiners in the Bureau of
15 Professional and Occupational Affairs; providing additional
16 powers to the Commissioner of Professional and Occupational
17 Affairs; and further providing for civil penalties and license
18 suspension," amended February 4, 2014 (P.L.16, No.6), is amended
19 to read:

20 Section 5. Civil penalties.

21 * * *

1 (b) Additional powers.--In addition to the disciplinary
2 powers and duties of the boards and commissions within the
3 Bureau of Professional and Occupational Affairs under their
4 respective practice acts, boards and commissions shall have the
5 power, respectively:

6 (1) To impose discipline, including, but not limited to,
7 a civil penalty of up to \$10,000 per violation on any
8 licensee, registrant, certificate holder, permit holder or
9 unlicensed person who violates a lawful disciplinary order of
10 the board.

11 (2) To impose discipline, including, but not limited to,
12 a civil penalty of up to \$10,000 per violation on any
13 licensee, registrant, certificate holder, permit holder or
14 unlicensed person who aids and abets the unlicensed practice
15 of a profession, occupation or business.

16 (3) To levy a civil penalty of not more than \$10,000 per
17 violation on any corporation, partnership, institution,
18 association or sole proprietorship which aids and abets any
19 individual in the unlicensed practice of a profession. This
20 penalty shall not, however, be levied against any person
21 solely as a consequence of that person being a patient or
22 client of the unlicensed individual.

23 (4) To levy a civil penalty of not more than \$10,000 per
24 violation on any licensee, registrant, certificate holder,
25 permit holder or unlicensed person who violates any provision
26 of the applicable licensing act or board regulation.

27 (5) To assess against the respondent determined to be in
28 violation of the disciplinary provisions administered by a
29 licensing board or commission in a disciplinary proceeding
30 pending before the board or commission for final

1 determination, as part of the sanction, the costs of
2 investigation underlying that disciplinary action. The cost
3 of investigation shall not include those costs incurred by
4 the board or commission after the filing of formal actions or
5 disciplinary charges against the respondent.

6 (6) To collect all fees, costs, fines and penalties
7 assessed as a result of a disciplinary proceeding before a
8 licensing board or commission.

9 (7) To deny, suspend or revoke a license, registration,
10 certification or permit for failure to pay any penalty, fee,
11 interest or cost assessed as a result of a disciplinary
12 proceeding before a licensing board or commission.

13 (8) To provide for the carryover of any continuing
14 education credits in excess of the number required for
15 biennial renewal. The carryover shall be valid for one
16 biennial renewal term only. As used in this paragraph, the
17 term "continuing education" includes any term similar in
18 nature used by the boards and commissions within the Bureau
19 of Professional and Occupational Affairs.

20 * * *

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