
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 354 Session of
2017

INTRODUCED BY TOMLINSON, BOSCOLA, MENSCH, SCHWANK, HUGHES,
RAFFERTY AND BROWNE, FEBRUARY 15, 2017

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,
FEBRUARY 15, 2017

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," providing for reporting of sanctions and
9 criminal proceedings and for temporary and automatic
10 suspension.

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

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

21 Section 2.1. Reporting of sanctions and criminal proceedings.

1 (a) Duty.--An individual who holds a license, certificate or
2 registration issued by the Bureau of Professional and
3 Occupational Affairs shall, as a condition of licensure,
4 certification or registration, do all of the following:

5 (1) Report to the appropriate licensing board or
6 licensing commission a disciplinary action taken against the
7 licensee, certificate holder or registrant by a licensing
8 agency of another jurisdiction.

9 (2) Report to the appropriate licensing board or
10 licensing commission an arrest, indictment or conviction of
11 the licensee, certificate holder or registrant.

12 (b) Time.--A report under subsection (a) shall be made as
13 follows:

14 (1) Within 30 days of the imposition of the sanction
15 described under subsection (a)(1).

16 (2) Except as set forth in paragraph (3), within 30 days
17 of the earlier of:

18 (i) an arrest under subsection (a)(2); or

19 (ii) an indictment under subsection (a)(2).

20 (3) In the case of a criminal action under subsection
21 (a)(2) that is initiated prior to the effective date of this
22 paragraph, within 30 days from the later of:

23 (i) the date of conviction; or

24 (ii) the effective date of this paragraph.

25 (c) Sanctions.--A licensing board or licensing commission
26 shall take disciplinary action against a licensee, certificate
27 holder or registrant who violates this section.

28 Section 3.1. Temporary and automatic suspension.

29 (a) Temporary suspension.--A licensing board or licensing
30 commission may temporarily suspend a license, certificate or

1 registration under circumstances as determined by the board or
2 commission to be an immediate and clear danger to the public
3 health and safety. The board or commission shall issue an order
4 to that effect without a hearing, but upon due notice, to the
5 licensee or certificate holder concerned at his last known
6 address, which shall include a written statement of all
7 allegations against the licensee or certificate holder. After
8 issuing the order, the board or commission shall commence formal
9 action to suspend, revoke or restrict the license or certificate
10 of the person concerned as otherwise provided for by law. All
11 actions shall be taken promptly and without delay.

12 (b) Hearing.--Within 30 days following the issuance of an
13 order temporarily suspending a license, the licensing board or
14 licensing commission shall conduct or cause to be conducted a
15 preliminary hearing to determine whether there is a prima facie
16 case supporting the suspension. The licensee or certificate
17 holder whose license or certificate has been temporarily
18 suspended may be present at the preliminary hearing and may be
19 represented by counsel, cross-examine witnesses, inspect
20 physical evidence, call witnesses, offer evidence and testimony
21 and make a record of the proceedings. If it is determined that
22 there is not a prima facie case, the suspended license shall be
23 immediately restored. The temporary suspension shall remain in
24 effect until vacated by the board or commission, but in no event
25 longer than 180 days.

26 (c) Automatic suspension.--A license or certificate issued
27 by a licensing board or licensing commission shall automatically
28 be suspended upon:

29 (1) the legal commitment to an institution of a licensee
30 or certificate holder because of mental incompetency for any

1 cause upon filing with the board or commission a certified
2 copy of the commitment; or

3 (2) conviction of a felony under the act of April 14,
4 1972 (P.L.233, No.64), known as The Controlled Substance,
5 Drug, Device and Cosmetic Act, or conviction of an offense
6 under the laws of another jurisdiction which, if committed in
7 this Commonwealth, would be a felony under The Controlled
8 Substance, Drug, Device and Cosmetic Act.

9 (d) Stay.--Automatic suspension under subsection (c) shall
10 not be stayed pending an appeal of a conviction.

11 (e) Restoration.--Restoration of a license or certificate
12 shall be made as provided by law in the case of revocation or
13 suspension of the license or certificate.

14 (f) Definition.--As used in this section, the term
15 "conviction" shall include a judgment, an admission of guilt or
16 a plea of nolo contendere.

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