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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1343 Session of  
2017

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INTRODUCED BY READSHAW, W. KELLER, McNEILL, LONGIETTI, WARD AND  
D. COSTA, MAY 5, 2017

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REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, MAY 5, 2017

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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," is amended to read:

19 Section 5. Civil penalties.

20 \* \* \*

21 (b) Additional powers.--In addition to the disciplinary

1 powers and duties of the boards and commissions within the  
2 Bureau of Professional and Occupational Affairs under their  
3 respective practice acts, boards and commissions shall have the  
4 power, respectively:

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

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

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

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

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

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

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

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

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

19 \* \* \*

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