
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 194 Session of
2019

INTRODUCED BY READSHAW, KORTZ, NEILSON, HILL-EVANS, KINSEY,
SCHLOSSBERG, D. MILLER, DEASY AND MARKOSEK, JANUARY 28, 2019

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE,
JANUARY 28, 2019

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 qualifications for licensure.

9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:

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

19 Section 2.2. Qualifications for licensure.

20 (a) Convictions.--

1 (1) A licensing board or licensing commission may issue
2 a license to an applicant who has been convicted of a
3 felonious act prohibited under the act of April 14, 1972
4 (P.L.233, No.64), known as The Controlled Substance, Drug,
5 Device and Cosmetic Act, or convicted of a felony relating to
6 a controlled substance in a court of law of the United States
7 or any other state, territory or country if:

8 (i) at least five years have elapsed from the date
9 of conviction; or

10 (ii) the applicant satisfactorily demonstrates to
11 the licensing board or licensing commission that the
12 applicant has made significant progress in personal
13 rehabilitation since the conviction such that licensure
14 of the applicant should not be expected to create a
15 substantial risk of harm to the health and safety of any
16 other person or a substantial risk of further criminal
17 violations.

18 (2) A license issued under paragraph (1) (ii) shall be
19 probationary for a period of five years from the date of
20 conviction.

21 (b) Predetermination of eligibility.--

22 (1) Before applying for a license, a person may request
23 that a licensing board or licensing commission determine
24 whether the person is eligible for licensure under subsection
25 (a). The applicant must submit an application and fee as
26 required by the licensing board or licensing commission.

27 (2) The licensing board or licensing commission shall
28 set the period of time that the predetermination is valid,
29 based upon a reasonable length of time to complete the
30 education, training and application process necessary for the

1 license, certificate, permit or registration.

2 (3) If a licensing board or licensing commission
3 determines that a person does not qualify for licensure under
4 subsection (a) within 30 days of the determination, the
5 person may petition the licensing board or licensing
6 commission to review the application for predetermination.

7 (4) If a person applies for a license after receiving a
8 predetermination of eligibility for licensure, the licensing
9 board or licensing commission may conduct a supplemental
10 determination of eligibility covering only the period after
11 the date the person requested the predetermination under this
12 subsection.

13 (c) Regulations.--The Bureau of Professional and
14 Occupational Affairs and each licensing board and licensing
15 commission may promulgate such rules and regulations as are
16 necessary to administer this section.

17 (d) Definitions.--As used in this section, the following
18 words and phrases shall have the meanings given to them in this
19 subsection unless the context clearly indicates otherwise:

20 "Convicted." Includes a judgment, an admission of guilt or a
21 plea of nolo contendere.

22 "License." Includes a license, certificate, permit or
23 registration.

24 Section 2. Repeals are as follows:

25 (1) The following acts and parts of acts are repealed
26 insofar as they are inconsistent with the addition of section
27 2.2 of the act:

28 (i) Section 4.1(b)(3) of the act of May 1, 1933
29 (P.L.216, No.76), known as The Dental Law.

30 (ii) Section 6(c) of the act of May 22, 1951

1 (P.L.317, No.69), known as The Professional Nursing Law.

2 (iii) Section 3(a)(6) of the act of September 27,
3 1961 (P.L.1700, No.699), known as the Pharmacy Act.

4 (iv) Section 6(a)(5) of the act of March 23, 1972
5 (P.L.136, No.52), known as the Professional Psychologists
6 Practice Act.

7 (v) Section 9(b)(4) of the act of December 27, 1974
8 (P.L.995, No.326), known as the Veterinary Medicine
9 Practice Act.

10 (vi) Section 6(a) of the act of October 10, 1975
11 (P.L.383, No.110), known as the Physical Therapy Practice
12 Act.

13 (vii) Section 6(c) of the act of October 5, 1978
14 (P.L.1109, No.261), known as the Osteopathic Medical
15 Practice Act.

16 (viii) Section 4(d) of the act of June 6, 1980
17 (P.L.197, No.57), known as the Optometric Practice and
18 Licensure Act.

19 (ix) Sections 13.5(a)(8) and 22(b)(1) of the act of
20 December 20, 1985 (P.L.457, No.112), known as the Medical
21 Practice Act of 1985.

22 (x) Section 501(a)(7) of the act of December 16,
23 1986 (P.L.1646, No.188), known as the Chiropractic
24 Practice Act.

25 (xi) Section 7(a)(5), (d)(6), (e)(6), (f)(6) and (g)
26 (5) of the act of July 9, 1987 (P.L.220, No.39), known as
27 the Social Workers, Marriage and Family Therapists and
28 Professional Counselors Act.

29 (xii) Section 502(c) of the act of October 9, 2008
30 (P.L.1363, No.100), known as the Crane Operator Licensure

1 Act.

2 (2) All other acts and parts of acts are repealed
3 insofar as they are inconsistent with this act.

4 Section 3. This act shall take effect in 60 days.