

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2584 Session of 2020

INTRODUCED BY TOPPER, BERNSTINE, BURGOS, DeLUCA, DUNBAR, HILL- EVANS, KORTZ, MILLARD, MOUL, POLINCHOCK, WHEELAND, CIRESI, THOMAS, GROVE AND FRANKEL, JUNE 8, 2020

AS REPORTED FROM COMMITTEE ON PROFESSIONAL LICENSURE, HOUSE OF REPRESENTATIVES, AS AMENDED, SEPTEMBER 15, 2020

AN ACT

1 ~~Amending the act of December 20, 1985 (P.L.457, No.112), <--~~
2 ~~entitled "An act relating to the right to practice medicine~~
3 ~~and surgery and the right to practice medically related acts;~~
4 ~~reestablishing the State Board of Medical Education and~~
5 ~~Licensure as the State Board of Medicine and providing for~~
6 ~~its composition, powers and duties; providing for the~~
7 ~~issuance of licenses and certificates and the suspension and~~
8 ~~revocation of licenses and certificates; provided penalties;~~
9 ~~and making repeals," further providing for license without~~
10 ~~restriction.~~

11 AMENDING THE ACT OF OCTOBER 26, 2016 (P.L.891, NO.112), ENTITLED <--
12 "AN ACT AUTHORIZING THE COMMONWEALTH OF PENNSYLVANIA TO JOIN
13 THE INTERSTATE MEDICAL LICENSURE COMPACT; PROVIDING FOR THE
14 FORM OF THE COMPACT; AND IMPOSING ADDITIONAL POWERS AND
15 DUTIES ON THE GOVERNOR, THE SECRETARY OF THE COMMONWEALTH AND
16 THE INTERSTATE MEDICAL LICENSURE COMPACT," PROVIDING FOR
17 CRIMINAL BACKGROUND CHECKS FOR EXPEDITED LICENSURE
18 APPLICANTS.

19 The General Assembly of the Commonwealth of Pennsylvania
20 hereby enacts as follows:

21 ~~Section 1. Section 29 of the act of December 20, 1985 <--~~
22 ~~(P.L.457, No.112), known as the Medical Practice Act of 1985, is~~
23 ~~amended by adding a subsection to read:~~

24 ~~Section 29. License without restriction.~~

25 * * *

1 ~~(e) National criminal history record check.~~

2 ~~(1) An applicant for an initial license to practice~~
3 ~~medicine and surgery without restriction in this Commonwealth~~
4 ~~shall request and submit to the board the results of a~~
5 ~~national criminal history record check. The purpose of the~~
6 ~~national criminal history record check shall be to assist the~~
7 ~~board in obtaining information that may relate to the~~
8 ~~applicant's fitness for licensure.~~

9 ~~(2) An applicant for an initial license to practice~~
10 ~~medicine and surgery shall submit to fingerprinting by the~~
11 ~~Pennsylvania State Police or an authorized agent of the~~
12 ~~Pennsylvania State Police. The Pennsylvania State Police or~~
13 ~~an authorized agent shall submit the fingerprints to the~~
14 ~~Federal Bureau of Investigation for the purposes of obtaining~~
15 ~~records of criminal arrests and convictions.~~

16 ~~(3) An applicant requesting that the Commonwealth act as~~
17 ~~the State of Principal License in accordance with the act of~~
18 ~~October 26, 2016 (P.L.891, No.112), known as the Interstate~~
19 ~~Medical Licensure Compact Act, shall submit to fingerprinting~~
20 ~~by the Pennsylvania State Police or an authorized agent of~~
21 ~~the Pennsylvania State Police. The Pennsylvania State Police~~
22 ~~or an authorized agent shall submit the fingerprints to the~~
23 ~~Federal Bureau of Investigation for the purposes of obtaining~~
24 ~~records of criminal arrests and convictions to verify~~
25 ~~eligibility under the Interstate Medical Licensure Compact~~
26 ~~Act. This paragraph shall not be construed to permit records~~
27 ~~obtained by the national criminal history record check to be~~
28 ~~submitted to the Interstate Medical Licensure Compact.~~

29 ~~(4) In addition to the application fee, the applicant~~
30 ~~shall be responsible for any fees required by the~~

~~Pennsylvania State Police or an authorized agent for the costs of the fingerprinting and the costs of conducting a complete criminal history record check. The applicant shall authorize the release of all records obtained by the criminal history record check to the board.~~

~~(5) A criminal record check submitted in support of an application for licensure must have been requested by the applicant no earlier than 12 months immediately prior to the board's receipt of the applicant's application for licensure.~~

~~(6) Information obtained from the criminal history record check:~~

~~(i) Is confidential.~~

~~(ii) May not be disseminated.~~

~~(iii) May be used only for the licensing purpose authorized by this act.~~

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

SECTION 1. THE ACT OF OCTOBER 26, 2016 (P.L.891, NO.112), <--
KNOWN AS THE INTERSTATE MEDICAL LICENSURE COMPACT ACT, IS
AMENDED BY ADDING A SECTION TO READ:

SECTION 2.1. CRIMINAL BACKGROUND CHECKS FOR EXPEDITED LICENSURE APPLICANTS.

(A) SUBMISSION.--FOR THE PURPOSE OF ADMINISTERING THE CRIMINAL HISTORY BACKGROUND CHECK REQUIRED UNDER ARTICLE V OF SECTION 2 OF THE COMPACT, THE MEMBER BOARD OF THIS STATE SHALL REQUIRE AN APPLICANT FOR AN EXPEDITED LICENSE UNDER THE COMPACT TO SUBMIT TO A CRIMINAL HISTORY BACKGROUND CHECK CONDUCTED BY THE PENNSYLVANIA STATE POLICE. THE APPLICANT SHALL SUBMIT FINGERPRINTS AND OTHER IDENTIFYING INFORMATION TO THE PENNSYLVANIA STATE POLICE. THE MEMBER BOARD OF THIS STATE SHALL NOT CONSIDER AN APPLICANT FOR AN EXPEDITED LICENSE WHO REFUSES

1 TO COMPLY WITH THIS SUBSECTION.

2 (B) DUTIES OF PENNSYLVANIA STATE POLICE.--IN ORDER TO ASSIST
3 THE MEMBER BOARD OF THIS STATE IN REVIEWING THE CRIMINAL HISTORY
4 BACKGROUND OF AN APPLICANT FOR AN EXPEDITED LICENSE, THE
5 PENNSYLVANIA STATE POLICE OR ITS DESIGNEE SHALL DO THE
6 FOLLOWING:

7 (1) PROVIDE THE MEMBER BOARD WITH A REPORT OF THE
8 APPLICANT'S CRIMINAL HISTORY RECORD INFORMATION AS DEFINED IN
9 18 PA.C.S. § 9102 (RELATING TO DEFINITIONS) OR A STATEMENT
10 THAT THE PENNSYLVANIA STATE POLICE CENTRAL REPOSITORY
11 CONTAINS NO INFORMATION RELATING TO THE APPLICANT. THE
12 CRIMINAL HISTORY RECORD INFORMATION UNDER THIS PARAGRAPH
13 SHALL BE LIMITED TO ONLY THE INFORMATION AUTHORIZED TO BE
14 DISSEMINATED UNDER 18 PA.C.S. § 9121 (B) (2) (RELATING TO
15 GENERAL REGULATIONS).

16 (2) SUBMIT THE APPLICANT'S FINGERPRINTS TO THE FEDERAL
17 BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY
18 RECORDS CHECK.

19 (3) PROVIDE THE MEMBER BOARD WITH THE NATIONAL CRIMINAL
20 HISTORY RECORD INFORMATION OF THE APPLICANT. THE INFORMATION
21 PROVIDED UNDER THIS PARAGRAPH SHALL NOT BE LIMITED TO ONLY
22 THE INFORMATION AUTHORIZED TO BE DISSEMINATED UNDER 18
23 PA.C.S. § 9121 (B) (2).

24 (C) USE OF CRIMINAL HISTORY RECORD INFORMATION.--CRIMINAL
25 HISTORY RECORD INFORMATION OBTAINED BY THE MEMBER BOARD OF THIS
26 STATE UNDER THIS SECTION SHALL BE INTERPRETED AND USED ONLY TO
27 DETERMINE AN APPLICANT'S ELIGIBILITY FOR AN EXPEDITED LICENSE.

28 SECTION 2. THIS ACT SHALL TAKE EFFECT IN 60 DAYS.