

*benefits shall be paid as if the original severance had been involuntary.*

Section 2. This act shall take effect immediately.

Act effective  
immediately.

APPROVED—The 24th day of August, A. D. 1963.

WILLIAM W. SCRANTON

No. 505

AN ACT

Reenacting and amending the act of March 2, 1956 (P. L. 1206), entitled "An act relating to and defining the practice of chiropody; conferring powers and imposing duties on the State Board of Chiropody Examiners and the Department of Public Instruction; requiring licensure; providing for the granting, cancellation, suspension and revocation of licenses; preserving the rights of existing licenses; providing for the promulgation of rules and regulations; transfer of jurisdiction and records to the board; regulation of schools of chiropody; reciprocity; and providing penalties, and remedies," providing for the State Board of Podiatry Examiners, providing that podiatry shall include chiropody and changing provisions of the act so that chiropody and matters relating thereto shall be deemed podiatry, changing requirements relating to attendance at educational conferences, and making changes to conform to existing law.

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

Chiropody Act of  
1956.

Section 1. The title and sections 1 to 8, act of March 2, 1956 (P. L. 1206), known as the "Chiropody Act of 1956," are reenacted and amended to read:

Title and sections  
1 to 8, act of  
March 2, 1956,  
P. L. 1206, re-  
enacted and  
amended.

AN ACT

Relating to and defining the practice of [chiropody] *podiatry*; conferring powers and imposing duties on the State Board of [Chiropody] *Podiatry* Examiners and the Department of [Public Instruction] *State*; requiring licensure; providing for the granting, cancellation, suspension and revocation of licenses; preserving the rights of existing licenses; providing for the promulgation of rules and regulations; transfer of jurisdiction and records to the board; regulation of schools of chiropody *and podiatry*; reciprocity; and providing penalties, and remedies.

New title.

Section 1. Short Title.—This act shall be known and may be cited as the "[Chiropody] *Podiatry* Act of 1956."

Section 2. Definitions.—The following words or phrases, unless the context clearly indicates otherwise, shall have the meanings ascribed to them in this section.

(a) "*Podiatry*" shall include "Chiropody" and shall mean the diagnosis of foot ailments and the practice of

minor surgery upon the feet, the padding, dressing and strapping of the feet, the making of models of the feet and palliative and mechanical treatment of functional disturbances of feet not including the amputation of the leg, foot or toes or the treatment of systemic diseases of the bones, ligaments or muscles of the feet, or any part of the body.

(b) "Podiatrist" shall include "Chiropodist" and shall mean a practitioner of [chiropody] *podiatry*.

(c) "Board" shall mean the State Board of [Chiropody] *Podiatry* Examiners.

(d) "Department" shall mean the Department of [Public Instruction] *State*.

Section 3. Status of Existing Licensees.—Any person who has heretofore been licensed to practice chiropody in this Commonwealth and who is so licensed on the date of the approval of this act and who desires to continue the practice of *podiatry* or chiropody must be licensed and registered under the provisions of this act, and, upon making application and payment of a fee of five dollars (\$5.00), on or before the thirty-first day of December, one thousand nine hundred fifty-six, such person will be licensed under the provisions of this act without being required to take the examination provided by this act.

Requirements for application to take examination to be licensed as a practitioner of chiropody.

Section 4. Except as hereinafter provided, any person not heretofore authorized to practice *podiatry* or chiropody in this Commonwealth, desiring to be entitled to so practice, shall file with the board a written application for examination accompanied by a fee of twenty-five dollars (\$25) and two unmounted finished photographs, one of which shall be verified by the dean of the school of chiropody which he attended, and by satisfactory proof that the applicant is twenty-one years of age, a citizen of the United States of America, or has legally declared an intention to become such a resident of this Commonwealth, of good moral character, is not addicted to the intemperate use of alcohol or narcotic drugs and has obtained an education of not less than four years high school, or its equivalent, and actual pre-professional education of at least one year in a recognized college of liberal arts or of the sciences. The fact that the instruction has been received by the applicant shall be evidenced by a certificate obtained from such institution satisfactory to the board. The applicant must be a graduate of a school of *podiatry* or chiropody, approved by the board. The board shall send to every applicant an admission card and one of his photographs marked with an assigned number for admission to examination.

Section 5. Exclusive Jurisdiction of Board.—From and after the effective date of this act, the board shall exercise exclusive jurisdiction over all persons licensed, or to be licensed, and registered to practice *podiatry or chiropody* in this Commonwealth.

Section 6. The board shall hold examinations at a time and place as it shall specify. The subjects for examination shall be determined by the board and shall be on those subjects taught in a recognized school of *podiatry or chiropody*. No candidate shall indicate his name or the school where he obtained his education on his examination papers, but shall identify his papers by the number assigned him on his photograph. No candidate shall be admitted for examination without his marked photograph and admission card.

Conduct of examinations.

Section 7. Curriculum.—The curriculum taught shall be confined to subjects covered by the definition of [chiropody] *podiatry* as contained in this act. The board shall or shall not approve schools of *podiatry or chiropody*.

Section 8. Every candidate for examination who obtains an average of not less than fifty-five per centum in any one subject and a general average of seventy-five per centum or more of a maximum of one hundred per centum in the examination shall be considered to have successfully passed the required examination. In case of failure at any examination, the candidate, within two years, may take a second examination without further application or the payment of an additional fee.

Average required to pass examination.

Section 2. Section 9 of the act, amended August 8, 1961 (P. L. 982), is amended to read:

Section 9 of act, amended August 8, 1961, P. L. 982, further amended.

Section 9. The board shall issue a license to practice *podiatry or chiropody* to those qualified under the provisions of this act. All original registration shall expire on the first day of January of the alternate year succeeding the issue thereof, and thereafter, each person so registered shall be required to reregister biennially before the first day of January of each alternate year. Registration may be effected at any time during the month of December by the filing of such application as shall be required by the board to enable it to carry into effect the purposes of this act, together with a biennial registration fee of ten dollars (\$10), or as may be fixed by the department, and satisfactory evidence that the applicant attended during the two preceding license years [two annual] *sixteen hours of approved educational conferences* as hereinafter provided.

Issuance of license to practice podiatry or chiropody; fees, registration and satisfactory evidence.

Section 9.1 of act, added August 8, 1961, P. L. 982, amended.

For renewal of registration, attendance at approved educational conferences, or equivalent, required.

Section 3. Section 9.1 of the act, added August 8, 1961 (P. L. 982), is amended to read:

Section 9.1. No applicant for a renewal registration shall be granted a registration for the ensuing biennial licensing period unless the applicant shall furnish to the board satisfactory evidence that he has attended not less than [one two-day educational conference held by the Chiropody Society of Pennsylvania, Inc., in each of] *sixteen hours of approved educational conferences during the two intervening license years* [or that he has attended an equivalent educational conference during each such year]. An “[equivalent] *approved educational conference*” shall be one approved or ratified by the board as meeting the educational and professional requirements of the profession. Any individual applying for an initial registration under this act shall be exempted from the requirement of attending an educational conference during the calendar year in which he makes application for his license, provided he has graduated from a school of *podiatry or chiropody* approved by the board during that calendar year.

Immediately upon passage of this act, notice of its provision shall be given to every individual presently registered under this act by mailing a copy of this act to such individuals. Thereafter, a copy of this act shall be distributed to each registrant along with his license at the time of his initial registration or biennial reregistration. No licensee shall be registered for the ensuing biennial licensure if he fails to comply with the provisions of this section relating to attendance at [annual] educational conferences: Provided, That the board may, at its discretion, register any licensee if he proves subsequent compliance with the provisions of this section.

Notice of this law to present registrants.

Section 4. Sections 10 to 21 of the act are reenacted and amended to read:

Sections 10 to 21 of act, reenacted and amended.

Reciprocity exemption.

Section 10. Any person may be exempt from examination if he holds a license or certificate to practice *podiatry or chiropody* issued by any other state or territory of the United States, which has requirements for licensure, which are substantially equivalent to those of this Commonwealth, and which extends similar privileges to persons licensed under the laws of this Commonwealth. Application for license in these cases shall be made on forms supplied by the board and shall be under oath. The fee therefor shall be one hundred dollars (\$100).

Section 11. Residence Required of Out of State Licensees.—Any person who does not intend to become a resident of this Commonwealth will not be entitled to

obtain a license to practice [chiroprody] *podiatry* in this Commonwealth in accordance with section ten of this act, and any person who obtains a license to practice [chiroprody] *podiatry* in this Commonwealth in accordance with section ten of this act and does not become a resident of this Commonwealth immediately thereafter will not be entitled to retain said license.

Section 12. Any person who is not a licensed, and registered as a [chiroprodist] *podiatrist* shall not practice [chiroprody] *podiatry* nor in any written or printed circular or in any business card, letterhead or sign or otherwise assume the title "Chiroprodist," "Podiatrist," "DSC," "G ep," "M ep," "Ped G," "Foot Specialist," "Foot Correctionist," "Pedopractor" nor any other title, name or description implying or calculated to lead to the belief that he is qualified to practice [chiroprody] *podiatry*.

Prohibition from advertising unless licensed.

Section 13. Penalties.—Any person violating any of the provisions of this act, or any rule or regulation of the board, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not less than fifty dollars (\$50) nor more than two hundred dollars (\$200), or undergo imprisonment for not less than thirty days nor more than six months for the first violation. On the second and each subsequent conviction, he shall be sentenced to pay a fine not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500), or undergo imprisonment for not less than sixty days nor more than six months in jail, or both.

Penalties.

Section 14. Disposition of Fees.—All fees, fines and penalties specified and imposed under this act, or any rule or regulation pursuant thereto, shall be paid into the State Treasury.

Section 15. Rules and Regulations.—The board may make such reasonable rules and regulations as it deems necessary and proper in order to carry out the intent and purposes of this act within the scope of this act.

Section 16. Refusal to Grant, Suspension and Revocation.—The board may refuse to grant and may suspend or revoke or cancel a license or a registration for the following reasons:

- (1) The practice of fraud or deceit in obtaining or attempting to obtain a license.
- (2) Pleading guilty or nolo contendere to, or being found guilty of, a crime involving moral turpitude by a court of competent jurisdiction, or a jury.
- (3) Gross incompetency, gross immorality, negligence or misconduct in carrying on of such profession.
- (4) Violation of any of the provisions of this act, or the rules and regulations of the board.

(5) Loaning, borrowing or using the registration or license to practice [chiroprody] *podiatry* of another, or knowingly aiding or abetting in any way the granting of an improper license or registration.

(6) That said applicant or licensee is an habitual drunkard or is addicted to the use of morphine, cocaine or other drugs having a similar effect, or if he or she is or shall become mentally incompetent.

(7) Knowingly making substantial misrepresentations.

(8) Unethical conduct or misleading, fraudulent or unethical advertising.

(9) Soliciting patronage other than by legitimate advertisement, or paying a commission or agreeing to pay a commission to any person or persons for soliciting or for business secured, or paying any gratuity to any person with intent to have such person aid in securing business, or like unprofessional conduct.

Section 17. Procedure.—All actions of the board shall be taken subject to the right of notice, hearing and adjudication, and the right of appeal therefrom, in accordance with the provisions of the Administrative Agency Law, approved the fourth day of June, one thousand nine hundred forty-five (Pamphlet Laws 1388), or any amendment or reenactment thereof, relating to adjudication procedure.

Section 18. Display of License and Certificate.—Every holder of a license or certificate of registration shall display the same in a conspicuous place wherein such person shall practice [chiroprody] *podiatry*.

Section 19. Injunction or Other Process.—The board, upon the advice of the Attorney General, may maintain an action in the name of the Commonwealth for an injunction, or other process, against any person, to restrain or prevent his practicing the profession of [chiroprody] *podiatry* in a public or private capacity. Any such action shall be instituted in the court of common pleas in any county where the alleged unauthorized practice was committed. The court may issue a temporary restraining order or injunction under this act, but shall determine any such action on its merits as soon \*as convenient, whether in term time or in vacation. Appeals from any final decision of the court to the Superior or Supreme Court shall be as in similar cases. No bond shall be required of and no costs shall be taxed against the board on account of any such action. No actions brought under the provisions of this act shall prevent the prosecution or institution of any civil or criminal action provided by this act for violation thereof, or of

\* "as" not in original.

any rule or regulation of the board promulgated thereunder.

Section 20. Records.—All records and documents pertaining to persons licensed to practice chiropody shall be transferred to the board.

Section 21. Nothing in this act contained shall be construed to interfere with, or affect, regularly licensed physicians in the discharge of their professional duties, and nothing herein contained shall be construed to prohibit or restrict the sale or fitting of shoes or commercial foot appliances. No retail merchant shall be permitted to practice [chiropody] *podiatry* as provided for in this act, unless duly licensed to practice [chiropody] *podiatry*.

Applicability.

Section 5. Any person registered and licensed as a chiropodist shall hereafter be registered and licensed as a podiatrist.

Continuance of registered chiropodist as podiatrist.

Section 6. This act shall take effect immediately.

Act effective immediately.

APPROVED—The 24th day of August, A. D. 1963.

WILLIAM W. SCRANTON

No. 506

AN ACT

Amending the act of March 10, 1949 (P. L. 30), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," authorizing a hearing de novo when a board of school directors appeals to the court from a ruling of the Superintendent of Public Instruction relating to the discharge of a professional employe.

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

Public School Code of 1949.

Section 1. Subsection (b) of section 1132, act of March 10, 1949 (P. L. 30), known as the "Public School Code of 1949," amended September 26, 1951 (P. L. 1448), is amended to read:

Subsection (b), section 1132, act of March 10, 1949, P. L. 30, amended September 26, 1951, P. L. 1448, further amended.

Section 1132. Appeals to Court.—\* \* \*

(b) When appeal is taken from the decision of the Superintendent of Public Instruction to the court of common pleas of the county in which the district is located or to County Court of Allegheny County, the judge of the court to whom such petition is presented shall fix a date for hearing by the court, which shall be not sooner than ten (10) days nor more than twenty