

No. 1978-292

AN ACT

HB 1702

Amending the act of April 9, 1929 (P.L.177, No.175), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," adding members of the public at large to certain licensing boards, changing the name of the State Board of Osteopathic Examiners, adding a dental hygienist to the State Dental Council and Examining Board, including the State Board of Psychologist Examiners, the State Board of Public Accountants and the State Board of Landscape Architects within the act, making editorial changes, further providing for the powers and duties of the Bureau of Professional and Occupational Affairs and the Bureau of Consumer Protection and making repeals.

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

Section 1. As much as relates to the Department of State in section 202, act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929," amended December 16, 1975 (P.L.493, No.148), is amended to read:

Section 202. Departmental Administrative Boards, Commissions, and Offices.—The following boards, commissions, and offices are hereby placed and made departmental administrative boards, commissions, or offices, as the case may be, in the respective administrative departments mentioned in the preceding section, as follows:

In the Department of State,

Commissioner of Professional and Occupational Affairs,
State Real Estate Commission,
State Board of Medical Education and Licensure,
State Board of Physical Therapy Examiners,
State Board of Pharmacy,
State Dental Council and Examining Board,
State Board of Optometrical Examiners,
State Board of Osteopathic *Medical* Examiners,
State Board of Nurse Examiners,
State Board of Barber Examiners,

State Board of Cosmetology,
 State Board of Veterinary Medical Examiners,
 State Board of Chiropractic Examiners,
 State Board of Podiatry Examiners,
 State Board of Examiners of Public Accountants,
 State Board of Examiners of Architects,
 State Registration Board for Professional Engineers,
 State Board of Funeral Directors,
 State Board of Examiners of Nursing Home Administrators,
 State Board of Auctioneer Examiners,
State Board of Psychologist Examiners,
State Board of Landscape Architects.

* * *

All of the foregoing departmental administrative boards and commissions shall be organized or reorganized as provided in this act.

Section 2. Section 412 of the act, amended July 20, 1974 (P.L.549, No.189), is amended to read:

Section 412. State Board of Medical Education and Licensure.—The State Board of Medical Education and Licensure shall consist of **[nine] ten** members, two of whom shall be the Commissioner of Professional and Occupational Affairs in the Department of State and the Secretary of Health, the **[seven] eight** remaining members shall be appointed by the Governor as follows:

(i) Five members shall be physicians who are licensed to practice medicine and surgery in the Commonwealth and may be chosen from among candidates whose names have been submitted to the Governor by the Pennsylvania Medical Society;

(ii) One member shall be a person who is knowledgeable in the field of allied health sciences; and

(iii) **[One member] Two members** shall be **[a person] persons** representing the public at large.

The terms of members of the board shall be four years from the respective dates of their appointment.

[Five] Six members of the board shall constitute a quorum.

The board shall select, from among their number, a chairman, and shall elect a secretary who need not be a member of the board.

Each member of the board, other than the Commissioner of Professional and Occupational Affairs and the Secretary of Health, shall receive thirty dollars per diem, while actually engaged in the work of the board. The secretary shall receive such reasonable compensation as shall be determined by the board, with the approval of the Commissioner of Professional and Occupational Affairs.

Section 3. Section 412.1 of the act, added December 16, 1975 (P.L.493, No.148), is amended to read:

Section 412.1. **[Board Membership; Vacancies; Expenses; Meetings] State Board of Physical Therapy Examiners.**—(a) There is hereby

created the State Board of Physical Therapy Examiners to administer the act of October 10, 1975 (P.L.383, No.110), known as the "Physical Therapy Practice Act."

(b) The composition of the board shall be **[five] six** members, all of whom shall be residents of Pennsylvania. Four members shall be physical therapists licensed to practice in the Commonwealth, each having had at least five years of experience as a physical therapist, three years of which must have immediately preceded the appointment to the board. The remaining **[member] members** shall be **[a representative] representatives** of the public. The members of the board shall be appointed by the Governor. The Pennsylvania Physical Therapy Association shall submit a list of names to the Governor for his consideration in making appointments or filling vacancies to the board with respect to the physical therapy members. The terms of the members of the board shall be three years from the respective date of their appointment and no member shall be appointed for more than two consecutive terms.

(c) Each board member shall receive actual traveling, hotel, food and other necessary expenses incurred while engaged in the discharge of official duties, as well as a per diem allowance of fifty dollars (\$50).

(d) There shall be four stated meetings of the board each year at a place within the Commonwealth as determined by the board for the transaction of its business, but the board may hold special meetings, at its discretion and by vote of the majority upon due notice thereof to all members of the board.

(e) **[Three] Four** members of the board shall constitute a quorum.

Section 4. Section 413 of the act, amended May 2, 1949 (P.L.781, No.193), is amended to read:

Section 413. State Board of Pharmacy.—The State Board of Pharmacy shall consist of the **[Superintendent of Public Instruction] Commissioner of Professional and Occupational Affairs, two persons who shall be members representing the public at large**, and five persons**[, who shall be appointed for terms of six years,]** from among the most skillful pharmacists in Pennsylvania, who are not teachers or instructors in any educational institution teaching pharmacy. **All appointed members shall serve six-year terms.** Each **pharmacist** appointee must have been registered as a pharmacist in Pennsylvania at least ten years previous to his appointment, and he must be actually engaged in conducting a pharmacy.

[Three] Four members of the board shall constitute a quorum. The board shall select from their number a chairman, and shall elect a secretary who need not be a member of the board.

The members of the board, other than the **[Superintendent of Public Instruction] Commissioner of Professional and Occupational Affairs**, shall be paid **[fifteen] thirty** dollars per diem, when actually engaged in the performance of their official duties, and the secretary shall receive such reasonable compensation as the board shall determine, with the approval of the **[Superintendent of Public Instruction] Commissioner of Professional and Occupational Affairs.**

Section 5. Section 414 of the act is amended to read:

Section 414. State Dental Council and Examining Board.—The State Dental Council and Examining Board shall consist of the president of the Pennsylvania State Dental Society, **[the Superintendent of Public Instruction,]** the Secretary of Health, **[and six persons,]** *the Commissioner of Professional and Occupational Affairs and nine persons, at least two of whom shall represent the public at large, and one of whom shall be a dental hygienist,* whose **[term] terms** of office shall be six years.

The Pennsylvania State Dental Society shall have power to nominate, from its membership, at least double the number of *professional* candidates required to fill the *dental* vacancies occurring annually in the membership of the State Dental Council and Examining Board. Such candidates shall have been engaged in the actual practice of dentistry in this Commonwealth during a period of not less than ten years. The Governor shall appoint members to fill **[all] professional dental** vacancies, occurring from any cause, only from the candidates nominated as aforesaid. *In addition, the Governor shall appoint the dental hygienist member of the board. Such appointee shall be licensed to practice dental hygiene in the Commonwealth and shall have been engaged in the practice of dental hygiene for a period of at least three years immediately preceding appointment.* No member of the faculty of a dental college *or dental hygiene school* shall be eligible to appointment as a member of the State Dental Council and Examining Board. In the event of failure of the Pennsylvania State Dental Society to nominate candidates, as aforesaid, the Governor shall appoint members in good standing of the said society without other restriction.

The members of the State Dental Council and Examining Board shall annually select one of their number to act as chairman, and shall elect a secretary who need not be a member of the board.

Each of the members of the State Dental Council and Examining Board, other than the **[Superintendent of Public Instruction] Commissioner of Professional and Occupational Affairs,** the Secretary of Health, and the president of the Pennsylvania State Dental Society, shall receive **[fifteen] thirty** dollars per diem, while actually engaged in the work of the board, and the secretary shall receive such reasonable compensation as the board shall determine, with the approval of the **[Superintendent of Public Instruction] Commissioner of Professional and Occupational Affairs.**

Section 6. Section 415 of the act, amended May 2, 1949 (P.L.781, No.193), is amended to read:

Section 415. State Board of Optometrical Examiners.—The State Board of Optometrical Examiners shall consist of the **[Superintendent of Public Instruction] Commissioner of Professional and Occupational Affairs, two members who shall be persons representing the public at large,** and seven members, all of whom shall be optometrists, citizens of Pennsylvania, who possess the requisite qualifications to practice

optometry under the laws of this Commonwealth, and who shall have been so practicing in this Commonwealth during the five years immediately preceding their appointment.

The terms of members of the board shall be four years from the respective dates of their appointment.

No member of the board shall be a member of the faculty of any undergraduate school or college teaching optometry.

[Four] Five members of the board shall constitute a quorum, and the board shall select, from its membership, a chairman, and shall elect a secretary who need not be a member of the board.

The members of the board, other than the **[Superintendent of Public Instruction] Commissioner of Professional and Occupational Affairs**, shall receive **[fifteen] thirty** dollars per diem for each day actually devoted to the work of the board, and the secretary shall receive such reasonable compensation as shall be determined by the board, with the approval of the **[Superintendent of Public Instruction] Commissioner of Professional and Occupational Affairs**.

Section 7. Section 416 of the act, amended February 2, 1956 (P.L.992, No.310), is amended to read:

Section 416. State Board of Osteopathic *Medical* Examiners.—The State Board of Osteopathic *Medical* Examiners shall consist of the **[Superintendent of Public Instruction] Commissioner of Professional and Occupational Affairs, two members who shall be persons representing the public at large,** and **[seven] five** members, **[five of whom] who** shall be graduates of a legally incorporated and reputable college of osteopathy, and shall have been licensed to practice osteopathy under the laws of this Commonwealth, and shall not be in any manner financially interested in or connected with the faculty or management of any osteopathic school or college, and shall have been engaged in the practice of osteopathy in this Commonwealth for a period of at least five years. **[The remaining two members shall be doctors of medicine licensed to practice medicine and surgery in this Commonwealth, for a period of not less than five years immediately prior to their appointment.**

The osteopathic members of the board, qualified as aforesaid, shall be appointed from a full list of the members in good standing of the Pennsylvania Osteopathic Association, which list shall be furnished to the Governor by the president and secretary of such association annually. In the case of the failure of the Pennsylvania Osteopathic Association to submit such a list to the Governor, the Governor shall appoint members in good standing of such association without restriction.

The medical members of the board, qualified as aforesaid, shall be appointed from a full list of the members in good standing of the Medical Society of the State of Pennsylvania, which list shall be furnished to the Governor by the president and secretary of such society annually. In the case of the failure of the Medical Society of the State of Pennsylvania to

submit such a list to the Governor, the Governor shall appoint members in good standing of such society without restriction.]

The terms of the members of the board shall be four years from the respective dates of their appointment.

Five members of the board shall constitute a quorum, and the board shall annually select, from among its number, a chairman, and shall elect a secretary who need not be a member of the board.

The members of the board, other than the **[Superintendent of Public Instruction] Commissioner of Professional and Occupational Affairs**, shall receive **[fifteen] thirty** dollars per diem, when actually engaged in the performance of their official duties, and the secretary shall receive such reasonable compensation as the board shall determine, with the approval of the **[Superintendent of Public Instruction] Commissioner of Professional and Occupational Affairs**.

Section 8. Section 418 of the act, amended May 22, 1951 (P.L.323, No.70), is amended to read:

Section 418. State Board of Nurse Examiners.—The State Board of Nurse Examiners shall consist of the **[Superintendent of Public Instruction] Commissioner of Professional and Occupational Affairs, two members who shall be persons representing the public at large, and [five] seven** members, **[who] five of whom** shall be registered nurses, graduated from schools of nursing where practical and theoretical instruction is given in general surgical and medical nursing, **and two of whom shall be licensed practical nurses**, and who shall have been engaged in nursing in the Commonwealth of Pennsylvania for at least five years since registration.

The Governor shall, upon the expiration of the term of office of any **professional** member, appoint a person, with the above specified qualifications, from **[a list of not less than ten names submitted to him by the board of directors of the Pennsylvania State Nurses' Association,] two lists, each containing not less than ten names, one list submitted to him by the board of directors of the Pennsylvania State Nurses' Association and the other list submitted to him by the Northeastern Pennsylvania League of Licensed Practical Nurses**, for a term of six years, and until a successor is appointed and qualified **but in no event longer than six months beyond the six-year term**. Vacancies shall be filled in like manner.

[Three] Four members of the board shall constitute a quorum, and the board shall select, from among its members, a chairman, and shall elect a secretary who need not be a member of the board.

The board, with the approval of the **[Superintendent of Public Instruction] Commissioner of Professional and Occupational Affairs**, shall also appoint and fix the compensation of one or more State educational advisors of schools of nursing, who shall have the same qualifications as the members of the board.

The members of the board, other than the **[Superintendent of Public Instruction] Commissioner of Professional and Occupational Affairs**, shall receive **[fifteen] thirty** dollars per diem, when actually engaged in the

transaction of official business, and the secretary shall receive such reasonable compensation as shall be determined by the board, with the approval of the [Superintendent of Public Instruction] *Commissioner of Professional and Occupational Affairs*.

Section 9. Section 419 of the act, amended June 21, 1937 (P.L.1865, No.373), is amended to read:

Section 419. State Board of [Undertakers] *Funeral Directors*.—[The State Board of Undertakers shall consist of the Secretary of Health, ex officio, and five persons, who shall be practicing undertakers. The terms of members of the board shall be for such periods of time as is now provided by law.

Three members of the board shall constitute a quorum. The board shall select from among their number a chairman, and shall elect a secretary who need not be a member of the board.

Each member of the board, other than the Secretary of Health, shall receive fifteen dollars per diem, when actually engaged in the transaction of official business.

The secretary of the board shall receive such reasonable compensation as the board may determine, with the approval of the Secretary of Health.] *The State Board of Funeral Directors shall consist of the Commissioner or Professional and Occupational Affairs, ex officio, two members who shall be persons representing the public at large, and five persons who shall be licensed funeral directors of good moral character and who shall also have been actively engaged in the practice of funeral directing for at least ten years immediately preceding their appointment. Members shall be appointed by the Governor for terms of five years, expiring on the thirty-first day of August or until his successor is appointed and qualified but not longer than six months beyond the five-year period. Vacancies shall be filled for the unexpired portion of the term only. Four members of the board shall constitute a quorum. The board shall select from among their number a chairman and shall elect a secretary who need not be a member of the board. Each member of the board, other than the Commissioner of Professional and Occupational Affairs, shall receive thirty dollars per diem when actually engaged in the transaction of official business and said members shall also receive the amount of actual traveling, hotel and other necessary expenses incurred in the performance of their duties.*

Section 10. Section 420 of the act, amended May 2, 1949 (P.L.781, No.193), is amended to read:

Section 420. State Board of Veterinary Medical Examiners.—The State Board of Veterinary Medical Examiners shall consist of the [Superintendent of Public Instruction] *Commissioner of Professional and Occupational Affairs, two members who shall be persons representing the public at large, and five members, who shall be of good standing in the veterinary profession, and shall be graduates of a legally incorporated and reputable veterinary school. They shall have practiced veterinary medicine for at least five years immediately preceding their appointment.*

[Three] Four members of the board shall constitute a quorum.

The board shall select, from among their number, a chairman, and shall elect a secretary who need not be a member of the board.

Each member of the board, other than the **[Superintendent of Public Instruction] Commissioner of Professional and Occupational Affairs**, shall receive **[fifteen] thirty** dollars per diem, while actually engaged in the transaction of official business, and the secretary shall receive such reasonable compensation as the board shall determine, with the approval of the **[Superintendent of Public Instruction] Commissioner of Professional and Occupational Affairs**.

Section 11. The act is amended by adding a section to read:

Section 421. State Board of Examiners of Public Accountants.—The State Board of Examiners of Public Accountants shall consist of eleven members, one of whom shall be the Commissioner of Professional and Occupational Affairs in the Department of State and the ten remaining members shall be appointed by the Governor as follows:

(1) Six members shall be certified public accountants who have held certificates of certified public accountant issued by this Commonwealth for at least ten years immediately preceding their appointment, all of whom are holders of live permits as required by the act of May 26, 1947 (P.L.318, No.140), known as "The C.P.A. Law," and four of whom have been actively engaged in the practice of public accounting as their principal occupation at the time of their appointment. Two members shall be appointed from the eastern part of the State, two from the western part, and two from the central part. No member of the board shall be a teacher or instructor in any coaching school which has as its primary purpose preparation for the examination under this act or any person who has a financial interest in such coaching school. The Governor may appoint members to the board from a list of qualified persons submitted to him by the Council of the Pennsylvania Institute of Certified Public Accountants.

(2) Two members shall be persons representing the public at large. Such public members shall not be affiliated in any manner with the profession and shall not hold public office during the term of membership on the board.

(3) Two members shall be public accountants registered under this act who may be appointed by the Governor from a list of qualified persons submitted to him by the Pennsylvania Society of Public Accountants.

(4) The present confirmed members of the existing board, as of the effective date of this act, shall continue to serve as board members until their present terms of office expire.

(5) The terms of the members of the board shall be four years from the respective dates of their appointment. No board member shall serve more than two consecutive four-year terms and shall not be eligible for reappointment until after four years have elapsed.

(6) Six members of the board shall constitute a quorum. The board shall select, from among their number, a chairman, and shall elect a secretary who need not be a member of the board.

(7) The board shall continue to issue and accept applications, until July 1, 1979, for the registration of public accountants pursuant to the provisions of section 8.7 of the act of May 26, 1947 (P.L.318, No.140). Public accountants who register pursuant to said section 8.7 shall not be subject to sections 12, 14, 15, 16 and 16.2 of the act of May 26, 1947 (P.L.318, No.140), until July 1, 1979.

Section 12. Sections 422 and 425 of the act, amended May 2, 1949 (P.L.781, No.193), are amended to read:

Section 422. State Board of Examiners of Architects.—The State Board of Examiners of Architects shall consist of the [**Superintendent of Public Instruction**] **Commissioner of Professional and Occupational Affairs, two members who shall be persons representing the public at large,** and five members, all of whom shall be architects, who have been in active practice in this Commonwealth for not less than ten years prior to their appointment.

The terms of members of the board shall be six years.

[Three] Four members of the board shall constitute a quorum.

The board shall annually select from among their number a president, and shall elect a secretary who need not be a member of the board.

Each member of the board, except the [**Superintendent of Public Instruction**] **Commissioner of Professional and Occupational Affairs,** shall receive [**fifteen**] **thirty** dollars per diem, while actually engaged in the work of the board, and the secretary shall receive such reasonable compensation as shall be determined by the board, with the approval of the [**Superintendent of Public Instruction**] **Commissioner of Professional and Occupational Affairs.**

Section 425. State Registration Board for Professional Engineers.—The State Registration Board for Professional Engineers shall consist of the [**Superintendent of Public Instruction**] **Commissioner of Professional and Occupational Affairs, two members who shall be persons representing the public at large,** and five members, all of whom shall be registered professional engineers and full corporate members in good standing in at least one of the following societies: American Society of Civil Engineers, American Institute of Mining and Metallurgical Engineers, American Society of Mechanical Engineers, or American Institute of Electrical Engineers. The **professional** members of the board shall be so selected that not more than two of them shall be members of the same society. Each member of the board shall be a citizen of the United States and a resident of this Commonwealth, **each professional member** shall have been engaged in the practice of the profession of engineering for at least ten years, and shall have been in responsible charge of engineering work for at least five years.

The terms of members of the board shall be six years.

[Three] Four members of the board shall constitute a quorum.

The board shall select, from their number, annually, a president, and

shall elect a secretary who need not be a member of the board.

Each member of the board, except the **[Superintendent of Public Instruction] Commissioner of Professional and Occupational Affairs**, shall receive **[fifteen] thirty** dollars per diem, when actually attending to the work of the board, and the secretary shall receive such reasonable compensation as shall be determined by the board, with the approval of the **[Superintendent of Public Instruction] Commissioner of Professional and Occupational Affairs**.

Section 13. Section 453 of the act, amended September 22, 1961 (P.L.1584, No.667), is amended to read:

Section 453. State Real Estate Commission.—The State Real Estate Commission is hereby created and shall consist of the **[Superintendent of Public Instruction] Commissioner of Professional and Occupational Affairs, two members who shall be persons representing the public at large**, and six other persons, each of whom shall at the time of his appointment be a licensed and qualified real estate broker under the existing law of this Commonwealth, and shall have been engaged in the real estate business in this Commonwealth for a period of not less than ten years immediately prior to his appointment. Each of said **[six]** members of the board shall be appointed by the Governor, one of whom shall have been licensed as a real estate broker, or limited real estate broker, for a period of at least five years and shall have been engaged in the field of selling cemetery lots for at least ten years immediately prior to his appointment.

The term of office of each of said **[six]** members shall be five years from his appointment, or until his successor has been appointed and qualified~~], except that of the original members one shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, and one for a term of five years from the date of his appointment, or until his successor is appointed and qualified. The initial term of the sixth member shall be for four years from the date of his appointment, or until his successor shall have been appointed and qualified]~~ **but not longer than six months beyond the five-year period**. In the event that any of said members shall die or resign during his term of office his successor shall be appointed in the same way, and with the same qualifications as above set forth, and shall hold office for the unexpired term.

[Three] Four members of the commission shall constitute a quorum. The board shall elect a chairman from among its members and a secretary who need not be a member of the commission. The secretary shall serve at the pleasure of the commission and shall receive such reasonable compensation as it, with the approval of the **[Superintendent of Public Instruction] Commissioner of Professional and Occupational Affairs**, shall fix. The secretary shall have such powers and perform such duties, not contrary to law, as the commission may prescribe.

Each member of the commission other than the **[Superintendent of Public Instruction] Commissioner of Professional and Occupational**

Affairs shall receive actual traveling expenses and per diem compensation at the rate of **[fifteen dollars (\$15)] thirty dollars (\$30)** per day for the time actually devoted to the business of the commission.

Section 14. Section 459 of the act, added May 12, 1949 (P.L.1289, No.383) and subsection (a) amended October 17, 1974 (P.L.761, No.258), is amended to read:

Section 459. State Board of Cosmetology.—(a) The State Board of Cosmetology shall consist of **[five] seven** persons who have been citizens of this State for at least five years prior to their appointment and shall be residents of the Commonwealth during their term of office. Such board shall be appointed by the Governor. **[within thirty days after the effective date of this act. The]** *Five* members of the board shall be at least twenty-five years of age and shall have had at least five years' practical experience in the majority of the practices of cosmetology. One member of the board may be the owner of a school of cosmetology but two members of said board shall not be graduates of the same school. *The sixth and seventh members of the board shall be persons representing the public at large.*

(b) The board shall elect one of its members as chairman and shall elect a secretary who need not be a member of the board who shall have such powers and shall perform such duties, not contrary to law, as the board shall prescribe.

(c) **[Three]** *Four* members of the board shall constitute a quorum and any action or order of the board shall require the approval of at least **[three]** *four* members.

(d) The members of the board shall receive **[fifteen dollars (\$15)] thirty dollars (\$30)** per diem for each day actually devoted to the work of the board and the secretary shall receive such reasonable compensation as shall be determined by the board, with the approval of the **[Superintendent of Public Instruction]** *Commissioner of Professional and Occupational Affairs.*

Section 15. Section 461 of the act, amended September 20, 1955 (P.L.587, No.154), is amended to read:

Section 461. State Board of Chiropractic Examiners.—The State Board of Chiropractic Examiners is hereby created and shall consist of the **[Superintendent of Public Instruction]** *Commissioner of Professional and Occupational Affairs, two members who shall be persons representing the public at large* and five (5) members **[to be appointed by the Governor within sixty (60) days after the effective date of this act. The term of office of each member so appointed, except as herein otherwise provided, shall be four (4) years until his successor be appointed and qualified.**

Each member of the board **each of whom** shall be a graduate of a legally incorporated and reputable school or college of chiropractic, shall have been engaged in the full-time practice of chiropractic in this State for at least five (5) years immediately preceding May twenty-three, one thousand nine hundred forty-nine and at the time of his appointment duly licensed as a chiropractor under the provisions of the "Chiropractic Registration Act

of 1951," or at the time of his appointment shall have been duly licensed for a period of five (5) consecutive years as a chiropractor under the provisions of said act. No member shall be in any manner financially interested in or connected with the faculty or management of any chiropractic school or college. Not more than two (2) members of the board shall be graduates of any one school or college of chiropractic. ***The term of each member shall be four (4) years until his successor is appointed and qualified but not longer than six months beyond the four-year period.***

Any vacancy occurring in the board shall be filled by the Governor for the unexpired term only. **[In the original appointment of the members of the board, one (1) member shall be appointed for the term of one (1) year, one (1) member for the term of two (2) years, one (1) member for the term of three (3) years, and two (2) members for the term of four (4) years. Three (3)] *Four (4)*** members of the board shall constitute a quorum, and the board shall annually select from among its members a chairman and shall elect a secretary who need not be a member of the board.

The members of the board other than the **[Superintendent of Public Instruction] *Commissioner of Professional and Occupational Affairs*** shall receive actual traveling expenses and **[fifteen dollars (\$15)] *thirty dollars (\$30)*** per diem when actually engaged in the performance of the official duties, and the secretary shall receive such compensation as the board shall determine, with the approval of the **[Superintendent of Public Instruction] *Commissioner of Professional and Occupational Affairs***.

Section 16. Section 462 of the act, added July 19, 1951 (P.L.1144, No.252), is amended to read:

Section 462. State Board of Barber Examiners.—

(a) The State Board of Barber Examiners shall consist of the **[Superintendent of Public Instruction] *Commissioner of Professional and Occupational Affairs***, ***two members who shall be persons representing the public at large*** and five members, **[. Each member of the board, at the time of his appointment and qualification] *each of whom*** shall be a citizen of the United States and a resident of the Commonwealth of Pennsylvania, shall have been a registered barber under the laws of this Commonwealth, and shall have continuously followed the occupation of barbering in the Commonwealth for a period of at least five years next preceding his appointment.

(b) Not more than two members of any one organization, association or group composed of barbers or persons interested primarily in the welfare and advancement of barbers, barber shops or barber schools shall serve on the board at the same time.

(c) The board shall elect one of its members as chairman, and shall elect a secretary who need not be a member of the board.

(d) **[Three] *Four*** members of the board shall constitute a quorum, and any action or order of the board shall require the approval of at least **[three] *four*** members.

(e) The secretary shall have such powers and shall perform such duties, not contrary to law, as the board shall prescribe.

(f) The members of the board, other than the **[Superintendent of Public Instruction] Commissioner of Professional and Occupational Affairs**, shall receive **[fifteen dollars (\$15)] thirty dollars (\$30)** per diem for each day actually devoted to the work of the board, and the secretary shall receive such reasonable compensation as shall be determined by the board, with the approval of the **[Superintendent of Public Instruction] Commissioner of Professional and Occupational Affairs**.

Section 17. Section 464 of the act, amended August 14, 1963 (P.L.865, No.416), is amended to read:

Section 464. State Board of Podiatry Examiners.—A State Board of Podiatry Examiners is hereby created and shall consist of the Commissioner of Professional and Occupational Affairs, **two members appointed by the Governor who shall be persons representing the public at large** and six members appointed by the Governor, four of whom shall be podiatrists who possess the requisite qualifications to practice podiatry under the laws of this Commonwealth and who have been practicing podiatry in this Commonwealth for five years immediately preceding their appointment, and two of whom shall be physicians licensed to practice medicine and surgery in this Commonwealth. The terms of members of the board shall be four years from the respective dates of their appointment. No member of the board shall be a member of the faculty of any school or college teaching podiatry. **[Four] Five** members of the board shall constitute a quorum, and the board shall select from its membership a chairman and secretary. The members of the board other than the Commissioner of Professional and Occupational Affairs shall receive **[fifteen dollars (\$15)] thirty dollars (\$30)** per diem for each day devoted to the work of the board.

Section 18. Section 476 of the act, added October 21, 1972 (P.L.985, No.244), is amended to read:

Section 476. State Board of Auctioneer Examiners.—The State Board of Auctioneer Examiners shall consist of the Commissioner of Professional and Occupational Affairs ex officio, **two members who shall be persons representing the public at large**, and five members, who shall be licensed auctioneers, have served as a licensed auctioneer for ten years or more and conducts at least fifty auctions each year.

[Three] Four members of the board shall constitute a quorum, and the board shall select from among its members, a chairman, and shall elect a secretary who need not be a member of the board.

The members of the board, other than the Commissioner of Professional and Occupational Affairs, shall receive thirty-five dollars (\$35) per diem, when actually engaged in the transaction of official business, and the secretary shall receive such reasonable compensation as shall be determined by the board, with the approval of the Secretary of the Commonwealth.

Section 19. The act is amended by adding sections to read:

Section 476.1. State Board of Psychologist Examiners.—(a) The State Board of Psychologist Examiners shall consist of nine members who are citizens of the United States, residents of the Commonwealth of Pennsylvania for a three-year period, eight of whom are to be appointed by the Governor, and the Commissioner of Professional and Occupational Affairs who shall serve, ex officio, as the ninth member of the board.

When the term of each member of the board ends, the Governor shall appoint his successor for a term of three years. Any vacancy occurring on the board shall be filled by the Governor by appointment for the unexpired term. Board members shall continue to serve until their successors are appointed but not longer than six months beyond the three-year period.

The board shall have at least two members who, at the time of appointment are engaged primarily in rendering professional services in psychology and at least two members who at the time of appointment are engaged in research in psychology or the teaching of psychology, one of whom shall be from a university granting doctoral degrees in psychology, all of whom shall be eligible for licensing under the act of March 23, 1972 (P.L.136, No.52), referred to as the Psychologists License Act. One member of the board shall be appointed by the Governor from nominations of members of the office of mental health and mental retardation submitted by the commissioners. One member of the board shall be appointed by the Governor from nominations of mental health and mental retardation advocacy groups submitted by their boards of directors. Two members shall be appointed by the Governor as representatives of the public at large.

No board member shall serve more than two consecutive terms.

Each board member shall receive actual necessary traveling expenses incidental to board meetings, plus per diem expenses as approved by the Commissioner of Professional and Occupational Affairs upon recommendation of the board.

The board shall annually in the month prescribed by the board, hold a meeting, and elect a chairman and vice-chairman. The board shall meet at such other times as deemed necessary and advisable by the chairman, or by a majority of its members. Reasonable notice of all meetings shall be given in the manner prescribed by the board. Five members of the board shall constitute a quorum at any meeting or hearing.

(b) The board shall have the following powers:

(1) To pass upon the qualifications and fitness of applicants for licenses and reciprocal licenses; and to adopt and revise rules and regulations requiring applicants to pass examinations relating to their qualifications as a prerequisite to the issuance of license.

(2) To adopt, and, from time to time, revise such rules and regulations not inconsistent with the law as may be necessary. Such rules and regulations shall include, but not be limited to, a code of ethics for

psychologists in the State, based upon ethical standards for psychologists of the American Psychological Association.

(3) To examine for, deny, approve, issue, revoke, suspend and renew the licenses of psychologist applicants pursuant to this act, and to conduct hearings in connection therewith.

(4) To conduct hearings upon complaints concerning violations of the provisions of and the rules and regulations adopted and cause the prosecution and enjoinder of all such violations.

(5) To expend moneys necessary to the proper carrying out of their assigned duties.

(6) To waive examination and grant a license in cases deemed exceptional by the board.

Provided, however, that any one or more of the powers hereinbefore set forth may be assumed and exercised by the board at any time, upon its adoption of a resolution to so act, with notice thereof given in writing to the Commissioner of Professional and Occupational Affairs.

Section 476.2. State Board of Landscape Architects.—The State Board of Landscape Architects shall consist of seven persons appointed by the Governor which shall aid and assist in the administration of the act of January 24, 1966 (1965 P.L.1527, No.535), known as the "Landscape Architects' Registration Law." Two members of the board shall represent the public at large. The remaining members of the board, not less than three of whom shall be landscape architects and not less than one of whom shall be a landscape nurseryman, shall be appointed for terms of three years and one of whom shall be elected chairman and one of whom shall be elected secretary. The members of the board shall hold office until their successors are appointed and qualified but not longer than six months beyond the three-year period. The Commissioner of Professional and Occupational Affairs shall be an ex-officio member of the board. The members shall receive thirty dollars (\$30) per diem for each day actually engaged in attendance at meetings of the board. The members shall also receive the amount of actual traveling, hotel and other necessary expenses incurred in the performance of their duties.

Section 20. The act is amended by adding a section to read:

Section 813. Public Members of Licensing Boards and Commissions.—(a) A member of a licensing board or commission designated in this act as representing the public at large shall be a private citizen and shall not:

(1) be a member of any profession or occupation which is regulated or licensed by the board, commission, or Bureau of Professional and Occupational Affairs;

(2) be related to or part of the immediate family of any member of the profession or occupation to be licensed or regulated by the particular board or commission;

(3) be affiliated in any way with the profession or occupation to be licensed or regulated; or

(4) hold any other appointive or elective public office or position within this Commonwealth or another state or the United States Government during the appointive term for which he serves.

(b) Any person not meeting the standards set forth herein shall be ineligible for membership on the board or commission as a public member.

(c) The terms of such public members shall be the same as the other appointive members of the respective board or commission and they shall be entitled to receive the same compensation and expenses as provided by law for other nonpublic members of the same board or commission. Any vacancy occurring before the expiration of the appointive term of a public member shall be filled by the Governor with another public member for the unexpired term in the manner provided by law.

(d) The Bureau of Professional and Occupational Affairs shall prepare and periodically revise a manual outlining the general duties of all members of licensing boards and commissions with particular emphasis on methods of protecting the general public.

(e) The Bureau of Professional and Occupational Affairs, in consultation with the Bureau of Consumer Protection and the three public members chosen as provided herein, shall conduct semiannual conferences on the functions of the public members and on developing and implementing methods of protecting the general public. Annually at one of these conferences, the public members present shall elect three representatives from among their membership to consult with the Bureau of Professional and Occupational Affairs and the Bureau of Consumer Protection on matters relating to the role and function of the public members and on the format and contents of the semiannual conferences. The term of such representatives shall be one year.

Section 21. The Governor shall appoint the public members authorized by this act within 90 days of its final enactment. The public members so appointed shall be required to attend an orientation session which shall be conducted by the Bureau of Professional and Occupational Affairs and the Bureau of Consumer Protection within three months after the swearing in of at least 50% of the public members herein authorized. The Commissioner of Professional and Occupational Affairs shall consult with the Bureau of Consumer Protection in regard to the development of the curriculum for the orientation session and the semiannual conferences with the public members. At the orientation session, the public members present shall select three representatives who shall consult with the Commissioner of Professional and Occupational Affairs and the Bureau of Consumer Protection with regard to the ongoing semiannual conferences for the public members mandated in section 813(e).

Section 22. (1) Clause (1) of section 2 of the act of January 24, 1966 (1965 P.L.1527, No.535), known as the "Landscape Architects' Registration Law," is hereby repealed.

(2) Sections 4 and 5 of the act of March 23, 1972 (P.L.136, No.52), entitled "An act relating to the practice of psychology, providing for

licensing of psychologists, making certain acts illegal and providing penalties," are repealed.

(3) (i) Section 2.1 of the act of May 26, 1947 (P.L.318, No.140), known as "The C.P.A. Law," is repealed.

(ii) Clause (6) of section 8.7 of the act of May 26, 1947 (P.L.318, No.140), known as "The C.P.A. Law," is repealed to the extent it is inconsistent with the provisions of section 421.

Section 23. This act shall take effect in 60 days.

APPROVED—The 26th day of November, A. D. 1978.

MILTON J. SHAPP