

No. 1985-7

AN ACT

SB 338

Amending the act of July 20, 1974 (P.L.551, No.190), entitled "An act relating to the right to practice medicine and surgery in the Commonwealth of Pennsylvania; and establishing means and methods whereby the right to practice medicine and surgery and any of its branches and limited right to practice medically related acts may be obtained, and exemptions therefrom; imposing powers and duties on the State Board of Medical Education and Licensure; providing for appropriation of board fees to carry out the provisions thereof, and for the granting, revocation and suspension of licenses; providing penalties for violations; and making repeals," further providing for qualifications for license and for suspension.

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

Section 1. Sections 6(a) and 14 of the act of July 20, 1974 (P.L.551, No.190), known as the Medical Practice Act of 1974, are amended to read:

Section 6. Qualifications for License.—(a) A graduate of a United States or Canadian medical college who seeks licensure by the board shall furnish the board with evidence, prior to any examination, that he is of legal age, is of good moral character, and is not addicted to the intemperate use of alcohol or the habitual use of narcotics or other habit-forming drugs, **[and]** that he has completed the educational requirements prescribed by the board, **and he has not been convicted of a felonious act prohibited by the act of April 14, 1972 (P.L.233, No.64), known as "The Controlled Substance, Drug, Device and Cosmetic Act," or convicted of a felony relating to a controlled substance in a court of law of the United States or any other state, territory or country. An applicant's statement on the application declaring the absence of a conviction shall be deemed satisfactory evidence of the absence of a conviction, unless the board has some evidence to the contrary.**

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Section 14. Automatic Suspension.—A license issued under this act shall automatically be suspended upon the legal commitment to an institution of a licensee because of mental incompetency from any cause upon filing with the board a certified copy of such commitment, **conviction of a felony under the act of April 14, 1972 (P.L.233, No.64), known as "The Controlled Substance, Drug, Device and Cosmetic Act," or conviction of an offense under the laws of another jurisdiction, which, if committed in Pennsylvania, would be a felony under "The Controlled Substance, Drug, Device and Cosmetic Act." As used in this section the term "conviction" shall include a judgment, an admission of guilt or a plea of nolo contendere. Automatic suspension under this section shall not be stayed pending any appeal of a conviction.** Restoration of such license shall be made as hereinafter provided as in the case of revocation or suspension of such license.

Section 2. This act shall take effect immediately.

APPROVED—The 2nd day of May, A. D. 1985.

DICK THORNBURGH