

No. 1985-9

AN ACT

SB 340

Amending the act of October 5, 1978 (P.L.1109, No.261), entitled "An act requiring the licensing of practitioners of osteopathic medicine and surgery; regulating their practice; providing for certain funds and penalties for violations and repeals," further providing for qualifications for license and for suspension.

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

Section 1. Section 6 of the act of October 5, 1978 (P.L.1109, No.261), known as the Osteopathic Medical Practice Act, is amended by adding a subsection to read:

Section 6. Qualifications for license.

* * *

(c) An applicant who has 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 shall not be licensed. 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.

Section 2. Section 14 of the act is amended to read:

Section 14. Automatic suspension.

A license issued under this act shall automatically be suspended upon the 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 [or conviction of a felonious act prohibited by "The Controlled Substance, Drug, Device and Cosmetic Act." Conviction shall include a finding or verdict of guilty by a judge or jury, plea or admission of guilt, or plea of nolo contendere.], *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 in the case of revocation or suspension of license.

Section 3. This act shall take effect immediately.

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

DICK THORNBURGH