

No. 1986-18

## AN ACT

SB 1208

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," further providing for the powers and duties of the Commissioner of Professional and Occupational Affairs.

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

Section 1. Section 810(a) of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, is amended by adding a clause and section 810(b), added June 3, 1963 (P.L.63, No.44), is amended to read:

Section 810. Professional and Occupational Affairs.—(a) The Commissioner of Professional and Occupational Affairs shall be appointed by the Governor and have the power and his duty shall be—

\* \* \*

*(10) To assure that notice is published, in a newspaper of general circulation in the area where the licensee, certificate holder or registrant of any professional or occupational licensing board or commission conducts ~~or recently~~ conducted his or her practice, of any order suspending or revoking his or her right to practice. This clause shall not apply in those cases in which a person enters into an agreement with a board or commission to participate in an approved treatment program for impaired professionals and the enforcement of that person's suspension or revocation is stayed in accordance with that agreement. This clause shall supersede any power or duty of a board or commission under any other provision of law to publish notice in a newspaper of general circulation of disciplinary action taken by that board or commission.*

(b) In addition to the powers and duties imposed under the provisions of subsection (a) hereof, the Commissioner of Professional and Occupational Affairs shall be **[an ex-officio]** a member of each of the said boards.

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Section 2. Section 812.1(a) and (b) of the act, added October 8, 1980 (P.L. 785, No.146), are amended to read:

Section 812.1. Administration of Examinations.—

(a) All written, *oral, practical or other nonwritten* examinations shall be prepared and administered by a qualified and approved professional testing organization under contract to the appropriate board or commission within the Bureau of Professional and Occupational Affairs and approved by the appropriate board or commission, except that where the particular professional and occupational statutes permit the use of national uniform examinations and/or grading services, these examinations and grading services may continue to be used. No board or commission member shall have a financial interest in a professional testing organization. **[This section] *Notwithstanding any other provision of law, the requirements of this subsection* shall not apply to any oral, practical or other nonwritten examination which may be required by a board or commission *until such examination is available from a qualified and approved professional testing organization.***

(b) Each board or commission shall have the discretionary power to charge a fee for the administration of and cost of each examination. The purpose of this fee is to insure that the applicants' fees cover the entire cost of the examination. This fee shall be in addition to any fee imposed pursuant to **[the act of July 1, 1978 (P.L. 700, No.124), known as the "Bureau of Professional and Occupational Affairs Fee Act."]** *any other provision of law.*

\* \* \*

Section 3. Section 813 of the act is amended by adding a subsection to read:

Section 813. Public Members of Licensing Boards and Commissions.—

\* \* \*

*(f) A public member who fails to attend two consecutive conferences conducted pursuant to subsection (e) shall forfeit his seat on the board or commission of which he is a public member unless the Commissioner of Professional and Occupational Affairs, upon written request from the public member, finds that the public member should be excused from a conference because of illness or the death of a family member.*

Section 4. (a) Section 2 of this act shall take effect immediately.

(b) The remainder of this act shall take effect in 45 days.

APPROVED—The 21st day of March, A. D. 1986.

DICK THORNBURGH