

No. 44

AN ACT

Amending the act of April 9, 1929 (P. L. 177), 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," transferring agencies and functions from the Department of Public Instruction to the Department of State; creating the Commissioner of Professional and Occupational Affairs; imposing powers and duties on him; and making repeals.

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

The Administrative Code of 1929.

Section 1. As much as applies to the Department of State and to the Department of Public Instruction of section 202, act of April 9, 1929 (P. L. 177), known as "The Administrative Code of 1929," amended May 25, 1945 (P. L. 1015), June 6, 1945 (P. L. 1398) and January 8, 1960 (P. L. 2130), is amended to read:

As applied to Departments of State and Public Instruction, section 202, act of April 9, 1929, P. L. 177, amended May 25, 1945, P. L. 1015, June 6, 1945 (P. L. 1398) and January 8, 1960, P. L. 2130, further amended

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,

State Employees' Retirement Board,
**Commissioner of Professional and Occupational Affairs,*
State Real Estate Commission,
State Board of Medical Education and Licensure,
State Board of Pharmacy,
State Dental Council and Examining Board,
State Board of Optometrical Examiners,
State Board of Osteopathic Examiners,

* "Commissioner" in original.

*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 Chiropody 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.*

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In the Department of Public Instruction,
 State Council of Education,
 [State Real Estate Commission,]
 Pennsylvania State Board of Censors,
 Public School Employes' Retirement Board,
 Board of Trustees of Thaddeus Stevens Trade
 School,
 Board of Trustees of Pennsylvania State Oral
 School for the Deaf,
 Board of Trustees of Scotland School for Veterans'
 Children,
 Board of Trustees of West Chester State College,
 Board of Trustees of Millersville State College,
 Board of Trustees of Kutztown State College,
 Board of Trustees of East Stroudsburg State Col-
 lege,
 Board of Trustees of Mansfield State College,
 Board of Trustees of Bloomsburg State College,
 Board of Trustees of Shippensburg State College,
 Board of Trustees of Lock Haven State College,
 Board of Trustees of Indiana State College,
 Board of Trustees of California State College,
 Board of Trustees of Slippery Rock State College,
 Board of Trustees of Edinboro State College,
 Board of Trustees of Clarion State College,
 Board of Trustees of Cheyney State College,
 [State Board of Medical Education and Licensure,
 State Board of Pharmacy,
 State Dental Council and Examining Board,
 State Board of Optometrical Examiners,
 State Board of Osteopathic 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 Chiropody Examiners,
 State Board for the Examination of Public Account-
 ants,

State Board of Examiners of Architects,
 State Registration Board for Professional Engineers,]
 Public Service Institute Board,
 State Board of Private Academic Schools,
 State Board of Private Business Schools,
 State Board of Private Trade Schools,
 State Board of Private Correspondence Schools.

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

Section 2. Article VIII. of the act is amended by adding, at the end thereof, three new sections to read:

Article VIII. of the act amended by adding three new sections 810, 811 and 812.

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—*

(1) *To establish reciprocity with other states as regards professional and occupational licenses issued by the department, unless otherwise provided by law;*

(2) *To keep the records of all of the professional and occupational examining boards in the City of Harrisburg, Dauphin County, Pennsylvania;*

(3) *To issue all certificates and other official documents of the various professional and occupational examining boards in the department. The officers and members, or any of them, of any such examining board may sign such certificates and other documents, if the board shall have taken action authorizing such signatures;*

(4) *To assist any professional and occupational examining board within the department, if, as and when requested by the board;*

(5) *To cooperate with the several professions and occupations whose examining bodies are within the department in the determination and establishment of standards *of professional education;*

(6) *Whenever under any act of Assembly the right to practice any profession or work at any trade or occupation is conditioned upon examination, licensure or registration by or within the department, unless otherwise provided by law, to hold the examination, make such investigations, require such information and do and perform all other acts which may be necessary to determine whether applicants for licensure or registration are qualified to practice the profession or work at the trade or occupation within this Commonwealth, and*

* "or" in original.

in proper cases to issue licenses and certificates of registration: Provided, however, That the power and duty of the Department of Public Instruction to determine, value, standardize and regulate the preliminary education, both secondary and collegiate, of those to be hereafter licensed or registered to practice any profession or work at any trade or occupation in this Commonwealth shall remain as heretofore and any action so taken shall be made known to the Commissioner of Professional and Occupational Affairs;

(7) Unless otherwise provided by law, to fix the fees to be charged by the several professional and occupational examining boards within the department;

(8) To be responsible for all administrative affairs of each of the professional and occupational examining boards and to coordinate their activities;

(9) To perform all the powers and duties relating to professional and occupational examining boards that heretofore were imposed upon the Superintendent or the Department of Public Instruction.

(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 member of each of the said boards.

(c) The Commissioner of Professional and Occupational Affairs shall exercise his power and perform his duties in compliance with the provisions of section 503 of this act.

Section 811. Certificate, License, Permit or Registration.—If any person, association, copartnership or corporation has obtained from the Department of Public Instruction or obtains from the Department of State or the responsible agency, board, commission or commissioner therein a certificate, license, permit or registration by fraud or misrepresentation, such department, administrative agency, board, commission or commissioner shall have the power to cancel such certificate, license, permit or registration after giving reasonable notice and opportunity to be heard.

The provisions of this act shall be construed as supplementary to all other acts dealing with the same subject matter. No action brought under the provisions of this act shall prevent the prosecution or institution of any civil or criminal action otherwise provided by law for violation of any licensing act or rule or regulation promulgated thereunder.

Section 812. Professional and Occupational Examining Boards.—The professional and occupational examining boards within the Department of State shall,

respectively, exercise the rights and powers and perform the duties by law vested in and imposed upon them: Provided, however, That all certificates and official documents of such examining boards shall be issued by the Commissioner of Professional and Occupational Affairs but may be signed by the members of the appropriate board, or any of them, as determined by such board.

Section 3. Clauses (e), (g), (h), (i), (j), (k) and (l) of section 1304 and sections 1304.1 and 1310 of the act and their amendments are repealed.

Clauses (e), (g), (h), (i), (j), (k) and (l), section 1304 and sections 1304.1 and 1310 of the act as amended, repealed.

Section 4. (a) There are hereby transferred to the Department of State, to be used, employed and expended in connection with the functions, powers and duties, transferred by this act, the record, equipment and personnel now being used, held or employed in connection with such functions, powers and duties and the unexpended balances of appropriations, allocations and other funds available or to be made available for use in connection with such functions, powers or duties.

Transfer of record, equipment and personnel, and unexpended balances.

(b) The functions of the Superintendent of Public Instruction under sections 412, 413, 414, 415, 416, 418, 420, 421, 422, 425, 453, 459, 461, 462 and 464 of the act of April 9, 1929 (P. L. 177), known as "The Administrative Code of 1929," and its amendments, are transferred to, and shall be exercised by the Commissioner of Professional and Occupational Affairs, and said sections are repealed in so far as they impose functions, powers and duties on the Superintendent of Public Instruction.

Transfer of functions to Commissioner of Professional and Occupational Affairs.

Section 5. All acts and parts of acts are repealed insofar as inconsistent.

General repeal.

Section 6. This act shall take effect July 1, 1963.

Effective date.

APPROVED—The 3d day of June, A. D. 1963.

WILLIAM W. SCRANTON

No. 45

AN ACT

Amending the act of June 1, 1956 (P. L. 1959), entitled "An act fixing the salaries and compensation of the Chief Justice and judges of the Supreme Court, the President Judge and judges of the Superior Court, the judges of the courts of common pleas, the judges of the orphans' courts, the judges of the Municipal Court of Philadelphia and the judges of the County Court and Juvenile Court of Allegheny County, certain associate judges not learned in the law, certain state officers, and the salary and expenses of the members of the General Assembly, and repealing certain inconsistent acts," fixing the salary and compensation of the Commissioner of Professional and Occupational Affairs.