

No. 146

AN ACT

HB 1138

Amending the act of May 5, 1933 (P.L.289), entitled, as amended, "An act relating to corporations; defining and providing for the organization, merger, consolidation, and dissolution of certain corporations not for profit; conferring certain rights, powers, duties, and immunities upon them and their officers and members; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations within the provisions of this act; prescribing the terms and conditions upon which certain foreign corporations may be admitted or may continue to do business within the Commonwealth; conferring powers and imposing duties on the courts of common pleas, prothonotaries of such courts, recorders of deeds, and certain State departments, commissions, and officers; authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporations and other entities," deleting requirement that a majority of nine or more natural persons forming a nonprofit medical, dental, osteopathic, optometric and podiatry service plan be doctors of medicine; deleting requirement that a majority of nine or more natural persons as incorporators of an optometric service plan be duly licensed optometrists; deleting requirement that a majority of twenty-five or more natural persons forming a nonprofit dental service plan be doctors of dental surgery; deleting requirement that a majority of at least nine natural persons managing the business of every nonprofit medical, osteopathic, optometric and podiatry service corporations be at all times doctors of medicine; deleting requirement that a majority of at least twenty-five natural persons managing a nonprofit dental service corporation be at all times doctors of dental surgery and deleting requirement that a majority of at least nine natural persons managing a nonprofit optometric service plan be at all times duly licensed optometrists.

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

Section 1. Subsection (a) of section 219, act of May 5, 1933 (P.L.289), known as the "Nonprofit Corporation Law," amended November 24, 1967 (P.L.609), is amended to read:

Section 219. Special Procedure for Incorporation of Nonprofit Medical, Dental, Osteopathic, Optometric and Podiatry Service Corporations.—

(a) Nine or more natural persons of full age and of either sex, married or single, all of whom are residents of the Commonwealth and citizens of the United States [**Provided, however, That a majority of said persons are doctors of medicine,**] may form a nonprofit corporation, under the provisions of this act, having for its purpose the establishing, maintaining, and operating of a nonprofit medical, dental, osteopathic, optometric and podiatry service plan, whereby medical, dental, osteopathic, optometric or podiatry services may be provided to persons of low income and persons of over-income and their dependents: **Provided, however, That in the case of a nonprofit corporation created under this act the primary purpose of which is to provide an optometric service plan in accordance with this act and related acts, the incorporators shall**

be nine or more natural persons of full age and of either sex, married or single, all of whom are residents of this Commonwealth and citizens of the United States. **[a majority of whom are duly licensed optometrists]**

The requisites for persons of low income eligible for medical, dental, osteopathic, optometric or podiatry services shall be fixed from time to time by the members of such corporation. Such requisites shall afford due consideration to the marital status and to the number of dependents of the persons involved, and shall be consistent with the policy of providing medical, dental, osteopathic, optometric or podiatry services to persons who are unable to provide such services for themselves or their dependents without depriving themselves or their dependents of such necessities of life as food, clothing, and shelter, and requisites thus fixed shall be subject to the approval of the Insurance Commissioner of the Commonwealth of Pennsylvania. All persons not meeting the requisites for persons of low income as thus fixed shall be persons of over-income.

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Section 2. Subsection (a) of section 220 of the act, added December 9, 1955 (P.L.818), is amended to read:

Section 220. Procedure for Incorporation of Special Nonprofit Dental Service Corporations.—

(a) Twenty-five or more natural persons of full age of either sex, married or single, all of whom are residents of the Commonwealth and citizens of the United States **[and a majority of whom are doctors of dental surgery]** may form a nonprofit corporation under the provisions of this act having for its purpose the establishing, maintaining and operating of a nonprofit dental service plan whereby dental services only may be provided to persons who may be provided medical, dental and osteopathic services under the provisions of section two hundred nineteen of this act. The purposes, powers and functions of corporations, formed under section two hundred nineteen of this act, shall not be limited, restricted or changed by the incorporation, organization or operation of any corporation provided for under this section two hundred twenty.

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Section 3. Section 510 of the act, amended November 24, 1967 (P.L.609), is amended to read:

Section 510. Board of Directors of Nonprofit Medical, Dental, Osteopathic, Optometric and Podiatry Service Corporations.—The business of every nonprofit medical, dental, osteopathic, optometric and podiatry service corporation, except nonprofit dental service corporations, incorporated under the provisions of section two hundred twenty of this act, shall be managed by at least nine natural persons of full age and of either sex, all of whom shall be residents of the Commonwealth and citizens of the United States. **[Provided, however, That a majority of said persons shall at all times be doctors of medicine]** Nonprofit dental service corporations, incorporated under section two hundred twenty of this act, shall be managed by at least twenty-five natural persons of full age and of either sex, all of whom shall be residents of the Commonwealth and citizens of the United States. **[a majority of whom shall at all times be doctors of dental**

surgery] In the case of nonprofit corporations incorporated under this act the primary purpose of which is to provide an optometric service plan in accordance with this act and related acts, such corporation shall be managed by at least nine natural persons of full age and of either sex, all of whom shall be residents of the Commonwealth and citizens of the United States. **[a majority of whom shall at all times be duly licensed optometrists]**

APPROVED—The 30th day of November, A. D. 1971.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly No. 146.

A handwritten signature in cursive script, reading "C. McLaughlin Tucker". The signature is written in dark ink and is positioned above the printed name of the Secretary of the Commonwealth.

Secretary of the Commonwealth.