

of one thousand nine hundred and twenty-one," in so far as they apply to title insurance agents and brokers or the business of title insurance.

(2) Act of May 21, 1943 (P. L. 602), entitled "An act relating to the administration, liquidation and distribution of title insurance reserve funds in the possession of the Secretary of Banking as receiver, and providing for the rights and powers of corporations, in respect to the writing of policies of reinsurance, in connection therewith," absolutely.

(3) Act of August 21, 1953 (P. L. 1312), known as "The Title Insurance Rate Regulatory Act of 1953," absolutely.

Section 5. This act shall take effect on the first day of the calendar month next following the date of approval.

Effective date.

APPROVED—The 14th day of August, A. D. 1963.

WILLIAM W. SCRANTON

—
No. 440

AN ACT

Amending the act of June 3, 1911 (P. L. 639), entitled, as amended, "An act relating to the right to practice medicine and surgery in the Commonwealth of Pennsylvania; and providing a Bureau of Medical Education and Licensure as a bureau of the Department of Public Instruction, and means and methods whereby the right to practice medicine and surgery and any of its branches may be obtained, and exemptions therefrom; and providing for an appropriation to carry out the provisions of said act, and providing for revocation and suspension of licenses by said bureau; and providing penalties for violation thereof, and repealing all acts or parts of acts inconsistent therewith," defining certain terms, clarifying and changing certain requirements for licensure, further providing for examinations and revocation of licenses, changing fees, making editorial changes, removing obsolete provisions, and repealing certain inconsistent acts.

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

Medical Practice Act.

Section 1. The title, act of June 3, 1911 (P. L. 639), known as the "Medical Practice Act," amended July 25, 1913 (P. L. 1220), is amended to read:

Title, act of June 3, 1911, P. L. 639, amended July 25, 1913, P. L. 1220, further amended.

AN ACT

Relating to the right to practice medicine and surgery in the Commonwealth of Pennsylvania; and providing a Bureau of Medical Education and Licensure as

New title.

a bureau of the Department of [Public Instruction] *State*, and means and methods whereby the right to practice medicine and surgery and any of its branches may be obtained, and exemptions therefrom; and providing for an appropriation to carry out the provisions of said act, and providing for revocation and suspension of licenses by said bureau; and providing penalties for violation thereof, and repealing all acts or parts of acts inconsistent therewith.

Sections 1 and 2 of act, amended August 6, 1941, P. L. 903, further amended.

Section 2. Sections 1 and 2 of the act, amended August 6, 1941 (P. L. 903), are amended to read:

Section 1. Short Title and Definitions.—Be it enacted that (a) This act shall be known and may be cited as the “Medical Practice Act.”

(b) The term [“board”] “*board*” as used in this act shall mean the State Board of Medical Education and Licensure in the Department of [Public Instruction] *State*, originally known as the Bureau of Medical Education and Licensure, but later created, appointed and organized in accordance with the provisions of The Administrative Code.

(c) The term “medicine and surgery” as used in this act shall mean the art and science having for their object the cure of diseases of, and the preservation of the health of, man, including all practice of the healing art with or without drugs, except healing by spiritual means or prayer.

(d) The term “healing art” as used in this act shall mean the science of diagnosis and treatment in any manner whatsoever of disease or any ailment of the human body.

(e) *The term “intern” as used in this act shall mean a graduate of a medical school serving in an approved hospital preparatory to being licensed to practice medicine.*

(f) *The term “approved hospital” as used in this act shall mean a hospital approved by the board for intern or other accredited graduate training.*

(g) *The term “resident” as used in this act shall mean a doctor of medicine who is receiving approved graduate training while serving in a hospital.*

(h) *The term “clinical clerk” as used in this act shall mean a third or fourth year medical student in an approved medical college, who is assigned under the auspices of the school in which he is currently enrolled, to make unofficial notes upon patient histories and physical examinations and to perform certain laboratory tests for the sole purpose of instruction and experience or who may make official notes when dictated and signed by an*

official member of the hospital staff. Nothing contained in this act shall be construed to entitle a clinical clerk to practice medicine and surgery or to prescribe drugs.

Section 2. Practice of Medicine and Surgery Without License Prohibited; Penalties.—It shall not be lawful for any person in the State of Pennsylvania to engage in the practice of medicine and surgery, or pretend to a knowledge of any branch or branches of medicine and surgery, or to hold himself or herself forth as a practitioner in medicine and surgery, or to assume the title of doctor of medicine and surgery or doctor of any specific disease, or to diagnose diseases, or to treat diseases by the use of medicines and surgery as defined in section 1 (c) of this act or by any other means, or to sign any death certificate, or to hold himself or herself forth as able to do so, excepting those hereinafter exempted, unless he or she has first fulfilled the requirements of this act and has received a certificate of licensure from the [board] *board*, which license shall be properly recorded in the office of the [Superintendent of Public Instruction] *Commissioner of Professional and Occupational Affairs in the Department of State at Harrisburg*.

On first offense any person wilfully violating the provisions of this section of this act shall, upon conviction, be [deemed] guilty of a misdemeanor and shall be subject to a fine of not more than five hundred dollars or imprisonment for not more than six months in the county prison, or both or either, at the discretion of the court; on second offense shall be subject to a fine of not less than five hundred nor more than one thousand dollars and imprisonment of not less than six months nor more than one year, at the discretion of the court: Provided, That this section shall not apply to those persons who, under the laws of the Commonwealth, at the date of passage of this act have been accorded the right by a licensing certificate to diagnose and treat disease medically and surgically and to sign the form of death certificate required by the laws of this Commonwealth, or who are exempt therefrom by further provisions of this act.

Section 3. Section 3 of the act is repealed.

Section 3 of act repealed.

Section 4. Section 4 of the act, amended May 20, 1937 (P. L. 725), is amended to read:

Section 4 of act, amended May 20, 1937, P. L. 725, further amended.

Section 4. It shall be the duty of the [board] *board*, in its discretion, periodically to ascertain the character of the instruction and the facilities possessed by each of the various medical educational institutions and hospitals desiring interns, either chartered under the laws of this Commonwealth or operating therein, for the teaching of the various departments of medicine in accordance with

Duty to ascertain facilities and qualifications of medical institutions in or out of State, where interns are to be licensed within the State.

the requirements of this act. It shall further be the duty of the [board] *board*, by inspection and otherwise, to ascertain the facilities and qualifications of medical institutions, colleges, or hospitals, outside this Commonwealth, whose graduates or interns desire to obtain medical licensure in this Commonwealth.

Failure to provide minimum standards.

Any medical institution chartered by this Commonwealth and empowered to confer the degree in medicine, that shall be unanimously adjudged by the [board] *board*, as failing to provide the proper facilities, as maintaining a lower minimum standard than that required under the provisions of this act, said minimum standard being in addition to a general preliminary education of not less than [a standard four years of high school course, or its equivalent,] *graduation by an approved high school, or its equivalent, as determined by the Department of Public Instruction*, not less than two years or sixty semester hours of college credits, including [one year in biology, one year in physics, one and one-half years in chemistry, including one-half year in organic chemistry, and six semester hours in English composition and literature, all of which shall have been acquired prior to entering a medical school,] *such courses as may from time to time be prescribed by the board*, and a graded medical and surgical course of four years, each of which shall be of not less than thirty-two weeks of not less than thirty-five hours [of] each week, *or one hundred twenty-eight weeks of not less than thirty-five hours each week*, of actual work in didactic, laboratory, and clinical study, shall be duly notified of the same, in writing signed by the secretary of the [board] *board*. Failure to conform to the authorized standard, after such notification, shall render graduates of said institution, ineligible for licensure until such time as the instruction and course are made to the standard adopted, as herein provided.

Section 5 of act, amended July 19, 1935, P. L. 1329, further amended.

Requirements to furnish certain proofs of qualifications for license.

Section 5. Section 5 of the act, amended July 19, 1935 (P. L. 1329), is amended to read:

Section 5. [Applicants] *Each applicant* for licensure under the provisions of this act shall furnish, prior to any examination by the said [board] *board*, satisfactory proof that he [or she] *is a citizen of the United States or has declared his intention of becoming a citizen*, is twenty-one years of age, is of good moral character, is not addicted to the intemperate use of alcohol or [narcotic] *narcotics or other habit-forming* drugs, and has had a general education of not less than [a standard four years high school course, or its equivalent, and not less than two years of college credits in chemistry, biology and physics, all of which have been received before admission to medical study, and have attended four graded

courses] *graduation by an approved high school, or its equivalent as determined by the Department of Public Instruction, not less than two years or sixty semester hours of college credits, including such courses as may from time to time be prescribed by the board, and has attended a graded medical and surgical course of four years each of which shall have been of not less than thirty-two weeks of not less than thirty-five hours each week, or one hundred twenty-eight weeks of not less than thirty-five hours each week, of actual work in didactic, laboratory, and clinical studies, in some reputable and legally incorporated medical school or college, or colleges, recognized as such by the Board of Medical Education and Licensure of the State of Pennsylvania, the dean or proper officer of which college having certified that the applicant has satisfactorily passed each of said respective courses, and shall have completed not less than one year as intern in an approved hospital. [which shall have at least twenty-five beds to each intern devoted to the treatment of medical, surgical, gynecological, and special diseases; shall maintain or establish cooperation with a maternity department or hospital, in which each intern shall have not less than six weeks service, or the equivalent thereof; shall maintain a thoroughly equipped, modern pathological and clinical laboratory, proportionate to the necessities of the hospital; and the records on file of the cases treated in said hospitals shall give evidence of the laboratory work so done by the intern; shall maintain a department of anaesthesia consisting of one or more anaesthetists who shall have supervision over all the anaesthesia given in the institution, and whose duty it will be to instruct all interns in the administration of anaesthesia: Provided, That in] In the case of those having completed their preliminary education prior to the first day of January, one thousand nine hundred and twenty, or their medical education [seven] *five* or more years before application for licensure, which applicant may not technically or fully fulfil the above preliminary or intern requirements, the Board of Medical Education and Licensure, in its discretion, may accept satisfactory equivalent by a unanimous vote of all members present.*

This act shall also be construed as applying to hospitals employing, on salary, [graduate interns] *residents* whose services are confined to the said institutions, when they assume individual responsibility in the care of patients.

Applicants from countries foreign to the territory of the United States, who desire to be licensed by said [board] *board*, shall, before examination, *also* furnish [similar] proof as to age, moral character, use of alcohol, [and] narcotics *and other habit-forming drugs;*

Foreign appli-
cants.

shall present a certificate of United States citizenship or a declaration of intention, and shall present a certificate or diploma indicating the completion of a preliminary and medical and surgical education equivalent to the above. *The license of any licensee who fulfils the requirements of this act relating to citizenship by presenting a declaration of intention of becoming a citizen, shall be automatically revoked by the board if such licensee does not present a certificate of United States citizenship to the board within seven years after original licensure.* Each application to the said [board] board, for examination or licensure, shall have attached thereto the affidavit or affirmation of the applicant as to its verity. Any applicant [stating any fact in his application, which shall thereafter be proven to be false, shall be deemed guilty of perjury, and on conviction shall be subject to its penalties] *who knowingly or wilfully makes a false statement of fact in his application shall be subject to prosecution for perjury.*

Section 6 of act, amended July 25, 1913, P. L. 1220, and April 20, 1921, P. L. 158, further amended.

Section 6. Section 6 of the act, amended July 25, 1913 (P. L. 1220) and April 20, 1921 (P. L. 158), is amended to read:

Meetings of board.

Section 6. The [Bureau of Medical Education and Licensure] board shall hold two stated meetings each year, at Harrisburg, for the transaction of its business, shall hold at least two examinations each year, and shall hold a special meeting, in its discretion, upon giving due notice thereof.

Examinations.

The examinations conducted by the said [bureau] board shall be written in the English language but may, in its discretion, be by oral or practical laboratory or bedside examination, or both. For the purpose of conducting such examinations, the [bureau] board shall have the privilege of calling to its aid medical assistants. The examinations shall be held at such times and places as shall be designated by the [Bureau of Medical Education and Licensure in their] board, in its discretion. Such examinations shall include anatomy, physiology, chemistry as applied to medicine, bacteriology, symptomatology, diagnosis, surgery, gynecology and obstetrics, medical jurisprudence and toxicology, [practice and] materia medica [and therapeutics, the examination in practice and materia medica and therapeutics to be conducted by the members of the bureau of the same school of medicine as the respective applicant] and *preventive medicine. Such examinations may be conducted after the completion of six months of intern training, but no license shall be issued to successful candidates until after certification by the hospital of satisfactory completion of internship.*

In case of failure at any examination, the applicant shall have, after the expiration of six months and within two years, the privileges of a second examination by the [bureau] *board*, without the payment of an additional fee, excepting in the case of a bedside, oral, or laboratory examination, when the examination shall be confined to one trial only. In case of failure in a second examination, the applicant must enter de novo and only after a year of post-graduate study approved by the [bureau] *board*, and qualify under the conditions obtaining at the time of this application.

Failure in examinations.

Applicants for a licensing certificate who have been successfully examined by any medical board considered competent by the [Bureau of Medical Education and Licensure] *board*, and who can, in addition, present to the [bureau] *board* satisfactory certificates of having in every way fulfilled all the scholastic and other requirements of this act, may, without further examination, receive from the [bureau] *board*, in its discretion, a certificate conferring all the rights accorded by this act, provided the applicant has paid a fee of [fifty] *seventy-five* dollars, and further provided that such applicant has not previously failed at an examination of this Commonwealth.

Passing examinations and other satisfactory certificates, entitlement to license for a fee.

And further, it shall be the duty of said [Bureau of Medical Education and Licensure] *board*, at its discretion, to examine any person pretending to a knowledge of any branch or branches of medicine or surgery, for the purpose of establishing regulation and State licensure. For this purpose it shall be the duty of [said bureau] *the board* to establish such [oversight] *supervision* of the instruction and teaching of the schools or colleges or individuals so pretending, if any such obtained, as is provided for in this act in the case of medical schools and colleges; and, further, they shall conduct such limited examinations as are in their judgment necessary for the purpose of determining whether or not the applicant has a proper degree and knowledge of his or her subject, and of determining whether, in other respects, as provided for in this act, they are worthy of registration and State licensure. For the purpose of conducting such examinations, the [bureau] *board* shall have the privilege of calling to its aid men or women of established reputation and known ability in the particular pursuit under consideration, and who shall be compensated for their services at the rate of not more than [ten] *fifty* dollars per day, in addition to all incurred expenses. Reciprocity and other provisions, as provided for in this act in the case of doctors of medicine and surgery, may be established, at the discretion of the [bureau] *board*, for these limited practitioners.

Supervision of instruction in medical schools and colleges.

Limited Licenses.

Upon the requisite degree of knowledge and the moral character of the applicant being established, as above provided for, and on the payment of a fee of [twenty-five dollars (\$25.00) *fifty dollars*, the [Bureau of Medical Education and Licensure of the Department of Public Instruction] *board* shall forthwith issue a State certificate to the applicant, limited to the practice of his or her pursuit in this State, this fact being plainly stated across the face of the certificate. Such a system of special licensure being once established, it shall thereafter be unlawful for any person or persons to practice said system in this State without the said State certificate, which certificate [shall be revocable] *may be suspended or revoked* by the [Bureau of Medical Education and Licensure] *board*, on proof of violation of the rules and regulations of said [bureau] *board*; and on proof of violation of [this provision] *the provisions* of this act, the holder of said certificate shall be liable to all the penalties provided for in [section one of] this act in case of doctors of medicine and surgery. A record of all persons so licensed shall be kept in the [archives of the Department of Public Instruction] *Office of the Commissioner of Professional and Occupational Affairs in the Department of State*, and shall have the standing, before the law, of any other license issued by the [Bureau of Medical Education and Licensure] *board*. For the purpose of determining the verity of credentials and applications, conducting examinations, or discovering fraud or dishonesty, the secretary of the [bureau] *board*, or, in his absence, any member thereof, shall have the right to administer oaths or any form of obligation required by law.

Section 7 of act, amended August 6, 1941, P. L. 903, and December 15, 1959, P. L. 1766, further amended.

Section 7. Section 7 of the act, amended August 6, 1941 (P. L. 903) and December 15, 1959 (P. L. 1766), is amended to read:

Section 7. License Certificates; Exemptions; Non-resident Practitioners; Graduate Students; [Annual] *Biennial* Registration [; Automatic Suspension in Case of Mental Incompetency; Unlawful Practice].—(a) All persons who have complied with the requirements of the rules and regulations of the [board] *board*, and who shall have passed a final examination, and who have otherwise complied with the provisions of this act, shall receive from the Department of [Public Instruction] *State*, acting for the said [board] *board* a licensing certificate entitling them to the right to practice medicine and surgery, or branch or branches of medicine and surgery, as provided for in section six of this act, in this Commonwealth; which said license certificate shall be duly recorded in the office of the [Department of Public Instruction] *Commissioner of Professional and Occupa-*

tional Affairs in the Department of State of this Commonwealth, in a record book to be properly kept for that purpose, and which shall be open to public inspection; and a certified copy of said record shall be received as evidence in all courts in this Commonwealth in the trial of any case: Provided, That this section, relating to certificates to practice medicine and surgery, shall not apply to officers in the regular medical service of the United States Army and Navy, or the United States Public Health and Marine Hospital Service while in discharge of their official duties; or to any one who may be a duly licensed practitioner of medicine in any State or Commonwealth, who may be called upon by a licensed and registered physician of this Commonwealth to consult with him in a case under treatment; or to physicians of other jurisdictions who are in training for certification in special departments of medicine and surgery under clause (b) of this section; or any one while actually serving as a [student intern] *clinical clerk* under the supervision of the medical or surgical staff in any [legally incorporated] *approved* hospital or State hospital. *Nothing contained in this section shall be construed to entitle a clinical clerk to practice medicine and surgery or to prescribe drugs:* And provided further, That any duly licensed practitioner of medicine residing in any State near the boundary line between said State and this Commonwealth whose practice extends into this State, shall have the right to practice in this Commonwealth, at the discretion of the [board] *board*; provided he files with the secretary of the [board] *board* a certified copy of his license in the State where he resides; and provided that the Board of Examiners of the adjoining State reciprocate by extending the same privilege to practitioners of medicine and surgery in this Commonwealth; in which case he shall receive from the secretary of the [board] *board* created by this act a licensing certificate, which shall be automatically revoked if he changes his said residence or office of practice. A record of all persons so licensed shall be kept in the [archives of the Department of Public Instruction] *Office of the Commissioner of Professional and Occupational Affairs in the Department of State* at Harrisburg, and shall have the standing before the law of any other license issued by the said department for the [board] *board*. In these records shall be registered the names and addresses of each person duly qualified to conduct the practice of medicine and surgery or any of its branch or branches of the healing art, as provided for in this act, in Pennsylvania.

(b) Physicians who are legally authorized to practice medicine and surgery in other states and territories of the United States and the Dominion of Canada, or phy-

sicians from such jurisdictions who have passed the examination of the National Board of Medical Examiners and who are in training for certification in special departments of medicine and surgery in institutions in this Commonwealth recognized either by the [board] *board* or the various examining boards in medical specialties approved by the Council on Medical Education and Hospitals of the American Medical Association as proper for such training, shall receive a special certificate that is limited to said training and for the period of time required for this training after the payment of a nominal fee established by the Department of [Public Instruction] *State*, and shall thereupon report annually to the [board] *board* until the course is completed.

If such a physician desires to remain in Pennsylvania and practice medicine and surgery after completion of the course, a certificate to practice medicine and surgery under this act shall be issued, provided the applicant shall have met all the requirements of this act and shall have paid a fee established by the Department of [Public Instruction] *State* for such license.

(c) And it shall be the duty of all persons now qualified and engaged in the practice of medicine and surgery or any branch or branches thereof provided for in this act, or who shall hereafter be licensed by the Department of [Public Instruction] *State* for the [board] *board* to engage in such practice in the Commonwealth of Pennsylvania to be registered with the said [board] *board*, as practitioners, on or before the first day of January, one thousand nine hundred and twenty-six, and thereafter to register in like manner biennially on or before the first day of January of each succeeding biennium. The form and method of such registration shall be provided for by the said [board] *board* in such manner as will enable the [board] *board* to carry into effect the purposes of this act.

Each person so registering with the [board] *board* shall pay, for each biennial registration and for the certificate hereinafter provided for, a fee which shall be ten dollars (\$10.00) for all persons engaged in the practice of medicine and surgery, except those engaged in the practice of drugless therapy or physical therapy in which case such fee shall be five dollars (\$5.00); which fee shall accompany the application for such registration. The money thus received shall be paid into the State Treasury for the use of the Commonwealth.

Upon receiving a proper application for such registration accompanied by the fee above provided for, the Department of [Public Instruction] *State* acting for said [board] *board* shall issue its certificate of registration to the applicant. Said certificate together with its renewals shall be good and sufficient evidence of registra-

tion under the provisions of this act. And the Department of [Public Instruction] State shall be required to publish biennially a list of the persons so registered.

[(d) The registration to practice medicine and surgery shall be automatically suspended upon the legal commitment to an institution of a licensed physician because of mental incompetency from any cause, upon filing with the Department of Public Instruction a certified copy of such commitment. Restoration of such registration shall be made in accordance with section eight of this act, as in the case of revocation or suspension of licensure.

(e) Any person who shall practice medicine and surgery or any of its branches which come under the provisions of this act, without having been registered in accordance with the provisions of this act, shall, on conviction thereof before any magistrate, alderman, or justice of the peace in the county where the offense shall have been committed, be subject to a fine of not less than ten dollars and not more than one hundred dollars, to be collected by summary conviction, as like fines are now collected by law, or in case of nonpayment of the fine, to undergo an imprisonment in the county jail for a period not exceeding ten days: Provided, That any person so convicted shall have the right of appeal as in any other case of summary conviction.]

Section 8. Section 8 of the act is amended to read:

Section 8. Said [Bureau of Medical Education and Licensure] board shall have the power to charge a fee for all examinations that may be made by them, and which shall not exceed the sum of [twenty-five] fifty dollars for the collective or total examination of any applicant, except as provided for in section six. [They shall adopt a seal; and shall have an office in Harrisburg, for the purpose of holding examinations, and where all their permanent records shall be kept, open to public inspection. For that purpose they shall have the power to make requisition upon the proper State officials for office rooms and supplies, including stationery and furniture. All the printing and binding necessary for the work of the said bureau shall be done by the State Printer, upon an order issued by said bureau to the Superintendent of Public Printing and Binding, certified to by the secretary of said bureau.]

Section 8 of act, amended.

Fee for examination.

Section 9. Sections 9, 10 and 11 of the act are repealed.

Sections 9, 10 and 11 of act, repealed.

Section 10. Section 12 of the act, amended July 12, 1935 (P. L. 703) and July 19, 1935 (P. L. 1329), is amended to read:

Section 12 of act, amended July 12, 1935, P. L. 703 and July 19, 1935, P. L. 1329, further amended.

Section 12. The Board of Medical Education and Licensure [shall] may refuse to grant [a] any license,

Grounds for refusal to license.

[to practice medicine and surgery] to an applicant upon the presentation to said Board of Medical Education and Licensure of a court record showing the conviction, in due course of law, of said persons for producing, or aiding or abetting in producing, a criminal abortion or miscarriage, by any means whatsoever; and further the Board of Medical Education and Licensure, upon such evidence and proof, shall cause the name of any [physician] *person* licensed [to practice medicine and surgery in the Commonwealth of Pennsylvania.] *by the board* to be removed from the record in the office of the [Superintendent of Public Instruction] *Commissioner of Professional and Occupational Affairs in the Department of State.*

Automatic suspension.

Any registration under this act shall be automatically suspended upon the legal commitment to an institution of a licensee because of mental incompetency from any cause, upon filing, with the Commissioner of Professional and Occupational Affairs in the Department of State, a certified copy of such commitment. Restoration of such registration shall be made as hereinafter provided as in the case of revocation and suspension of licensure.

Reasons for refusal, revocation or suspension of license.

The Board of Medical Education and Licensure may, for a definite or indefinite time, refuse, revoke, or suspend [the right to practice medicine and surgery in this State] *a license* for any or all of the following reasons, to wit: [The conviction] *Upon entry of a plea of guilty or nolo contendere or being found guilty* in a state or Federal court of a crime involving moral turpitude, habitual intemperance in the use of ardent spirits or stimulants, narcotics *or other habit-forming drugs*, or any other substance or any condition which impairs intellect and judgment to such an extent as to incapacitate for the performance of professional duties. [the board] *The board* may so act upon satisfactory proof of grossly unethical practice, or of any form of pretense which might induce [citizens] *persons* to become a prey to professional exploitation *or for violation of the rules and regulations of the board.*

Complaint and hearing.

Any person who is licensed [to practice medicine and surgery or any of its branches in the Commonwealth of Pennsylvania] *by the board*, or who is an applicant for examination for licensure [to practice medicine and surgery in this State] *by the board*, against whom are preferred any of the [following] charges for causing the revocation or suspension of license or for causing refusal of the right to be examined for licensure, shall be furnished by the Board of Medical Education and Licensure, with a copy of the complaint, and shall have a hearing before the [board] *board* or by attorney; and witnesses may be examined by said [board] *board* respecting the guilt or innocence of said accused.

The revocation or suspension of license of any person licensed [to practice medicine and surgery] *by the board* shall be removed when said narcotic *drug* or vicious habit, hereinbefore specified, shall have been adjudged by the said [board] *board* to be cured or overcome, and said suspended licentiate deemed capable of practicing his or her profession. The revocation or suspension, for any other cause, of the license of any person licensed [to practice medicine and surgery] *by the board* may be removed at such time as it shall appear to the [board] *board* to be just and proper to do so, and, upon any such removal of the revocation or suspension of license by the [bureau] *board*, the name of any such [physician] *person* who had been licensed [to practice medicine and surgery in the Commonwealth of Pennsylvania] *by the board* shall be restored and replaced upon the record in the office of the [Superintendent of Public Instruction] *Commissioner of Professional and Occupational Affairs in the Department of State* by the [bureau] *board*: Provided, however, That any action taken in regard to suspension or revocation of license or removal of any suspension or revocation and the reinstatement of any licentiate must be by a unanimous vote of the members of the [board] *board*.

Removal of revocation of suspension.

Section 11. Section 13 of the act, amended August 6, 1941 (P. L. 903), is amended to read:

Section 13 of act, amended August 6, 1941, P. L. 903, further amended.

Section 13. The provisions of this act shall not apply either directly or indirectly, by intent or purpose, to affect the practice of pharmacy as authorized by the act approved May twenty-fourth, one thousand eight hundred and eighty-seven, entitled "An act to regulate the practice of pharmacy and sale of poisons, and prevent adulterations in drugs and medicinal preparations in the State of Pennsylvania," or the several amendments thereto; nor to affect the practice of dentistry as authorized by the act approved July ninth, one thousand eight hundred and ninety-seven, entitled "An act to establish a Dental Council and a State Board of Dental Examiners; to define the powers and duties of said Dental Council and said State Board of Dental Examiners; to provide for the examination and licensing of practitioners of dentistry, and to further regulate the practice of dentistry," or the several amendments thereto; nor to affect the practice of osteopathy as authorized by the act approved March nineteenth, one thousand nine hundred and nine, entitled "An act to regulate the practice of osteopathy in the State of Pennsylvania; to provide for the establishment of a State Board of Osteopathic Examiners; to define the powers and duties of said Board of Osteopathic Examiners; to provide for the examining and licensing of osteopaths in this State, and to provide

Applicability of act.

penalties for the violation of this act," nor to affect the practice of optometry, as authorized by the act, approved March thirtieth, one thousand nine hundred seventeen (Pamphlet Laws, twenty-one), entitled, "An act defining optometry; and relating to the right to practice optometry in the Commonwealth of Pennsylvania, and making certain exceptions; and providing a Board of Optometrical Education, Examination and Licensure, and means and methods whereby the right to practice optometry may be obtained; and providing for the means to carry out the provisions of this act; and providing for revocation or suspension of licenses given by said board, and providing penalties for violations thereof; and repealing all acts or parts of acts inconsistent therewith," or the several amendments thereto, *nor to affect the practice of chiropractic, as authorized by the act of August 10, 1951 (P. L. 1182), entitled "An act relating to and defining chiropractic and the right to practice chiropractic; requiring licensure; conferring powers and imposing duties upon the State Board of Chiropractic Examiners and the Department of Public Instruction; providing for the granting, suspension and revocation of licenses issued by the board; preserving the rights of existing licensees and giving them certain personal choice as to jurisdiction; conferring jurisdiction upon the court of common pleas of Dauphin County; and prescribing penalties," or the several amendments thereto, nor to affect the practice of chiropody, as authorized by the act of March 2, 1956 (P. L. 1206), entitled "An act relating to and defining the practice of chiropody; conferring powers and imposing duties on the State Board of Chiropody Examiners and the Department of Public Instruction; requiring licensure; providing for the granting, cancellation, suspension and revocation of licenses; preserving the rights of existing licenses; providing for the promulgation of rules and regulations; transfer of jurisdiction and records to the board; regulation of schools of chiropody; reciprocity; and providing penalties, and remedies," or the several amendments thereto, nor shall this act be construed as to give to the [Bureau] Board of Medical Education and Licensure any jurisdiction over any of the schools or colleges of the methods herein exempted.*

Specific repeals.

Section 12. The following acts and all amendments thereof are repealed absolutely:

The act of July 9, 1897 (P. L. 216), entitled "An act making valid the diplomas of physicians, issued by any reputable college or university in another state or foreign country, which have been improperly registered under the act of Assembly approved June eighth, Anno Domini one thousand eight hundred and eighty-one, and with

the same effect as if said diplomas had been legally registered under the provisions of said act."

The act of May 31, 1919 (P. L. 358), entitled "An act providing for the granting of certificates of licensure to practice medicine and surgery to certain persons who served in the Army or Navy of the United States or any branch or unit thereof."

The act of August 10, 1951 (P. L. 1154), entitled "An act providing temporarily for the grant, without examination, of certificates of licensure to practice medicine and surgery to certain persons who become members of the armed forces of the United States; and suspending inconsistent laws."

APPROVED—The 14th day of August, A. D. 1963.

WILLIAM W. SCRANTON

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No. 441

AN ACT

Amending the act of August 5, 1941 (P. L. 803), entitled, as amended, "An act providing for the creation, maintenance and operation of a county employes' retirement system in counties of the fifth, sixth, seventh and eighth class; imposing certain charges on counties; and prescribing penalties," further providing for the payment of allowances for persons who die while in county service after having served fifteen years.

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

Section 1. Section 13, act of August 5, 1941 (P. L. 803), entitled, as amended, "An act providing for the creation, maintenance and operation of a county employes' retirement system in counties of the fifth, sixth, seventh and eighth class; imposing certain charges on counties, and prescribing penalties," reenacted and amended May 2, 1949 (P. L. 881), and amended August 19, 1953 (P. L. 1096), is amended to read:

Section 13. Voluntary and Involuntary Retirement Allowances.—Should a contributor be discontinued from service, not voluntarily, or an elected county officer complete his term of office and discontinue service after having completed ten years of total service, or any contributor discontinue service voluntarily after having completed twenty-five (25) years of total service, but before reaching superannuation retirement age, or should a contributor die while in the county service but after completing fifteen (15) years of total service, he shall be paid as he may elect, as follows: (a) The full amount of the accumulated deductions standing to his credit in the members' annuity reserve account, or (b)

Employes' retirement system: counties of 5th, 6th, 7th and 8th class.

Section 13, act of August 5, 1941, P. L. 803, reenacted and amended May 2, 1949, P. L. 881 and amended August 19, 1953, P. L. 1096, further amended.