



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE

**House Professional Licensure Committee Public Hearing  
9:30 a.m., October 4, 2012  
Room 205, Ryan Office Building**

**Testimony of Executive Deputy Chief Counsel Travis Gery  
Pennsylvania Department of State**

**HB 2274**

Chairman Harhart, Chairman Readshaw, and members of the committee, my name is Travis Gery. I am the Department of State's Executive Deputy Chief Counsel. In that capacity I oversee the operations of the Legal Office within the Bureau of Professional and Occupational Affairs. On behalf of Secretary of the Commonwealth Carol Aichele and Commissioner of the Bureau of Professional and Occupational Affairs Katie True, thank you for the opportunity to testify today on House Bill 2274.

We believe this is an important piece of legislation that will better enable the Bureau of Professional and Occupational Affairs (BPOA) to carry out its duty to protect the public health and safety, an important priority of Governor Corbett.

The boards administered by BPOA are comprised of professional members, along with members of the public, who are appointed by the governor. Each of these 29 boards and commissions is charged with licensing the members of their respective professions in our Commonwealth, as well as with developing rules and regulations to implement the practice acts that govern their professions. In addition, the boards, working through BPOA and our Bureau of Enforcement and Investigation (BEI), are charged with enforcing violations of their respective acts and regulations.

BPOA currently licenses about 900,000 professionals, who directly impact the lives of Pennsylvania's citizens. These licensees, who include doctors, dentists, engineers, architects, chiropractors, physical therapists, nurses, funeral directors, and many others, affect the health and well-being of your constituents in many ways.

It is important to note that the vast majority of our professional license holders are credits to their professions. They provide vital services to our communities and, in many cases, provide jobs as small businesspeople. Only a tiny fraction of license holders ever face disciplinary action for failing to uphold the standards of their professions.

Governor Corbett, Secretary Aichele, and Commissioner True have all made it clear that the boards, as well as all of us at the Department of State, must and will hold our licensees to the highest professional standards in order to protect the health and well-being of our citizens and to maintain the public's confidence in the quality of our licensed professionals.

For these reasons, it is critical that BPOA have the ability to enforce disciplinary measures when violations of our professional standards occur.

Under current law, the professional boards may discipline licensed professionals under their jurisdiction by levying civil penalties and by suspending or revoking the professional's license. As it stands now, our boards are somewhat limited in the tools they have at their disposal to enforce the collection of civil penalties, and House Bill 2274 will help remedy this.

Generally, civil penalties imposed by the various boards are due and payable within 30 days from the issuance of the final order that assessed the penalty. After 30 days, if the penalty is unpaid, BPOA turns it over to the Office of Attorney General for collection. Civil penalties assessed by BPOA boards are collected on BPOA's behalf by the Office of Attorney General pursuant to section 732-204 of the Commonwealth Attorneys Act.

The Office of Attorney General pursues these fines on BPOA's behalf and does a good job of collecting many of the penalties owed to the boards. However, despite the best efforts of the Office of Attorney General, some civil penalties still remain unpaid. As a result, approximately \$2.7 million in penalties levied since 2008, more than one-third of all fines assessed during this period, remain uncollected.

House Bill 2274 would, we believe, greatly enhance the ability of the boards to collect these fines.

From our perspective, a key provision in this bill that will greatly help in the collection of fines and provide an additional level of public protection is the

provision that would give the boards explicit statutory authority to suspend or revoke an individual's license for failure to pay a penalty assessed as a result of a disciplinary proceeding before the board. Since, in most cases, a license, certificate, or permit is necessary for an individual to legally practice his or her profession, we think this explicit ability to suspend or revoke a license will have a significant impact on the collection of fines. It will also serve to prevent unscrupulous professionals from engaging in practices that could pose harm to our citizens.

We do ask the committee's consideration of two minor amendments to this legislation that would clarify certain provisions. The first would add the words "or their agents" to section 5(b) of the bill, to make it read, "...boards or commissions or their agents shall have the power, respectively..."

This addition would allow the Attorney General's Office to pursue judgments from Commonwealth Court on behalf of BPOA boards.

The other amendment would simply add the word "permit" to the first sentence of section 5(b)(7) to cover permits that a board may issue to a licensee, in addition to a license, registration, or certification.

As noted by Chairman Readshaw in his co-sponsorship memo for this legislation in March, fines collected by the boards are used for general operating expenses of the boards. When boards are unable to collect fines, a board's licensees may be forced to bear a larger financial burden through increased licensure fees.

Providing the BPOA boards with the tools needed to collect fines will result in cost savings to the licensees. It will also hold those responsible for the fines accountable, as they should be.

This legislation would greatly help the BPOA boards fulfill their missions, and we urge the committee to approve this bill, with the amendments I have mentioned.

Thank you for the opportunity to testify before you today on this important bill. I would be happy to answer any questions you may have.

