

<h1>Regulatory Analysis Form</h1> <p>(Completed by Promulgating Agency)</p> <p><i>(All Comments submitted on this regulation will appear on IRRC's website)</i></p>		<p style="text-align: center;">INDEPENDENT REGULATORY REVIEW COMMISSION</p> <p style="text-align: center;">NOV 4 2022</p> <p style="text-align: center;">Independent Regulatory Review Commission</p>
<p>(1) Agency Department of State, Bureau of Professional and Occupational Affairs</p>		
<p>(2) Agency Number: 16A Identification Number: 16A-66</p>		<p>IRRC Number:</p>
<p>(3) PA Code Cite: 49 Pa. Code §§ 43b.201, 43b.401—43b.404 and 43b.501—43b.531</p>		
<p>(4) Short Title: Consideration of Criminal Convictions</p>		
<p>(5) Agency Contacts (List Telephone Number and Email Address):</p> <p>Primary Contact: Cynthia K. Montgomery, Deputy Chief Counsel, Department of State; P.O. Box 69523, Harrisburg, PA 17106-9523; (717)783-7200; cymontgome@pa.gov</p> <p>Secondary Contact: Jacqueline A. Wolfgang, Senior Regulatory Counsel, Department of State; P.O. Box 69523, Harrisburg, PA 17106-9523; (717)783-7200; jawolfgang@pa.gov</p>		
<p>(6) Type of Rulemaking (check applicable box):</p> <p><input checked="" type="checkbox"/> PROPOSED REGULATION</p> <p><input type="checkbox"/> Final Regulation</p> <p><input type="checkbox"/> Final Omitted Regulation</p>		<p><input type="checkbox"/> Emergency Certification Regulation;</p> <p><input type="checkbox"/> Certification by the Governor</p> <p><input type="checkbox"/> Certification by the Attorney General</p>
<p>(7) Briefly explain the regulation in clear and nontechnical language. (100 words or less)</p> <p>The act of July 1, 2020 (P.L. 545, No. 53) (Act 53 of 2020) set forth a new paradigm for the various professional and occupational licensing boards and commissions within the Bureau of Professional and Occupational Affairs (Bureau) in considering the impact of criminal convictions on a board or commission's decision whether to refuse to issue or renew, suspend, revoke or otherwise limit a license, certificate, registration or permit. These provisions of Act 53 of 2020 are codified at 63 Pa.C.S. §§ 3112—3118. This proposed rulemaking includes schedules of criminal convictions that may constitute grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit for each of the 29 professional and occupational licensing boards/commissions as required under 63 Pa.C.S. § 3117(relating to list of criminal offenses), sets forth a uniform fee for the processing of preliminary determinations under 63 Pa.C.S. § 3115 (relating to preliminary determinations), clarifies the effect of a particular crime being designated as "directly related" to a particular profession or occupation and sets forth the process by which the various boards and commissions will conduct the "individualized assessments" required under 63 Pa.C.S. § 3113 (relating to consideration of criminal convictions). It also clarifies the standards for "restricted licenses" for barbers and cosmetologists as set forth in 63 Pa.C.S. § 3112 (relating to restricted licenses for barbers and cosmetologists).</p>		

(8) State the statutory authority for the regulation. Include specific statutory citation.

The Commissioner is required under 63 Pa.C.S. § 3117 to promulgate regulations setting forth a schedule of criminal convictions that may constitute grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit for each occupation or profession regulated by a licensing board or commission under their respective practice acts. The general rulemaking authority of the Department of State and the various departmental administrative boards and commissions is set forth in section 506 of the Administrative Code of 1929 (71 P.S. § 186). The Commissioner's authority to fix the fees to be charged by the several professional and occupational licensing boards within the Department is set forth in section 810 of the Administrative Code of 1929 (71 P.S. §279.1), as is the Commissioner's authority to coordinate the activities of the various boards and commissions.

(9) Is the regulation mandated by any federal or state law or court order, or federal regulation? Are there any relevant state or federal court decisions? If yes, cite the specific law, case or regulation as well as, any deadlines for action.

Yes. The Commissioner is required to promulgate regulations under 63 Pa.C.S. § 3117, specifically setting forth the schedules of crimes that may constitute grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit for each occupation or profession regulated by a licensing board or commission under their respective practice acts.

(10) State why the regulation is needed. Explain the compelling public interest that justifies the regulation. Describe who will benefit from the regulation. Quantify the benefits as completely as possible and approximate the number of people who will benefit.

The regulation is needed to provide transparency and clarity to applicants with criminal histories relating to the types of crimes that may be an impediment to licensure and the factors that the boards and commissions will consider in determining whether an applicant with a criminal conviction may be granted a license. It is also intended to level the playing field at application hearings, because all parties will be aware of which crimes are deemed to be directly related to the professions/occupations, resulting in a rebuttable presumption that licensure of the individual would pose a significant risk to the health and safety of the individual's patients or clients or a significant risk of further criminal convictions. It will also assist applicants to determine what kinds of evidence they may need to bring forth at a hearing in an application case by providing the list of factors that the boards and commissions may consider in determining whether to grant a license notwithstanding the conviction.

Generally, the regulation would benefit applicants for licensure who have criminal convictions. Over the past 3 years (2019, 2020 and 2021), the various professional and occupational licensing boards received an average of 80,610 applications annually across all 29 boards/commissions (78,820 in 2019, 76,378 in 2020 and 86,632 in 2021). However, it is impossible to determine how many of those applicants may have had a criminal history, because not all individuals with a criminal history are denied a license. It is also impossible to determine how many individuals chose not to even apply due to fears that a criminal conviction would disqualify them from licensure. During the same 3-year time period (2019, 2020 and 2021), the various professional and occupational licensing boards opened a total of 859 application cases where a license was "provisionally denied" due to some potentially disqualifying factor, however, not all of these were due to criminal convictions. Unfortunately, it is difficult to tell how many were due to criminal convictions without reviewing each case. Of these 859

application cases, only 209 resulted in final denials. Based on a review of the 209 application cases that were denied, only 32 were based on criminal convictions. However, the Commissioner estimates that approximately less than 1,000 applicants per year would benefit from the increased transparency and clarity provided by the regulations.

In addition, the regulation will benefit those individuals with a conviction who may consider seeking licensure but are unsure if their conviction would pose an impediment to licensure. These individuals would be able to apply to the applicable board for a preliminary determination as to whether their specific conviction may be grounds to deny the license. Preliminary determinations have been available since Act 53 of 2020 went into effect on December 27, 2020. During the period between December 27, 2020, and December 31, 2021, the various boards and commissions processed 379 preliminary determination applications, with by far the most being processed by the State Board of Nursing (at 112), the State Real Estate Commission (at 93) and the State Board of Cosmetology (at 36). So far during 2022, through the end of August, the boards and commissions have processed 236 preliminary determination applications – on a pace to result in 354 preliminary determinations for the year. For that reason, it is estimated that approximately 350 individuals would benefit annually from the availability of the preliminary determination process.

Finally, the proposed regulations would benefit those individuals with a criminal conviction that wish to seek licensure as a barber or cosmetologist because instead of denying licensure, the State Board of Barber Examiners or the State Board of Cosmetology could grant a restricted license. This is especially important for individuals training to be barbers or cosmetologists within the State Correctional Institutions who have been convicted of crimes of violence. Since this aspect of Act 53 of 2020 was implemented, the State Board of Barber Examiners has granted 38 restricted licenses and the State Board of Cosmetology has granted 11 restricted licenses. Based on this data, the Commissioner estimates that approximately 50 individuals will benefit annually from the ability to obtain a restricted license where they might otherwise be denied.

(11) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulations.

For most boards and commissions there are no Federal licensure standards. However, with regard to the Navigation Commission for the Delaware River and its Navigable Tributaries (Navigation Commission), licensed pilots are required to hold a merchant mariner credential (MMC) from the U.S. Coast Guard. The Federal regulations relating to consideration of criminal records for applicants for an MMC are located at 46 CFR 10.211 (relating to criminal records review). A comparison of the schedule of criminal offenses that may constitute grounds to refuse to issue, suspend or revoke a pilot's license proposed by the Commissioner and approved by the Navigation Commission demonstrates that it is consistent with the categories of crimes listed in 46 CFR 10.211 - Table 1 (relating to guidelines for evaluating applicants for MMCs who have criminal convictions). The U.S. Coast Guard similarly uses this table as a guide in assessing the safety and suitability of applicants for an MMC. Therefore, the Commissioner does not believe that these provisions are more stringent than similar Federal standards.

(12) How does this regulation compare with those of the other states? How will this affect Pennsylvania's ability to compete with other states?

In general, virtually all states factor criminal convictions into the analysis of whether to grant or deny a professional or occupational license. Ten states in the Northeast Region (Connecticut, Delaware, Maryland, New Jersey, New York, Ohio, Rhode Island, Vermont, Virginia and West Virginia) have factors or criteria similar to the factors listed in Act 53 that must be considered in evaluating whether a criminal conviction may disqualify an individual from obtaining a license, permit, certificate or registration to practice a profession or occupation. Only three states in the Northeast Region (Delaware, Massachusetts and Ohio) have the requirement that a board or commission promulgate a specific list of crimes similar to the requirement in 63 Pa.C.S. § 3117. Four states in the Northeast Region (New Hampshire, Ohio, Vermont and West Virginia) have a process for an individual to apply for or request a preliminary determination similar to that required by 63 Pa.C.S. § 3115. The relevant laws are summarized below:

Connecticut – Connecticut law provides a list of three factors that must be considered in determining whether a license may be denied due to a criminal conviction. Specifically, Connecticut General Statutes § 46a-80 provides:

(a) Except as provided in subsection (c) of this section, subsection (b) of section 46a-81 and section 36a-489, and notwithstanding any other provisions of law to the contrary, a person shall not be disqualified from employment by the state or any of its agencies, nor shall a person be disqualified to practice, pursue or engage in any occupation, trade, vocation, profession or business for which a license, permit, certificate or registration is required to be issued by the state or any of its agencies solely because of a prior conviction of a crime.

...

(c) A person may be denied employment by the state or any of its agencies, or a person may be denied a license, permit, certificate or registration to pursue, practice or engage in an occupation, trade, vocation, profession or business by reason of the prior conviction of a crime if, after considering (1) the nature of the crime and its relationship to the job for which the person has applied; (2) information pertaining to the degree of rehabilitation of the convicted person; and (3) the time elapsed since the conviction or release, the state or any of its agencies determines that the applicant is not suitable for the position of employment sought or the specific occupation, trade, vocation, profession or business for which the license, permit, certificate or registration is sought...

Delaware – Generally, the professional and occupational licensing acts in Delaware require, as a qualification for licensure, that an applicant “shall not have a criminal conviction record, nor pending criminal charge relating to an offense, the circumstances of which substantially relate to the practice of [the relevant profession/occupation] ...” unless waived by the applicable board. A board may grant a waiver if, after a hearing or review of documentation, the Board finds all of the following: (1) for a waiver of a felony conviction, more than 5 years have elapsed since the date of the conviction. At the time of application, the applicant may not be incarcerated, on work release, on probation, on parole, or serving any part of a suspended sentence, and must be in substantial compliance with all court orders pertaining to fines, restitution and community service; (2) for a waiver of a misdemeanor conviction, at the time of the application, the applicant may not be incarcerated, on work release, on probation, on parole, or serving any part of a suspended sentence, and must be in substantial compliance with all court orders pertaining to fines, restitution and community service; (3) the applicant is capable of practicing the profession in a competent and professional manner; and (4) granting the waiver will not endanger the

public health, safety or welfare. Health related boards in Delaware also have a similar prohibition on licensing individuals who have been convicted of a felony sexual offense.

Each board or commission under the Delaware Department of State, Division of Professional Regulation has adopted, by way of regulation, a list of crimes that are substantially related to the practice of each profession. See, for example 24 DE ACC 100-12.0 (relating to crimes substantially related to the practice of accountancy); 24 DE ADC 1700-15.0 (relating to crimes substantially related to the practice of medicine, respiratory care, acupuncture, genetic counseling, polysomnography and physician assistants); 24 DE ADC 1900-15.0 (relating to offenses substantially related to the practice of nursing); 24 DE ADC 2900-16.0 (relating to crimes substantially related to the practice of real estate services); etc. However, Delaware does not have a process similar to the preliminary determination provided for in 63 Pa.C.S. § 3115.

Maine – In Maine, an individual’s criminal conviction history is not a bar to licensure. However, licensing boards may consider an applicant’s criminal conviction history when reviewing a license application. Licensing programs in Maine must comply with the “Occupational Disqualification Act” 5 MRS, Chapter 341). It permits a licensing agency to consider the following criminal convictions: (1) convictions for which incarceration for less than one year may be imposed and which involve dishonesty or false statement; (2) convictions for which incarceration for less than one year may be imposed and which directly relate to the trade or occupation for which the license or permit is sought; (3) convictions for which no incarceration can be imposed and which directly relate to the trade or occupation for which the license or permit is sought; (4) convictions for which incarceration for one year or more may be imposed; (5) convictions for which incarceration for less than one year may be imposed and that involve sexual misconduct by an applicant for a health-related license. A licensing agency may refuse to grant a license on the basis of these types of convictions only if the licensing agency determines that the applicant has not been sufficiently rehabilitated to warrant the public trust. These procedures apply to most crimes within 3 years of an applicant’s final discharge, if any, from the correctional system. Beyond the 3-year period, ex-offender applicants with no additional convictions are to be considered in the same manner as applicants possessing no prior criminal record for the purpose of licensing decisions. For health-related boards, these procedures apply for consideration of prior criminal convictions within 10 years of the applicant’s final discharge, if any, from the correctional system. Beyond the 10-year period, ex-offender applicants with no additional convictions must be considered in the same manner as applicants possessing no prior criminal record for the purposes of licensing decisions. There is no time limit for consideration of an applicant’s conduct that gave rise to the criminal conviction if that conduct is otherwise a ground for disciplinary action.

Maryland – Md. Crim. Proc. Code § 1-209(c) states that “[i]t is the policy of the State to encourage the employment of nonviolent ex-offenders and remove barriers to their ability to demonstrate fitness for occupational licenses or certifications required by the State.” This policy specifically does not apply to a person who was previously convicted of a crime of violence, as defined in § 14-401 of the Criminal Law Article. § 1-209(b). It is described more specifically in § 1-209(d):

A department may not deny an occupational license or certificate to an applicant solely on the basis that the applicant has previously been convicted of a crime, unless the department determines that:(1) there is a direct relationship between the applicant’s previous conviction and the specific occupational license or certificate sought; or (2) the issuance of the license or certificate would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public.

Standards for making these determinations are set forth at § 1-209(e), and direct the licensing authority to consider: (1) the policy of the State expressed in subsection (c) of this section; (2) the specific duties and responsibilities required of a licensee or certificate holder; (3) whether the applicant’s previous

conviction has any impact on the applicant's fitness or ability to perform the duties and responsibilities authorized by the license or certificate; (4) the age of the applicant at the time of the conviction and the amount of time that has elapsed since the conviction; (5) the seriousness of the offense for which the applicant was convicted; (6) other information provided by the applicant or on the applicant's behalf with regard to the applicant's rehabilitation and good conduct; and (7) the legitimate interest of the department in protecting property and the safety and welfare of specific individuals or the general public. Since 2019, the law has provided that a person may not be denied a license based on conviction, even if the disqualifying standards in §1-209(d) apply, if 7 years or more have passed since completion of sentence without other charges, unless a person is required to register as a sex offender. §1-209(f)(1) and (2). Drug convictions are specifically subject to a similar statutory policy and standards, although there is no exception for crimes involving violence. See Md. State Gov't Code § 10-1405(b). In deciding whether to deny an application for a license or whether to impose license sanctions against a licensee and the nature of the sanctions, a licensing authority "shall consider" (1) the relationship between the drug crime and the license; (2) the nature and circumstances of the drug crime; (3) the date of the drug crime; and (4) any other relevant information.)

Massachusetts – In Massachusetts, there is no general limitation on how conviction is considered in occupational licensing, although each licensing agency must "provide a list of the specific criminal convictions that are directly related to the duties and responsibilities for the licensed occupation that may disqualify an applicant from eligibility for a license." See Mass. Gen. Laws ch. 6 § 172N. A few occupations require there to be some type of relationship ("direct" or "substantial") between the conviction and the duties of the occupation. See, e.g., Mass. Gen. Laws ch. 112 § 52D ("The board . . . may [discipline] any dentist convicted . . . of a felony related to the practice of dentistry"); ch.112, § 61 (board may discipline holder of medical license for "a criminal offense which is reasonably related to the practice of the profession"); ch. 112, § 189 (real estate appraisers may be disciplined based upon conviction of "a crime which is substantially related to the qualifications, functions, and duties of a person developing appraisals and communicating appraisals to others, or convicted of any felony").

New Hampshire – N.H. Rev. Stat. Ann. § 332-G:10 (criminal conviction) provides that no board or commission may deny, suspend, or revoke an occupational or business license "because of a prior conviction of a crime in and of itself." N.H. Rev. Stat. Ann. § 332-G:10. However, a license may be denied or impaired "after considering the nature of the crime and whether there is a substantial and direct relationship to the occupation, trade, vocation, or profession for which the person has applied, and may consider information about the rehabilitation of the convicted person, and the amount of time that has passed since the conviction or release." *Id.*

N.H. Rev. Stat. Ann. § 332-G:13 ("Petition for Review of a Criminal Record") authorizes individuals to seek a preliminary assessment, from any state agency issuing occupational and professional licenses, as to whether their criminal record will disqualify them from licensure. The law provides that an individual may be disqualified from licensure based on criminal record only if convicted of a felony or violent misdemeanor, and only if the licensing board concludes that "the state has an important interest in protecting public safety that is superior to the individual's right" to be licensed. The board may reach this conclusion only if it determines, by clear and convincing evidence at the time of the petition, that: (1) The specific offense for which the individual was convicted is substantially related to the state's interest; (2) The individual, based on the nature of the specific offense for which the individual was convicted and the individual's current circumstances..., is more likely to re-offend by virtue of having the license than if the individual did not have the license; and (3) A re-offense will cause greater harm than it would if the individual did not have the license.

New Jersey – Generally, N.J. Stat. Ann. § 2A:168A-1 (1968 Rehabilitated Convicted Offenders Act) provides that a person shall not be disqualified or discriminated against by any licensing authority because of any conviction for a crime, unless [the crime involves dishonesty in public service] or unless the conviction relates adversely to the occupation, trade, vocation, profession or business for which the license or certificate is sought.” In determining that a conviction “relates adversely” to a particular occupation or trade, a licensing authority is required to explain in writing how the following factors, or any other factors, relate to the license or certificate sought: 1. The nature and duties of the occupation, trade, vocation, profession or business, a license or certificate for which the person is applying; 2. Nature and seriousness of the crime; 3. Circumstances under which the crime occurred; 4. Date of the crime; 5. Age of the person when the crime was committed; 6. Whether the crime was an isolated or repeated incident; 7. Social conditions which may have contributed to the crime; 8. Any evidence of rehabilitation, including good conduct in prison or in the community, counseling or psychiatric treatment received, acquisition of additional academic or vocational schooling, successful participation in correctional work-release programs, or the recommendation of persons who have or have had the applicant under their supervision. § 2A:168A-2.

Since 2021, N.J. Stat. Ann. § 45:1-21 governing licensure of the dozens of state licensing boards enumerated in § 45:1-15 (most health-related licenses, accountants, architects, engineers, cosmetology, and many others) provides that boards may deny or suspend licensure upon for individuals who have been convicted of any crime or offense that has a “direct or substantial relationship to the activity regulated by the board or is of a nature such that certification, registration or licensure of the person would be inconsistent with the public’s health, safety, or welfare...” In making this determination, a licensing agency “shall consider” (1) the nature and seriousness of the crime or offense and the passage of time since its commission; (2) the relationship of the crime or offense to the purposes of regulating the profession or occupation regulated; (3) any evidence of rehabilitation; and (4) the relationship of the crime or offense to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the regulated profession or occupation. § 45:1-21.5. However, the law also precludes granting a license to “an individual who has, within the five years of preceding the submission of an application for a certificate, registration or license, been convicted of embezzlement, fraud, crimes involving public corruption, or theft” and for individuals convicted of murder or particular sex offenses, it creates “a rebuttable presumption that the crime or offense has a direct or substantial relationship to the activity regulated by the board.”

New York –Section 752 of Article 23-A of the New York Correction Law makes it unlawful for public employers, occupational licensing authorities, and private employers with more than ten employees, to deny or terminate employment or licensure based on a previous conviction unless: (1) there is a “direct relationship” between one or more of the previous criminal offenses and the specific license or employment sought; or (2) the issuance of the license or the granting of the employment would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public. NY Correction Law § 752. The term “direct relationship” is defined essentially the same as “directly related” is defined in Act 53, as follows: “the nature of criminal conduct for which the person was convicted has a direct bearing on his fitness or ability to perform one or more of the duties or responsibilities necessarily related to the license or employment sought.” This prohibition does not apply if disqualification is mandated by law, and the person has not received pardon, a certificate of relief from disabilities or certificate of good conduct. § 751. Section 753(1) provides that in making a determination under § 752, a public agency “shall consider” the following factors: (a) the public policy of this state . . . to encourage the licensure and employment of all persons previously convicted of one or more criminal offenses; (b) the specific duties and responsibilities necessarily related to the license or employment sought; (c) the relation of the conviction to the applicant’s ability to perform his

responsibilities; (d) the time elapsed since offense; (e) the age of the person at the time of offense; (f) the seriousness of the offense; (g) any information produced by the person, or produced on his behalf, in regard to his rehabilitation and good conduct; and (h) the interest of the employer of protecting property, and the safety and welfare of individuals or the general public.

Ohio – Since 2019, section 9.78 of the Ohio Revised Code requires boards to make available on the internet a list of all criminal offenses for which a conviction shall disqualify a person from obtaining a license. Ohio Rev. Code Ann. § 9.78(C). It also provides that anyone with a conviction may request at any time that a licensing authority make a preliminary determination whether the conviction disqualifies the person from obtaining an occupational or professional license. § 9.78(B). A fee of no more than \$25 may be charged. Within thirty days of receiving a request, the licensing authority must inform the person of its decision. The decision is binding unless the licensing authority determines that the person’s convictions differ from what was included in the request. *Id.* Since 2021, section 9.79 requires boards to list convictions that “may” be disqualifying, and they must be “directly related” to the duties and responsibilities of the licensed profession (although there does not appear to be a definition of “directly related.” § 9.79(B). Other convictions and non-conviction records may not be the basis for denying a license, and vague terms like “moral character” and “moral turpitude” may not be used. § 9.79(C). In addition to the “directly related” standard for discretionary disqualification, the law sets forth factors that licensing authorities shall consider in determining whether to refuse to issue an initial license to an individual, as follows: (a) The nature and seriousness of the offense for which the individual was convicted, found guilty pursuant to a judicial finding, or pleaded guilty; (b) The passage of time since the individual committed the offense; (c) The relationship of the offense to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the occupation; (d) Any evidence of mitigating rehabilitation or treatment undertaken by the individual, including whether the individual has been issued a certificate of qualification for employment under section 2953.25 of the Ohio Revised Code or a certificate of achievement and employability under section 2961.22 of the Revised Code; (e) Whether the denial of a license is reasonably necessary to ensure public safety. It also limits such consideration to 5-year and/or 10-year periods, with the exception of offenses that involve an offense of violence, or a sexually oriented offense, which may be considered at any time. § 9.79(D).

Rhode Island –R.I. Gen. Laws § 28-5.1-14 applies a “substantial relationship” standard to licensing boards under most departments of state government when considering the effect of a conviction on licensure. The “substantially related” standard is defined as follows: “In determining if a conviction substantially relates to the occupation for which the license is sought, the licensing authority shall consider: (1) The state’s legitimate interest in equal access to employment for individuals who have had past contact with the criminal justice system; (2) The state’s legitimate interest in protecting the property and the safety and welfare of specific individuals or the general public; and (3) The relationship of the crime or crimes to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the position of employment or occupation. § 28-5.1-14(f). A person “shall not be disqualified from the occupation if the person can show competent evidence of sufficient rehabilitation and present fitness to perform the duties of the occupation for which the license is sought.” In establishing rehabilitation, the following factors must be considered: (1) Completion of a period of at least two (2) years after release from imprisonment, or at least two (2) years after the sentencing date for a probation sentence not accompanied by incarceration, without subsequent conviction or pending criminal charge; (2) The nature, seriousness, and relevance of the crime or crimes for which convicted; (3) All circumstances relative to the crime or crimes, including mitigating circumstances surrounding the commission of the crime or crimes; (4) The age of the person at the time the crime or crimes were committed; (5) Claims that the criminal record information is in error or inadmissible under subsection

(h) of this section; and (6) All other competent evidence of rehabilitation and present fitness presented, including, but not limited to, letters of reference by persons who have been in contact with the applicant since the applicant's release from any state or federal correctional institution. § 28-5.1-14(g).

Vermont – Under Vt. Stat. Ann. Title 3, § 129a that unprofessional conduct that provides the grounds for denial of a license or other disciplinary action includes “conviction of a crime related to the practice of the profession or conviction of a felony, whether or not related to the practice of the profession.” If an individual has a conviction of concern, a board shall consider the following factors in determining whether to deny or discipline a license: (A) the nature and seriousness of the conviction; (B) the amount of time since the commission of the crime; (C) the relationship of the crime to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the profession; and (D) evidence of rehabilitation or treatment. In addition, since July of 2021, the licensing boards have been required to provide a pre-application determination regarding whether an applicant’s criminal background would disqualify the applicant from licensure in the profession(s) for which the applicant may thereafter seek licensure. 3 V.S.A. § 123(k) and (l). This request shall provide documentation related to the individual’s conviction or convictions, evidence of rehabilitation, and identification of the profession or professions for which the individual seeks licensure. An applicant would pay a \$25 fee for a “second chance determination” request, and this fee would be deducted from the license application fee if the applicant does thereafter seek licensure.

Virginia –The Department of Professional and Occupational Licensure (which licenses professions comparable to the Commonwealth’s business-related boards, such as barbers and cosmetologists, auctioneers, engineers, land surveyors and geologists, accountants, real estate appraisers and real estate salespersons and brokers, etc.) is subject to the general nondiscrimination provision at Va. Code Ann. § 54.1-204 (“Prior convictions not to abridge rights”). With an important caveat, a person may not be refused a license or occupational/professional certificate “solely because of” a prior criminal conviction, unless the criminal conviction “directly relates” to the occupation or profession for which the license, certificate or registration is sought. However, the regulatory board shall have the authority to refuse a license, certificate or registration if, based upon all the information available, including the applicant’s record of prior convictions, it finds that the applicant is unfit or unsuited to engage in such occupation or profession. § 54.1-204(A). In determining whether a criminal conviction “directly relates” to an occupation or profession, the regulatory board shall consider the following criteria: (1) The nature and seriousness of the crime; (2) The relationship of the crime to the purpose for requiring a license to engage in the occupation; (3) The extent to which the occupation or profession might offer an opportunity to engage in further criminal activity of the same type as that in which the person had been involved; (4) The relationship of the crime to the ability, capacity or fitness required to perform the duties and discharge the responsibilities of the occupation or profession; (5) The extent and nature of the person’s past criminal activity; (6) The age of the person at the time of the commission of the crime; (7) The amount of time that has elapsed since the person’s last involvement in the commission of a crime; (8) The conduct and work activity of the person prior to and following the criminal activity; and (9) Evidence of the person’s rehabilitation or rehabilitative effort while incarcerated or following release. § 54.1-204(B). Note that these provisions do not apply to persons licensed under the Department of Health Professions, which licenses health-related professions.

West Virginia –W. Va. Code § 30-1-24 addresses “Use of criminal records as disqualification of authorization to practice,” and provides that boards may not disqualify based on conviction “unless that conviction is for a crime that bears a rational nexus to the occupation requiring licensure.” In determining whether a criminal conviction bears a rational nexus to a profession or occupation, a board shall consider at a minimum: (A) The nature and seriousness of the crime for which the individual was

convicted; (B) The passage of time since the commission of the crime; (C) The relationship of the crime to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the profession or occupation; (D) Any evidence of rehabilitation or treatment undertaken by the individual. §30-1-24(b). In addition, it prohibits the use of the term “moral turpitude” as a basis for denying licensure. Because the term “moral turpitude” is vague and subject to inconsistent applications, boards or licensing authorities when making licensure, certification or registration determination may not rely upon the description of a crime as one of “moral turpitude” unless the underlying crime bears a rational nexus to the occupation requiring licensure, certification, or registration. § 30-1-24 (b)(2). A candidate who has been denied based on a prior criminal conviction may reapply after 5 years from the date of conviction or the date of release from incarceration (with violent and sexual crimes subject to a longer period of disqualification to be determined by the individual board). It also provides for a preliminary determination of whether the individual’s criminal record will disqualify the individual from obtaining a license. A board shall provide the determination within 60 days and may charge a fee to recoup its costs for each petition. However, the law expressly does not apply to occupations regulated by the state medical board, physician assistants, or osteopathic physicians and surgeons (among others not relevant).

Based on a review of these provisions, the Commissioner does not believe that these regulations will put Pennsylvania at a competitive disadvantage, and in fact, will bring the Commonwealth in line with other surrounding states.

(13) Will the regulation affect any other regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

No, this proposed regulation will not affect any other regulations of the Department or any other state agency.

(14) Describe the communications with and solicitation of input from the public, any advisory council/group, small businesses and groups representing small businesses in the development and drafting of the regulation. List the specific persons and/or groups who were involved. (“Small business” is defined in Section 3 of the Regulatory Review Act, Act 76 of 2012.)

As required under 63 Pa.C.S. § 3117 (relating to list of criminal offenses), the Commissioner consulted with the licensing boards and commissions and representatives of the business community with knowledge of the respective professions and occupations in developing the schedules of offenses which may constitute grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit for each occupation or profession regulated by the 29 professional and occupational licensing boards and commissions. A draft of the applicable schedule was released to each board/commission’s list of interested parties and stakeholders (see Attachment A) with an invitation to submit written comments to the Commissioner and/or to attend a public meeting of the applicable board/commission at which time the proposed schedule was discussed. The Commissioner, or his designee, attended each scheduled meeting as follows:

State Board of Psychology – October 5, 2020.

State Board of Social Workers, Marriage and Family Therapists and Professional Counselors – October 13, 2020.

State Board of Osteopathic Medicine – October 14, 2020.

State Board of Pharmacy – October 15, 2020.

State Board of Barber Examiners – October 19, 2020.

State Board of Podiatry – October 21, 2020.

State Board of Nursing – October 23, 2020, December 3, 2020
State Board of Medicine – October 27, 2020.
State Board of Funeral Directors – October 28, 2020.
State Board of Vehicle Manufacturers, Dealers and Salespersons – October 29, 2020, December 8, 2020.
State Board of Cosmetology – November 2, 2020.
State Board of Massage Therapy – November 4, 2020.
State Board of Optometry – November 5, 2020.
State Board of Certified Real Estate Appraisers – November 6, 2020.
State Board of Auctioneer Examiners – November 9, 2020.
State Registration Board for Professional Engineers, Land Surveyors and Geologists – November 10, 2020.
State Architects Licensure Board – November 12, 2020.
State Board of Veterinary Medicine – November 13, 2020.
State Board of Accountancy – November 16, 2020.
State Real Estate Commission – November 17, 2020.
State Board of Crane Operators – November 18, 2020.
State Board of Chiropractic – November 19, 2020.
State Board of Dentistry – November 20, 2020.
State Board of Landscape Architects – November 23, 2020.
State Board of Physical Therapy – November 30, 2020.
State Board of Examiners of Nursing Home Administrators – December 2, 2020.
State Board of Examiners in Speech-Language Pathology and Audiology – December 4, 2020.
State Board of Occupational Therapy Education and Licensure – December 10, 2020.

Written comments were received from:

Pennsylvania Institute of Certified Public Accountants
Pennsylvania Auctioneers Association
Debbie Dunn, President, Lancaster School of Cosmetology and Therapeutic Bodywork
Pennsylvania Medical Society (2)
Pennsylvania Coalition of Nurse Practitioners
Amber Nagy, BSN, RN, PCCN, CCRN, PSNA Legislative Ambassador/PAC member
Pamela Giza, MBA, MS, RN, NEA-BC, PSNA Legislative Ambassador
Pennsylvania Affiliate of the American College of Nurse-Midwives (PA-ACNM); Pennsylvania Association of Nurse Anesthetists; Pennsylvania Coalition of Nurse Practitioners; and Pennsylvania Nurses Association
Pennsylvania Speech-Language-Hearing Association
Jennifer Davis, MSN, CRNP
Mary Detweiler, MSN, RN, BC, CCM, CPHQ, PSNA Legislative Ambassador
Jill Buterbaugh, DNP, CRNP, FNP-BC, CNE, Assistant Professor of Nursing, Frostburg State University

In addition, in March of 2021, Community Legal Services of Pennsylvania (CLS) provided written input relating to the proposed schedules, both generally, and with specific emphasis on the schedules for 5 boards – the State Board of Barber Examiners; the State Board of Cosmetology; the State Board of Physical Therapy; the State Board of Occupational Therapy and the State Board of Nursing. After receipt of CLS's written input, the five specific boards invited CLS to attend a meeting to discuss their concerns with the Commissioner and the board members. These follow-up meetings were held as follows:

State Board of Physical Therapy – March 25, 2021
State Board of Barber Examiners – April 19, 2021
State Board of Nursing – April 28, 2021, June 10, 2021
State Board of Cosmetology – May 3, 2021
State Board of Occupational Therapy Education and Licensure – June 2, 2021

Finally, the Navigation Commission for the Delaware River and its Navigable Tributaries met on May 26, 2021, to consult with the Commissioner’s designee with regard to the list of crimes that may be grounds to refuse to issue, suspend, revoke or otherwise restrict a pilot’s license. (The Commission meets only twice a year.)

As a result of the written communications and the consultation with the 29 boards and commissions and members of the business community with knowledge of the professions, revisions were made to the schedules and incorporated into this proposed rulemaking.

(15) Identify the types and number of persons, businesses, small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012) and organizations which will be affected by the regulation. How are they affected?

This proposed rulemaking primarily impacts individuals, specifically those individuals with criminal convictions who are seeking or intend to seek professional or occupational licensure from one of the 29 boards and commissions within the Bureau. Act 53 and these regulations provide greater clarity and transparency about the types of crimes that are deemed directly related to the various professions and occupations and provides a means for an individual with a criminal conviction to obtain a preliminary determination as to whether that conviction is or may be an impediment to licensure. As noted above, over the past three years, an average of 80,610 applications were received annually across all 29 boards/commissions. It is impossible to estimate how many individuals with criminal convictions may apply or even consider applying for a professional or occupational license. However, this proposed rulemaking will provide those individuals greater clarity and transparency relating to how the various professional and occupational licensing boards will evaluate a particular conviction, the factors that will be considered in conducting individualized assessments to determine whether a license may be granted notwithstanding a particular conviction, and provides a process for individuals with a criminal conviction to obtain a preliminary determination as to whether a specific criminal conviction may be an impediment to licensure.

(16) List the persons, groups or entities, including small businesses, that will be required to comply with the regulation. Approximate the number that will be required to comply.

The 29 boards and commissions under the Bureau of Professional and Occupational Affairs are required to comply with the processes set forth in the Commissioner’s proposed rulemaking to the extent that they will be evaluating criminal convictions in accordance with the regulation and conducting individualized assessments. Any individual with a criminal conviction who wants to obtain a preliminary determination will be required to comply with the regulation to the extent it sets forth the process for obtaining a preliminary determination. The Commissioner estimates approximately 350 applicants for preliminary determinations annually. Finally, individuals who are granted a restricted license by the State Board of Barber Examiners or the State Board of Cosmetology will be required to comply with the regulations relating to restricted licenses. The Commissioner estimates approximately 50 such licenses will be granted annually.

(17) Identify the financial, economic and social impact of the regulation on individuals, small businesses, businesses and labor communities and other public and private organizations. Evaluate the benefits expected as a result of the regulation.

The regulation primarily impacts individuals, specifically individuals with criminal convictions who are applying for or intend to seek licensure through one of the 29 professional and occupational licensing boards under the Bureau of Professional and Occupational Affairs. The only direct financial impact is associated with the cost of obtaining a preliminary determination (\$45). Other financial impacts may be related to the costs associated with overcoming the rebuttable presumption with regard to convictions for crimes that are on a particular board's list of directly related crimes, or of submitting evidence of the 11 factors that the boards/commissions must consider in conducting an individualized assessment; or costs associated with potentially attending a hearing before a board or hearing examiner. It has been suggested that one of the social impacts of the schedules of criminal convictions is that simply placing a crime on a particular schedule will be a deterrent to anyone with that conviction in applying for a license or even considering pursuing a particular career because it would create a rebuttable presumption that licensure of the individual would pose a risk to the individual's clients/patients or to the public that would need to be overcome.

The expected benefits resulting from the regulation are increased transparency and clarity in the licensure process for individuals with a criminal conviction. The regulations clearly set forth those convictions that may be grounds to deny a license, a process for each board/commission to evaluate those crimes and conduct an individualized assessment in determining whether to grant a license, and a process for individuals to seek a preliminary determination as to whether a particular conviction would be an impediment to licensure. The regulations will also benefit individuals convicted of crimes of violence who may seek licensure as a barber or cosmetologist because in lieu of denial during the three years post-conviction/incarceration, those boards would be able to grant a restricted license.

(18) Explain how the benefits of the regulation outweigh any cost and adverse effects.

The Commissioner believes that the increased transparency and clarity provided by the proposed regulation outweighs any costs or potentially adverse effects. Individuals with criminal convictions will know up front what crimes may be an impediment to licensure and will be able to request a preliminary determination. They will understand the factors that a board or commission must consider in evaluating an individual's criminal conviction and thus, will be better prepared to present evidence on each of those factors should a hearing be necessary.

(19) Provide a specific estimate of the costs and/or savings to the **regulated community** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

Direct costs associated with the proposed rulemaking include the \$45 fee assessed for each preliminary determination application. The Commissioner estimates approximately 350 preliminary determination applications will be submitted annually at a cost of \$15,750. While an applicant with a criminal conviction may choose to engage a lawyer to assist them in navigating the application process, it is not required by the regulations. Therefore, no estimate of legal costs is included.

(20) Provide a specific estimate of the costs and/or savings to the **local governments** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

There are no costs or savings to local governments associated with this proposed rulemaking.

(21) Provide a specific estimate of the costs and/or savings to the **state government** associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required. Explain how the dollar estimates were derived.

To date, the Bureau of Professional and Occupational Affairs has expended approximately \$343,544 implementing the provisions of Act 53, including costs associated with developing the PALS application for individuals seeking a preliminary determination, and costs associated with creating and implementing restricted licenses for barbers and cosmetologists. Ongoing costs include personnel related costs for processing applications for preliminary determinations, but those costs will be offset by the \$45 fee paid by applicants. As noted above, the Commissioner estimates approximately 350 individuals will apply annually for a preliminary determination. Based on the attached fee report form (Attachment B), the cost of processing a preliminary determination application is approximately \$45.12, however the Commissioner does not believe it necessary to promulgate a fee above that specified by Act 53 at this time. Therefore, the unrecouped costs to the Bureau/Boards for processing preliminary determination applications is only \$42 per year (350 applications x \$0.12). Costs associated with issuing restricted licenses are no different than costs associated with issuing a probationary license or even an unrestricted license now that the restricted license functionality has been added to PALS.

(22) For each of the groups and entities identified in items (19)-(21) above, submit a statement of legal, accounting or consulting procedures and additional reporting, recordkeeping or other paperwork, including copies of forms or reports, which will be required for implementation of the regulation and an explanation of measures which have been taken to minimize these requirements.

The only additional paperwork required by the proposed rulemaking pertains to individuals who wish to apply for a preliminary determination. And while these individuals may choose to engage an attorney to assist them through the process, it is not required.

(22a) Are forms required for implementation of the regulation?

Yes, an online preliminary determination application has been developed as part of PALS to implement 63 Pa.C.S. § 3115.

(22b) If forms are required for implementation of the regulation, **attach copies of the forms here**. If your agency uses electronic forms, provide links to each form or a detailed description of the information required to be reported. **Failure to attach forms, provide links, or provide a detailed description of the information to be reported will constitute a faulty delivery of the regulation.**

Attached (Attachment C) is a “user guide” that describes the preliminary determination application process and walks the user through the application form.

(23) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	Current FY FY 21-22	FY +1 FY 22-23	FY +2 FY 23-24	FY +3 FY 24-25	FY +4 FY 25-26	FY +5 FY 26-27
SAVINGS:	\$	\$	\$	\$	\$	\$
Regulated Community						
Local Government						
State Government						
Total Savings						
COSTS:						
Regulated Community	\$15,750	\$15,750	\$15,750	\$15,750	\$15,750	\$15,750
Local Government						
State Government	\$42	\$42	\$42	\$42	\$42	\$42
Total Costs	\$15,792	\$15,792	\$15,792	\$15,792	\$15,792	\$15,792
REVENUE LOSSES:						
Regulated Community						
Local Government						
State Government						
Total Revenue Losses						

(23a) Provide the past three-year expenditure history for programs affected by the regulation.

Program	FY -3 FY 18-19	FY -2 FY 19-20	FY -1 FY 20-21	Current FY FY 21-22 (budgeted)
Bureau of Professional and Occupational Affairs	\$58,417,537.08	\$57,197,357.19	\$57,755,482.15	\$67,057,000.00

(24) For any regulation that may have an adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), provide an economic impact statement that includes the following:

- (a) An identification and estimate of the number of small businesses subject to the regulation.
- (b) The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed regulation, including the type of professional skills necessary for preparation of the report or record.
- (c) A statement of probable effect on impacted small businesses.
- (d) A description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation.

Because this proposed rulemaking has no adverse impact on small businesses, no economic impact statement was developed.

(25) List any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, the elderly, small businesses, and farmers.

The Commissioner could discern no particular group which needs to be accommodated by special provisions.

(26) Include a description of any alternative regulatory provisions which have been considered and rejected and a statement that the least burdensome acceptable alternative has been selected.

One commenter (Community Legal Services of Philadelphia) suggested that the Commissioner and boards/commissions consider placing time limits in the schedules (§§ 43b.501—43b.531) on how long a particular crime is considered to be “directly related” to a particular profession or occupation, citing studies relating to recidivism risk and redemption. However, the definition of “directly relates” in Act 53 is not time-bound, nor has the General Assembly placed time limits on which crimes or categories of crimes may be considered by boards/commissions in making licensure determinations. A crime directly relates to a particular profession or occupation where “[t]he nature of the criminal conduct for which the person was convicted has a direct bearing on the fitness or ability to perform one or more of the duties or responsibilities necessarily related to the profession, trade or occupation for which the individual seeks licensure.” Thus, it is the nature of the criminal conduct that dictates whether a crime directly relates to a profession, and not when the crime occurred. However, the Commissioner and boards/commissions agree that recidivism risk is relevant to the determination of whether to grant a license notwithstanding a particular criminal conviction. To that end, all boards/commissions consider how long ago a crime was committed as part of the “individualized assessment” that is required under 63 Pa.C.S. § 3113(c). Other states that have enacted time limitations restricting boards and commissions from considering categories of criminal convictions did so through legislation, not regulations. (See item (12) above.) The Commissioner believes that to do so in this proposal would be inconsistent with the legislative intent of Act 53 and amounts to a basic policy decision that is best left to the General Assembly.

The Commissioner and the boards/commissions believe that this proposed rulemaking represents the least restrictive, acceptable alternative consistent with the legislative intent of Act 53.

(27) In conducting a regulatory flexibility analysis, explain whether regulatory methods were considered that will minimize any adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), including:

- a) The establishment of less stringent compliance or reporting requirements for small businesses;
- b) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;
- c) The consolidation or simplification of compliance or reporting requirements for small businesses;
- d) The establishment of performance standards for small businesses to replace design or operational standards required in the regulation; and
- e) The exemption of small businesses from all or any part of the requirements contained in the regulation.

This proposed rulemaking is largely procedural and impacts the manner in which the various licensing boards and commissions evaluate criminal convictions in making individual licensure decisions. Because this proposed rulemaking has no adverse impact on small businesses, no regulatory flexibility analysis was conducted.

(28) If data is the basis for this regulation, please provide a description of the data, explain in detail how the data was obtained, and how it meets the acceptability standard for empirical, replicable and testable data that is supported by documentation, statistics, reports, studies or research. Please submit data or supporting materials with the regulatory package. If the material exceeds 50 pages, please provide it in a searchable electronic format or provide a list of citations and internet links that, where possible, can be accessed in a searchable format in lieu of the actual material. If other data was considered but not used, please explain why that data was determined not to be acceptable.

No data was the basis for this regulation.

(29) Include a schedule for review of the regulation including:

- A. The length of the public comment period: 30 days
- B. The date or dates on which any public meetings or hearings will be held: All comments on this proposed rulemaking will be discussed with the relevant board(s) or commission(s) at regularly scheduled public meetings. The schedule of each board/commission's meetings is located on the Department's website at www.dos.pa.gov.
- C. The expected date of delivery of the final-form regulation: Fall 2022
- D. The expected effective date of the final-form regulation: Upon notice or publication in the Pennsylvania Bulletin.
- E. The expected date by which compliance with the final-form regulation will be required: N/A
- F. The expected date by which required permits, licenses or other approvals must be obtained: N/A

(30) Describe the plan developed for evaluating the continuing effectiveness of the regulations after its implementation.

The Commissioner intends to evaluate the continuing effectiveness of these regulations on an annual basis and any time there are new statutory enactments of the General Assembly affecting the schedules of criminal convictions that may be grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit as required by 63 Pa.C.S. § 3117(a)(5). Any changes to a schedule for a specific board or commission will be discussed with that board/commission in public session at a regularly scheduled meeting and promulgated in a future rulemaking. Each board/commission's meeting schedule is posted on the Department's website: www.dos.pa.gov.

ATTACHMENT A

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**ATTACHMENT B - PA DEPARTMENT OF STATE
FEE REPORT FORM**

AGENCY: DATE:

CONTACT:

PHONE:

FEE TITLE, RATE, AND ESTIMATED COLLECTIONS:

TITLE:

CURRENT FEE (if applicable):

NUMBER OF APPLICATIONS ANNUALLY:

FEE DESCRIPTION:

The fee will be charged to every applicant who applies for a preliminary determination as to whether a particular criminal conviction or convictions are grounds to deny a license to practice a specific profession or occupation.

FEE OBJECTIVE:

The fee should offset the identifiable costs incurred by a BPOA board or commission in reviewing and processing an application for a preliminary determination under Act 53.

FEE-RELATED ACTIVITIES AND COSTS:

JOB TYPE	JOB CLASSIFICATION	TIME SPENT	TOTAL COST
LEGAL OFFICE REVIEW	Paralegal	.4hr	\$21.68
BOARD COUNSEL REVIEW	Attorney 3	.25hr	\$22.26

TOTAL ESTIMATED COST: \$43.94
 TRANSACTION FEE: \$1.18
 PROPOSED FEE: \$45.12

ANALYSIS, COMMENT, AND RECOMMENDATION:

RECOMMENDATION: It is recommended that a fee of \$45.00 be established for processing an application for a preliminary determination.

LEGAL OFFICE REVIEW: Counsel Division paralegal receives all applications for preliminary determination, reviews the application, assigns it to the appropriate counsel attorney, selects the appropriate template and drafts the preliminary determination letter. Once approved by counsel, paralegal uploads the preliminary determination letter to PALS and processes the application.

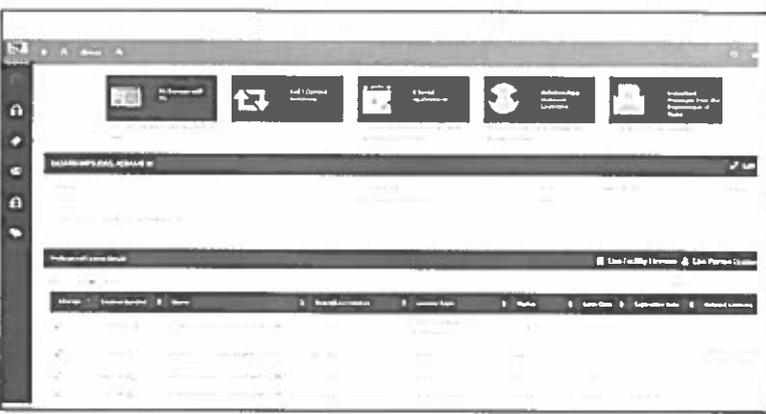
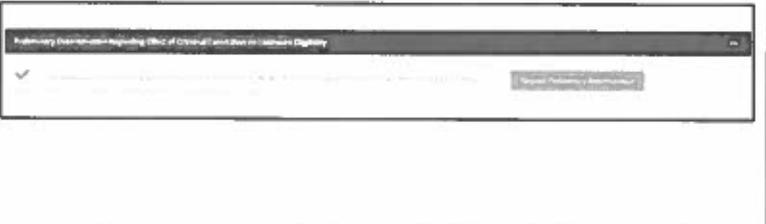
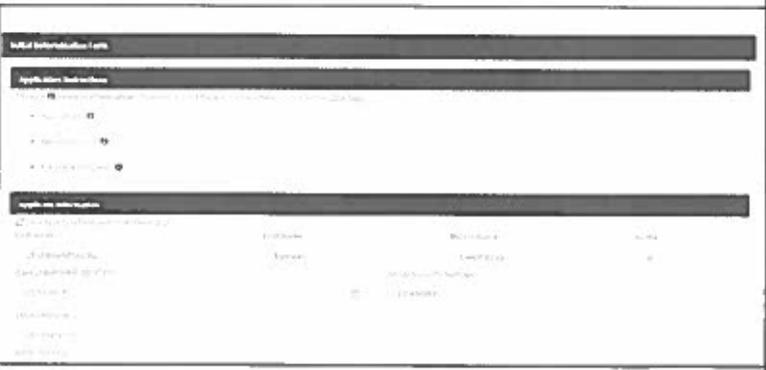
BOARD COUNSEL REVIEW: Counsel for the impacted board reviews the application and the draft preliminary determination letter, makes any edits or corrections, and approves it to be issued.

ATTACHMENT C

PRELIMINARY
DETERMINATION

SB 637: Preliminary – Determination application – External Flow User Guide

This user guide is for applying Preliminary-determination application as an external user.

<ol style="list-style-type: none">1. Go to the PALS website and login: https://www.pals.pa.gov/#/page/login2. Once Logged In, user dashboard will be shown.	
<ol style="list-style-type: none">3. Click Request Preliminary Determination button under Preliminary Determination Regarding Effect of Criminal Conviction on Licensure Eligibility	
<ol style="list-style-type: none">4. Pop up will display with a confirmation message and click Confirm button to proceed.	
<ol style="list-style-type: none">5. Initial Determination Form will display with prepopulated applicant information.	

6. Select Board/License Type information under Preliminary Determination Request section. Click "+" icon to add more than one Board/License Type.

A screenshot of a web application interface titled "Preliminary Determination Request". It shows a list of Board/License Types with a "+" icon to add more.

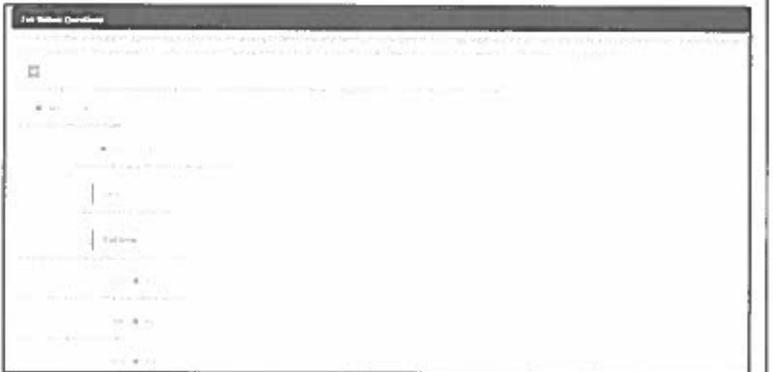
7. Answer Criminal background question and upload required supporting documents by clicking on Choose Files(to select the file) and Upload(to upload file) button.

A screenshot of a web application interface titled "Criminal Background Questions". It shows a question and a "Choose Files" button to upload supporting documents.

8. Answer Fee Waiver related question as "No" if you are not seeking for Fee Waiver.

A screenshot of a web application interface titled "Fee Waiver Questions". It shows a question and a "No" radio button.

9. Answer Fee Waiver related question as "Yes" if you are seeking for Fee Waiver and it will display fee waiver related questions which are required to answer. A waiver of the fee will be granted only to individuals who are indigent or otherwise unable to pay the \$45 fee.

A screenshot of a web application interface titled "Fee Waiver Questions". It shows a question and a "Yes" radio button, with additional questions displayed below.

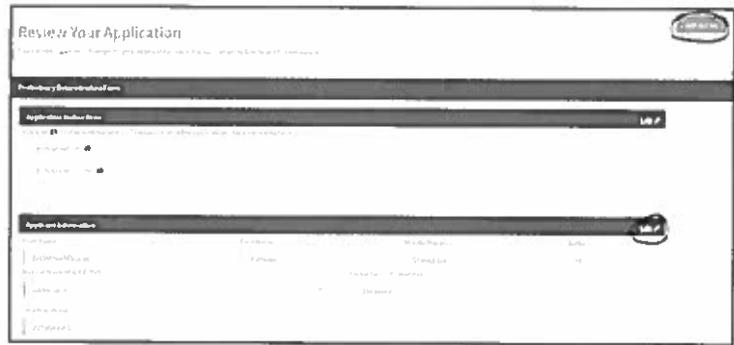
10. Upload any supporting documents for fee waiver

A screenshot of a web application interface titled "Fee Waiver Questions". It shows a question and a "Choose Files" button to upload supporting documents.

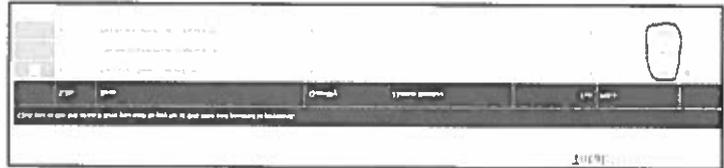
11. Provide the signature under Certification Statement and click Continue to proceed.

A screenshot of a web application interface titled "Certification Statement". It shows a signature line and a "Continue" button.

12. Review page will display and click on "Edit" on the section if you want to edit anything and click Continue once done with the changes. And click "Add to Cart" to proceed to the cart page.

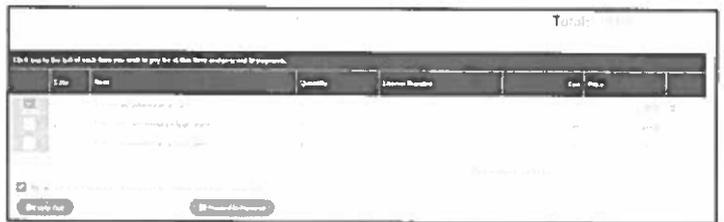


13. Cart page will display with the \$0 fee for each board selected in the form if you select "Yes" to fee waiver question

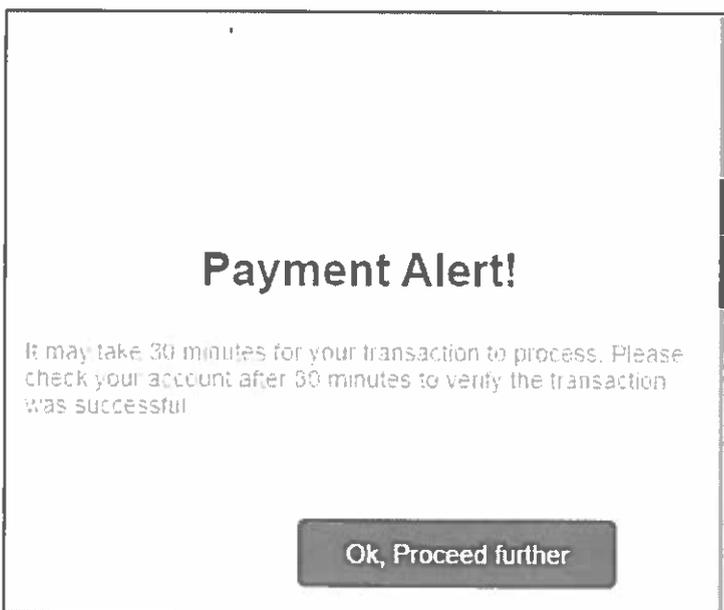


14. Cart page will display with the \$45 fee for each board selected in the form if you select "No" to fee waiver question

- Select the item in the cart and select "All fees are refundable. Please continue with your transaction." Checkbox and click "Proceed to Payment"



15. Click "Ok, Proceed further" on the Payment Alert.



16. If the fee is required, payment screen will display – Enter the credit card information and click “Pay With Your Credit Card”

The screenshot shows a payment form titled "Pay With Your Credit Card". It includes the following fields and options:

- Cardholder Name:** A text input field.
- Country:** A dropdown menu currently set to "United States".
- Credit Card Number:** A text input field.
- Expiry Date (MMYY):** A text input field.
- Security Code:** A text input field with a "Present" dropdown menu.
- Address:** A text input field.
- City:** A text input field.
- State/Province:** A dropdown menu currently set to "Alabama".
- ZIP/Postal Code:** A text input field.
- Email:** A text input field.

Below the email field, there is a note: "A confirmation email will be sent to this address." At the bottom of the form is a button labeled "Pay With Your Credit Card".

17. System will process the payment and display the confirmation page with the Receipt number and the application number, Checklist and the option to download application PDF.

The screenshot shows a confirmation page with a header and several sections. It includes a receipt number, application number, and a checklist. There are also two circular icons, one of which is a download icon, indicating the option to download the application PDF.

18. If payment receipt needs to send to any other email address, then enter a valid email address and click SEND – System will send payment receipt provided.

The screenshot shows a form with a text input field for an email address and a "SEND" button. There are also some smaller buttons and a "Cancel" button visible.

19. Click “Go to Dashboard” to go back to the dashboard. Above submitted applications will be shown under Activities section.

The screenshot shows a dashboard with a navigation bar and a main content area. The "Activities" section is visible, showing a list of submitted applications with columns for "Application Number", "Status", "Country", "Application Date", "Application Type", "Application Status", "Application Date", "Application Status", and "Application Date".

CDL-1

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NOTICE OF PROPOSED RULEMAKING

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

TITLE 49 PA CODE CHAPTER 43b

§§ 43b.201, 43b.401—43b.405 and 43b.501—43b.531

CONSIDERATION OF CRIMINAL CONVICTIONS

The Acting Commissioner of Professional and Occupational Affairs (Commissioner) proposes to amend Chapter 43b, by amending § 43b.201 (relating to fees for services) and adding Subchapter E (relating to consideration of criminal convictions) to read as set forth in Annex A.

Effective Date

The amendments will be effective upon notice or publication of the final-form rulemaking in the *Pennsylvania Bulletin*.

Statutory Authority

The Commissioner is required under 63 Pa.C.S. § 3117 to promulgate regulations setting forth a schedule of criminal convictions that may constitute grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit for each occupation or profession regulated by a licensing board or commission under their respective practice acts. The general rulemaking authority of the Department of State and the various departmental administrative boards and commissions is set forth in section 506 of the Administrative Code of 1929 (71 P.S. § 186). The Commissioner's authority to fix the fees to be charged by the several professional and occupational licensing boards within the Department and to coordinate the activities of the various boards and commissions is set forth in section 810 of the Administrative Code of 1929 (71 P.S. § 279.1(a)(7) and (8)).

Background and Need for the Amendments

The act of July 1, 2020 (P.L. 545, No. 53) (Act 53 of 2020) set forth a new paradigm for the various professional and occupational licensing boards and commissions within the Bureau of Professional and Occupational Affairs (Bureau) in considering the impact of criminal convictions on a board or commission's decision whether to refuse to issue or renew, suspend, revoke or otherwise limit a license, certificate, registration or permit. The relevant provisions of Act 53 are codified at 63 Pa.C.S. §§ 3112—3118. This proposed rulemaking is intended to provide transparency to applicants with criminal histories relating to the types of crimes that may be an impediment to licensure and the factors that the boards and commissions will consider in determining whether an applicant with a criminal conviction may be granted a license. The proposed rulemaking accomplishes these ends by promulgating schedules of criminal convictions that may constitute grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit for each of the 29 professional and occupational licensing boards/commissions as required under 63 Pa.C.S. § 3117 (relating to list of criminal offenses). As required under 63 Pa.C.S. § 3117, the Commissioner consulted with each of the professional and occupational licensing boards, as well as representatives of the business community with knowledge of the respective professions and occupations in developing these schedules. A draft of the applicable schedule was released to each board or commission's list of interested parties and stakeholders with an invitation to submit written comments to the Commissioner or attend a public meeting of the relevant board or commission at which time the proposed schedule was discussed, or both. The Commissioner or his designee attended each scheduled meeting.

The Commissioner's proposed rulemaking also clarifies the effect of a particular crime

being designated as “directly related” to a particular profession or occupation and the process by which the various boards and commissions will conduct the “individualized assessments” required under 63 Pa.C.S. § 3113 (relating to consideration of criminal convictions). The proposed rulemaking would also set forth a uniform fee for the processing of preliminary determinations under 63 Pa.C.S. § 3115 (relating to preliminary determinations by licensing boards and licensing commissions). Finally, the proposed rulemaking clarifies the standards for “restricted licenses” for barbers and cosmetologists as set forth in 63 Pa.C.S. § 3112 (relating to restricted licenses for barbers and cosmetologists).

The Commissioner elected not to propose regulations implementing 63 Pa.C.S. § 3112.1 (relating to restricted licenses for other occupations) at this time. This provision would apply if a county correctional facility or the Department of Corrections offers training in an occupation, other than barbering and cosmetology, that requires the issuance of a license, certificate, registration or permit by a board or commission within the Bureau. Currently, there are no other such training programs. Should such a program be implemented in the future, regulations relating to restricted licenses for the relevant occupation would be drafted with input from the applicable board or commission.

Description of the Proposed Amendments

The Commissioner proposes to amend § 43b.201 (relating to fees for services) to codify the \$45 fee provided in 63 Pa.C.S. § 3115(3). This fee is charged to each individual petitioning for a preliminary determination as to whether the individual’s criminal history could be grounds for a particular board or commission to deny licensure. The Commissioner and the boards/commissions have found this fee to be adequate to cover the average costs related to processing a petition for a preliminary determination.

The Commissioner also proposes to add Subchapter E (relating to consideration of criminal convictions). First, the Commissioner proposes § 43b.401 (relating to scope) to make it clear that this subchapter applies to all licensing boards and licensing commissions within the Bureau. Next, the Commissioner proposes § 43b.402 (relating to definitions) to set forth definitions for terms utilized in the proposed regulations to aid in understanding. In this section, the terms “Bureau,” “directly relates,” “drug trafficking offense,” “healing arts,” “health care practitioner” and “preliminary determination” would be defined. The term “Bureau” is defined as set forth at 63 Pa.C.S. § 3102 (relating to definitions). The definition of the term “directly relates” in the proposed rulemaking is slightly different than defined in 63 Pa.C.S. § 3102. In 63 Pa.C.S. § 3102, the definition refers to the “profession, trade or occupation for which the individual seeks licensure.” However, in the proposed rulemaking, the definition refers to “the profession or occupation for which the individual seeks a license, certificate, registration or permit.” This change was necessary to make it clear that the provisions of Act 53 relating to the consideration of criminal convictions apply to licensing boards and commissions “in determining whether an individual qualifies for a license, certificate, registration or permit,” and not just for licenses. See, 63 Pa.C.S. § 3113(a.1). In addition, the term “licensee” in 63 Pa.C.S. § 3102 is defined to include “a person holding a license, registration, certificate or permit with a licensing board or commission.” Thus, an individual seeking “licensure” (or to become a “licensee”) may be seeking a license, registration, certificate or permit.

The terms “drug trafficking offense,” “healing arts” and “health care practitioner” are defined in a manner consistent with the definitions set forth at 63 Pa.C.S. § 3113(i), with edits to either simplify the definition, provide a relevant cross-reference or aid clarity. The Commissioner determined that a definition of the term “preliminary determination” would also aid clarity in that 63 Pa.C.S. § 3115 uses the terms “preliminary determination,” “preliminary review” and “preliminary decision” interchangeably.

Next, the Commissioner proposes § 43b.403 (relating to preliminary determinations) to set forth the process to request a preliminary determination under 63 Pa.C.S. § 3115. A preliminary determination is an evaluation of an individual’s criminal history information submitted to a professional or occupational licensing board or commission to determine whether the individual’s criminal conviction or convictions would be an impediment to licensure. As set forth in 63 Pa.C.S. § 3115, the preliminary determination is limited to a declaration of whether a conviction on the petitioner’s criminal history record falls within the set of convictions that the licensing board or commission has previously determined may be directly related to the profession or occupation over which the licensing board or licensing commission has authority. Further, where appropriate, the notice will inform the petitioner that a sexual offense, crime of violence or drug trafficking offense may prevent licensure in accordance with 63 Pa.C.S. § 3113 (d), (e) or (f).

To assist all 29 boards in implementing the requirements of 63 Pa.C.S. § 3115, an application for a preliminary determination has been added to the Pennsylvania Licensing System (commonly referred to as PALS). In addition to the “Act 53 of 2020 Best Practices Guide” required by 63 Pa.C.S. § 3116 (relating to best practices guide), there is also a user guide available on the Bureau’s website to assist individuals with submitting the preliminary determination application. The proposed regulations would require applicants to file this application and provide all relevant information relating to the individual’s criminal conviction or convictions for which a preliminary determination is sought.

Section 43b.403 also requires the payment of the preliminary determination application fee unless the applicant qualifies for a fee waiver by establishing *in forma pauperis* status as provided for at 63 Pa.C.S. § 3115(3) for those petitioners who are indigent or otherwise do not have the financial resources to pay the \$45 fee. To implement this provision, when a petitioner indicates that they are requesting a waiver of the fee due to inability to pay, the online preliminary determination application presents a series of questions relating to the petitioner’s financial status, including questions about sources of income, assets, expenses and liabilities, which are verified by the petitioner as true and correct, subject to penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities). When a petitioner demonstrates that the petitioner is without sufficient resources to pay the fee, the fee will be waived, and the preliminary determination issued. If, however, the petitioner appears to have sufficient resources to pay the fee, the petitioner will be notified of the need to either pay the fee or present additional evidence in support of the petitioner’s claim of inability to pay. The licensing boards and licensing commissions will not unreasonably deny *in forma pauperis* status. Finally, as required by 63 Pa.C.S. § 3115(1), subsection (b) provides that the applicable licensing board or commission will issue the preliminary determination within 45 days of submission of the application.

The Commissioner is also proposing § 43b.404 (relating to consideration of criminal convictions) to set forth and to clarify, where needed, the process that the licensing boards and commissions will follow in considering whether an individual with a criminal conviction qualifies for a license, certificate, permit or registration, consistent with 63 Pa.C.S. § 3113. Subsection (a) provides the general rule which requires a two-stage analysis of an applicant's criminal conviction or convictions. During the first stage of the analysis, the licensing board or commission will determine whether the individual's criminal conviction directly relates to the profession or occupation for which the individual seeks licensure by reviewing the applicable board's schedule in §§ 43b.503—43b.531, pertaining to schedules of criminal convictions. If the individual's conviction is found to be directly related to the profession or occupation for which the individual is seeking a license, certificate, registration or permit, the board or commission will move to the second stage of the analysis. During the second stage of the analysis, the licensing board or commission will conduct an individualized assessment to determine whether licensure of the individual would pose a substantial risk to the health and safety of the individual's patients or clients or the public or a substantial risk of further criminal convictions. The factors used in conducting the individualized assessment are set forth in paragraph (3) and are consistent with the factors set forth in 63 Pa.C.S. § 3113(c).

If, however, the individual's criminal conviction is not found to be directly related to the relevant profession or occupation, the licensing board or commission next determines whether, due to the nature of the criminal conviction, licensure of the individual would pose a significant risk to the health and safety of the individual's patients or clients or the public or a substantial risk of further criminal convictions. If so, the licensing board or commission will conduct the individualized assessment to determine whether the individual may be granted a license notwithstanding the criminal conviction. The individual may rebut the determination that licensure of the individual would pose a significant risk by showing evidence of rehabilitation using the factors set forth in paragraph (3).

Subsection (b) makes it clear that under 63 Pa.C.S. § 3113(d), the various health-related licensing boards are prohibited from issuing a license, certificate, permit or registration, or otherwise allowing an individual to practice as a health care practitioner if the individual has been convicted of a sexual offense. The term "sexual offense" is defined in 63 Pa.C.S. § 3113(i), however, to aid clarity, the Commissioner proposes to provide a schedule of sexual offenses in § 43b.501 (relating to schedule of sexual offenses) which is based on that definition.

Subsection (c) sets forth the criteria for any licensing board or commission to grant a license, certificate, permit or registration to an individual convicted of a crime of violence consistent with 63 Pa.C.S. § 3113(e), which precludes the issuance of a license to an individual convicted of a crime of violence for at least 3 years since release from incarceration, or if not subject to a period of confinement in a State or county correctional facility, at least 3 years since imposition of sentence. This section provides that a licensing board or commission may grant a license to an individual convicted of a crime of violence provided the individual has remained conviction-free during the relevant 3-year period, demonstrates significant rehabilitation since the criminal conviction, and the licensing board or commission determines by conducting an individualized assessment that the licensure of the individual does not pose a substantial risk to the health and safety of the individual's patients or clients or the public or a substantial risk of

further criminal convictions. The definition of “crime of violence” provided by 63 Pa.C.S. § 3113(e) is that which is defined in 42 Pa.C.S. § 9714 (relating to sentences for second and subsequent offenses). To aid clarity to the proposed rulemaking, the Commissioner proposes to provide a schedule of crimes of violence in § 43b.502 (relating to schedule of crimes of violence).

In subsection (d), the Commissioner clarifies the effect of 63 Pa.C.S. § 3113(f), pertaining to drug trafficking. Section 3113(f) provides that the provisions of the respective practice acts relating to felony drug convictions under the act of April 14, 1972 (P.L. 233, No. 64), known as The Controlled Substance, Drug, Device and Cosmetic Act (Drug Act), or convictions for an offense under the laws of another jurisdiction which, if committed in this Commonwealth, would be a felony under the Drug Act, shall only apply to an individual who has been convicted of a “drug trafficking offense,” as defined in 63 Pa.C.S. § 3113(i). The effect of this provision is to limit the provisions in the various practice acts that provide for a 10-year bar to licensure for individuals with felony Drug Act convictions to only those individuals convicted of offenses that are considered “drug trafficking offenses.” The proposed rulemaking provides a cross reference to each licensing board’s relevant statutory provision to assist applicants in determining whether this restriction may apply to a profession or occupation for which they are seeking or intend to seek licensure. The Commissioner notes that some of the affected boards have determined that convictions for other violations of the Drug Act that are not considered “drug trafficking offenses” may still constitute grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit and are included in the schedules of criminal offenses that are directly related to the applicable profession. These additional offenses are not subject to the 10-year bar and instead will be evaluated utilizing the two-stage analysis with consideration given to the factors in subsection (a)(3).

Next, the Commissioner proposes § 43b.405 (relating to restricted licenses) to implement and clarify 63 Pa.C.S. § 3112 which permits the State Board of Barber Examiners and the State Board of Cosmetology (Boards) to issue restricted licenses as an alternative to refusing to issue, suspending, revoking, or otherwise limiting a license as a result of a criminal conviction. This provision becomes especially relevant when an applicant for a barber or cosmetology license has been convicted of a crime of violence, and the Boards would normally be precluded from issuing a license for at least 3 years under 63 Pa.C.S. § 3113(e) and § 43b.404(c). Instead, the Boards are authorized to issue a restricted license to an applicant who meets certain criteria set forth in § 43b.405(a)(1)—(4). The restricted license will be issued for a term of between 1 and 2 years and will be subject to certain terms and conditions imposed by the applicable Board. The Commissioner proposes to include in § 43b.405(a)(4) examples of the type of information an applicant may provide to demonstrate a commitment to living a law-abiding life as required by 63 Pa.C.S. § 3112(b)(4). Under 63 Pa.C.S. § 3112(c)(2), a Board may require the restricted license holder be “reasonably supervised” during business hours. In subsection (c)(3), the Commissioner proposes to clarify that the term “reasonably supervised” means that the individual is subject to direct, on-premises supervision during regular business hours, excluding breaks. In addition, under 63 Pa.C.S. § 3112(c)(3), a Board may require that the restricted license holder notify the applicable Board of a change in supervisor “as soon as practicable.” The proposed rulemaking clarifies that such notification shall be made within 10 business days to provide an objective and enforceable standard for timely notification of changes in supervision.

Subsection (d) sets forth the process for a restricted license holder to petition for termination of the period of restriction and the issuance of an unrestricted license. It clarifies that, the restricted license holder must certify compliance with all conditions imposed by the applicable Board; and that if a restricted license holder is subject to supervision, the restricted license holder's supervisor shall submit a letter to the applicable Board providing notice of whether the restricted license holder complied with all conditions imposed by that Board. Subsection (e) clarifies that a restricted license holder is subject to disciplinary action for violations of the applicable Board's statute or regulations and sets forth the process that is proposed to be used to implement 63 Pa.C.S. § 3112(d), pertaining to the immediate revocation of a restricted license if the restricted license holder is convicted of another offense or fails to comply with a condition imposed on the restricted license.

Finally, in addition to the schedule of sexual offenses in § 43b.501 and the schedule of crimes of violence in § 43b.502, the Commissioner is proposing a schedule of criminal convictions that may constitute ground to refuse to issue, suspend or revoke a license, certificate, registration or permit for each of the 29 professional and occupational licensing boards and commissions in §§ 43b.503—43b.531, as required by 63 Pa.C.S. § 3117. Each schedule indicates which offenses are those that the applicable licensing board or commission deems as directly related to the occupations or professions regulated by that board/commission, that is, those offenses where the nature of the criminal conduct for which the person was convicted has a direct bearing on the fitness or ability to perform one or more of the duties or responsibilities necessarily related to the profession or occupation for which the individual seeks a license, registration, certificate or permit.

Fiscal Impact and Paperwork Requirements

The only costs and additional paperwork associated with this proposed rulemaking are related to the application for a preliminary determination. The fee to apply for a preliminary determination is \$45. Individuals seeking a preliminary determination must file an application through PALS and pay the fee, or request *in forma pauperis* status by demonstrating that the individual is indigent or otherwise financially incapable of paying the fee. Based on data over the initial year since implementation, where 379 applications for preliminary determination were filed, the Commissioner estimates these costs to be approximately \$17,055.

Sunset Date

The Commissioner continuously monitors the effectiveness of the Commissioner's regulations. Therefore, no sunset date has been assigned.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on November 4, 2022, the Commissioner submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate Consumer Protection and Professional Licensure Committee and the House Professional Licensure Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections shall specify the regulatory review criteria in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b) which have not been met. The Regulatory Review Act specifies detailed procedures for review prior to final publication of the rulemaking, by the Board, the General Assembly and the Governor.

Public Comment

Interested persons are invited to submit written comments, recommendations or objections regarding this proposed rulemaking to Cynthia Montgomery, Counsel to the Commissioner, at P.O. Box 69523, Harrisburg, PA 17106-9523 or by e-mail to RA-STRegulatoryCounsel@pa.gov, within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Include in the subject line "16A-66 (Consideration of Criminal Convictions)" when submitting comments by email.

Arion R. Claggett
Acting Commissioner of Professional
and Occupational Affairs

ANNEX A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

**CHAPTER 43b. COMMISSIONER OF PROFESSIONAL AND OCCUPATIONAL
AFFAIRS**

Subchapter C. FEES

§ 43b.201. Fees for services.

The following fees are charged for services provided by the Commissioner/Bureau:

Expungement of a disciplinary record.....	\$155
<u>Petition for a preliminary determination.....</u>	<u>\$ 45</u>

(Editor's note: The following subchapter is proposed to be added and printed in regular type to enhance readability.)

Subchapter E. CONSIDERATION OF CRIMINAL CONVICTIONS

GENERAL PROVISIONS

§ 43b.401. Scope.

This subchapter applies to all licensing boards and licensing commissions within the Department of State's Bureau of Professional and Occupational Affairs.

§ 43b.402. Definitions.

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

Bureau—The Bureau of Professional and Occupational Affairs within the Department of State of

the Commonwealth.

Directly relates—The nature of the criminal conduct for which the individual was convicted has a direct bearing on the fitness or ability to perform one or more of the duties or responsibilities necessarily related to the profession or occupation for which the individual seeks a license, certificate, registration or permit.

Drug trafficking offense—A violation of section 13(a)(14), (30) or (37) of The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. § 780-113(a)(14), (30) and (37)), if the controlled substance or a mixture containing the controlled substance meets the quantity or weight limitations set forth within the definition of “drug trafficking offense” at 63 Pa.C.S. § 3113(i) (relating to consideration of criminal convictions).

Healing arts—The science and skill of diagnosis or treatment in any manner whatsoever of disease or any ailment of the human body.

Health care practitioner—An individual who is authorized to practice some component of the healing arts by a license, certificate, registration or permit issued by any of the following licensing boards within the Bureau:

- (1) The State Board of Chiropractic.
- (2) The State Board of Dentistry.
- (3) The State Board of Examiners Speech-Language Pathology and Audiology.
- (4) The State Board of Medicine.
- (5) The State Board of Nursing.
- (6) The State Board of Occupational Therapy Education and Licensure.
- (7) The State Board of Optometry.
- (8) The State Board of Osteopathic Medicine.

- (9) The State Board of Pharmacy.
- (10) The State Board of Physical Therapy.
- (11) The State Board of Podiatry.
- (12) The State Board of Psychology.
- (13) The State Board of Social Workers, Marriage and Family Therapists and Professional Counselors, pertaining only to licensed clinical social workers, licensed marriage and family therapists and licensed professional counselors.

Preliminary determination—An evaluation of an individual’s criminal history information submitted to a professional or occupational licensing board or commission to determine whether the individual’s criminal conviction or convictions directly relate to the profession or occupation for which the individual is seeking a license, certificate, permit or registration, or would otherwise be grounds to refuse to issue a license, certificate, permit or registration as set forth in 63 Pa.C.S. § 3113 (d), (e) or (f) (relating to consideration of criminal convictions).

§ 43b.403. Preliminary determinations.

(a) An individual who, based on a review of the “best practices guide” published on the Department’s website at www.dos.pa.gov and the schedules of criminal convictions at §§ 43b.501—43b.531, is unable to determine whether the individual’s criminal history would be grounds to deny the issuance of a license, certificate, permit or registration may request a preliminary determination by:

- (1) Filing an application for a preliminary determination in the format and manner prescribed by the Commissioner.
- (2) Providing all relevant information relating to the individual’s criminal conviction or convictions, including criminal court documents, such as the criminal complaint or

information, affidavit of probable cause, sentencing information and docket sheets that evidence the final disposition of the matter.

(3) Doing one of the following:

(i) Paying the preliminary determination application fee in § 43b.201 (related to fees for services).

(ii) Qualifying for a waiver of the fee by requesting and establishing *in forma pauperis* status by demonstrating that the individual is indigent or otherwise unable to pay the required fee.

(b) The applicable licensing board or commission will issue the preliminary determination within 45 days of submission of the application.

§ 43b.404. Consideration of criminal convictions.

(a) *General rule.* Except as provided in subsections (b), (c) or (d), when determining whether an individual with a criminal conviction qualifies for a license, certificate, permit or registration, a licensing board or commission within the Bureau will engage in a two-stage analysis of an applicant's criminal conviction, as follows:

(1) *First stage.* The applicable board or commission will determine whether the individual's criminal conviction directly relates to the profession or occupation for which the individual seeks licensure by reviewing the schedules in §§ 43b.503—43b.531.

(2) *Second stage – individualized assessment.*

(i) If the individual's criminal conviction is on the applicable board's or commission's schedule, the board or commission will then determine whether licensure of the individual would pose a substantial risk to the health and safety of the individual's patients or clients or the public or a substantial risk of further

criminal convictions by conducting an individualized assessment using the factors set forth in paragraph (3). If the individual was convicted of a crime that is on the applicable schedule, there shall be a rebuttable presumption that licensure of the individual would pose such a risk, which may be rebutted by the individual using the factors in paragraph (3).

(ii) If the individual's criminal conviction is not on the applicable board's or commission's schedule, the board or commission will then determine whether, due to the nature of the criminal conviction, licensure of the individual would pose a substantial risk to the health and safety of the individual's patients or clients or the public or a substantial risk of further criminal convictions. If so, the board or commission will conduct an individualized assessment using the factors set forth in paragraph (3). The individual may rebut the determination by showing evidence of rehabilitation as specified in the factors in paragraph (3).

(3) *Assessment factors.* A board or commission within the Bureau will consider the following factors in determining whether an individual with a criminal conviction qualifies for issuance of a license, certificate, permit or registration:

- (i) Whether the criminal conduct for which the individual was convicted involved an act or threat of harm against the individual, including harm to the victim, the personal property of the victim or the reputation of the victim.
- (ii) The facts and circumstances surrounding the criminal conviction.
- (iii) The number of criminal convictions.
- (iv) Any increase in age or maturity of the individual since the date of the criminal conviction.

- (v) The individual's criminal history, or lack of criminal history, after the date of the conviction.
- (vi) Evidence of successful completion of education and training activities, including those in a county correctional facility, a facility under the Department of Corrections, or comparable facility in another jurisdiction.
- (vii) References from employers or others, including personnel of the county correctional facility, a facility under the Department of Corrections or a comparable facility in another jurisdiction.
- (viii) Evidence of progress in personal rehabilitation since the conviction.
- (ix) Whether the individual meets all other licensing qualifications of the applicable practice act, including any examination requirements.
- (x) The individual's criminal history, or lack of criminal history, after the date of the criminal conviction while engaged in the same or similar profession or occupation.
- (xi) Any other relevant factor regarding the fitness of the individual for licensure.

(b) *Sexual offenses.* Under 63 Pa.C.S. § 3113(d), a licensing board within the Bureau may not issue a license, certificate, permit or registration or otherwise allow an individual to practice as a health care practitioner if the individual has been convicted of a sexual offense as set forth in § 43b.501 (relating to schedule of sexual offenses).

(c) *Crimes of violence.* Under 63 Pa.C.S. § 3113(e), an individual convicted of a crime of violence set forth in § 43b.502 (relating to schedule of crimes of violence) may be granted a license, certificate, permit or registration by a licensing board or commission within the Bureau if

all of the following apply:

- (1) If the individual was incarcerated, at least 3 years have elapsed since release from incarceration. This 3-year period will be tolled for a violation of parole.
 - (2) If the individual is serving or has served a sentence other than a period of confinement in a State or country correctional facility, at least 3 years have elapsed since imposition of sentence.
 - (3) The individual has remained conviction-free during the relevant 3-year period specified in paragraph (1) or (2), as applicable.
 - (4) The individual demonstrates significant rehabilitation since the criminal conviction.
 - (5) The licensing board or commission determines, using the factors in subsection (a)(3), except (a)(3)(viii), that licensure of the individual does not pose a substantial risk to the health and safety of the individual's patients or clients or the public or a substantial risk of further criminal convictions.
- (d) *Drug trafficking offenses.*
- (1) The boards listed in paragraph (2) below may not grant a license, certificate, permit or registration to an individual convicted of a drug trafficking offense unless:
 - (i) At least 10 years have elapsed from the date of conviction.
 - (ii) The individual satisfactorily demonstrates to the applicable board, utilizing the factors in subsection (a)(3), that the individual has made significant progress in personal rehabilitation since the conviction such that issuance of a license, certificate, permit or registration to the individual should not be expected to create a substantial risk to the health and safety of the individual's clients or patients or

the public or a substantial risk of further criminal convictions.

(iii) The individual otherwise satisfies the qualifications for the license, certificate, permit or registration sought.

(2) This subsection applies to the following licensing Boards within the Bureau:

(i) The State Board of Chiropractic under section 501(a) of the Chiropractic Practice Act (63 P.S. § 625.501(a)), pertaining to requirements for licensure as a chiropractor.

(ii) The State Board of Crane Operators under section 502(c) of the Crane Operator Licensure Act (63 P.S. § 2400.502(c)), pertaining to qualifications for licensure as a crane operator.

(iii) The State Board of Dentistry under section 3(c) of the Dental Law (63 P.S. § 122(c)), pertaining to qualifications for licensure as a dentist.

(iv) The State Board of Massage Therapy under section 5(a) of the Massage Therapy Law (63 P.S. § 627.5(a)), pertaining to qualifications for licensure as a massage therapist.

(v) The State Board of Medicine under sections 13.5(a)(8) and 22(b) of the Medical Practice Act of 1985 (63 P.S. §§ 422.13e(a)(8) and 422.22(b)), pertaining to qualifications for licensure as a prosthetist, orthotists, pedorthist, orthotic fitter, physician, midwife or physician assistant.

(vi) The State Board of Nursing under section 6(c) of the Professional Nursing Law (63 P.S. § 216(c)), pertaining to qualifications for licensure as a registered nurse or dietitian-nutritionist, and section 5 of the Practical Nurse Law (63 P.S. § 655), pertaining to qualification for licensure as a practical nurse.

(vii) The State Board of Optometry under section 4(d) of the Optometric Practice and Licensure Act (63 P.S. § 244.4(d)), pertaining to general qualifications for licensure as an optometrist.

(viii) The State Board of Osteopathic Medicine under section 6(c) of the Osteopathic Medical Practice Act (63 P.S. § 271.6(c)), pertaining to qualifications for licensure as an osteopathic physician.

(ix) The State Board of Pharmacy under sections 3(a) and 3.3(a) and (b) of the Pharmacy Act (63 P.S. §§ 390-3(a) and 3.3(a) and (b)), pertaining to qualifications for licensure as a pharmacist and qualifications for pharmacy technician and pharmacy technician trainee registration.

(x) The State Board of Physical Therapy under section 6(a) of the Physical Therapy Practice Act (63 P.S. § 1306(a)), pertaining to qualifications for licensure as a physical therapist.

(xi) The State Board of Psychology under section 6(a) of the Professional Psychologists Practice Act (63 P.S. § 1206(a)), pertaining to qualifications for licensure as a psychologist.

(xii) The State Board of Social Workers, Marriage and Family Therapists and Professional Counselors under section 7(a), (d), (e), (f) and (g) of the Social Workers, Marriage and Family Therapists and Professional Counselors Act (63 P.S. § 1907(a), (d), (e), (f) and (g)), pertaining to qualifications for licensure as a social worker, clinical social worker, marriage and family therapist, professional counsel and bachelor social worker.

(xiii) The State Board of Veterinary Medicine under section 9(b)(4) of the

Veterinary Medicine Practice Act (63 P.S. § 485.9(b)(4)), pertaining to qualifications for licensure as a veterinarian.

§ 43b.405. Restricted licenses for barbers and cosmetologists.

(a) As an alternative to refusing to issue or renew, suspending, revoking or limiting a license to practice barbering or cosmetology of an applicant who has a criminal conviction that may be an impediment to licensure, the State Board of Barber Examiners and the State Board of Cosmetology (Boards) may grant a restricted license to an applicant who demonstrates, to the relevant Board's satisfaction, the following, as applicable:

- (1) While incarcerated, the individual maintained a record of good behavior, including successful completion of any required rehabilitative programming offered by a county correctional facility or the Department of Corrections.
- (2) If incarcerated by a county correctional facility or the Department of Corrections and enrolled in a barber or cosmetology training program, the individual has successfully completed the requisite education or training requirements of the program.
- (3) The individual has not been found to be in violation of probation or parole.
- (4) The individual has demonstrated a commitment to living a law-abiding life, which may be established by one or more of the following:
 - (i) A personal statement of the individual detailing the individual's efforts at rehabilitation since the conviction.
 - (ii) A letter of recommendation from the individual's probation officer, parole officer or appropriate official within the county correctional facility or the Department of Corrections.
 - (iii) A letter or letters of recommendation from members of the community with

knowledge of the individual's efforts at rehabilitation since the conviction.

(iv) A letter of recommendation from a licensed barber or cosmetologist with knowledge of the individual's efforts at rehabilitation since the conviction.

(v) Any other relevant evidence of the individual's commitment to living a law-abiding life.

(b) A restricted license will be issued for a term of not less than 1 year and not more than 2 years, at the discretion of the applicable Board.

(c) The order granting a restricted license will set forth the conditions imposed by the applicable Board, which may include any of the following:

(1) A limitation on the scope of the restricted license holder's practice.

(2) A limitation on the location of the restricted license holder's practice.

(3) A requirement that the restricted license holder be subject to the direct, on-premises supervision of a licensed manager-barber or a licensee designated in charge of the barber shop or a licensed cosmetology teacher, salon owner or designated licensee in charge of the salon, as applicable, during regular business hours, excluding breaks. A restricted license holder who is subject to supervision under this paragraph shall notify the applicable board in writing within 10 business days of a change in supervisor.

(4) Any other condition that the applicable Board deems appropriate.

(d) Within 30 days of the conclusion of the term of the restricted license, the restricted license holder shall petition for termination of the period of restriction and issuance of an unrestricted license and shall certify that the restricted license holder has complied with all conditions imposed by the applicable board under subsection (c). If subject to supervision under subsection (c)(3), the restricted license holder's supervisor shall submit, within 30 days of the conclusion of the term of

the restricted license, a letter to the applicable Board providing notice as to whether the restricted license holder complied with all conditions imposed by the applicable Board. If the restricted license holder has more than one supervisor during the period of restriction, each supervisor shall submit a separate letter.

(e) A restricted license is subject to disciplinary action for violations of the applicable Board’s act or regulations.

(1) In addition, under 63 Pa.C.S. § 3112(d), a restricted license will be immediately revoked if any of the following occurs:

(i) The restricted license holder is convicted of an offense graded as a misdemeanor or felony in this Commonwealth or a similar or equivalent offense in another jurisdiction after the issuance of the restricted license.

(ii) The restricted license holder fails to comply with any of the conditions imposed by the applicable Board under subsection (c).

(2) The restricted license holder will be afforded a post-deprivation hearing before the Board or a hearing examiner to challenge the revocation of the restricted license.

SCHEDULES OF CRIMINAL CONVICTIONS

§ 43b.501. Schedule of sexual offenses.

For purposes of § 43b.404(b) (relating to consideration of criminal convictions), a “sexual offense” includes any of the following:

(1) 18 Pa.C.S. § 2910 (relating to luring a child into a motor vehicle or structure).

(2) Any of the offenses enumerated in 18 Pa.C.S. Ch. 30 (relating to human trafficking)

if the offense involved sexual servitude, including the following:

(i) 18 Pa.C.S. § 3011 (relating to trafficking in individuals).

- (ii) 18 Pa.C.S. § 3012 (relating to involuntary servitude).
 - (iii) 18 Pa.C.S. § 3013 (relating to patronizing a victim of sexual servitude).
 - (iv) 18 Pa.C.S. § 3014 (relating to unlawful conduct regarding documents).
 - (v) 18 Pa.C.S. § 3015 (relating to nonpayment of wages).
- (3) Any of the offenses enumerated in 18 Pa.C.S. Ch. 31 (relating to sexual offenses), including the following:
- (i) 18 Pa.C.S. § 3121 (relating to rape).
 - (ii) 18 Pa.C.S. § 3122.1 (relating to statutory sexual assault).
 - (iii) 18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse).
 - (iv) 18 Pa.C.S. § 3124.1 (relating to sexual assault).
 - (v) 18 Pa.C.S. § 3124.2 (relating to institutional sexual assault).
 - (vi) 18 Pa.C.S. § 3124.3 (relating to sexual assault by sports official, volunteer or employee of nonprofit association).
 - (vii) 18 Pa.C.S. § 3125 (relating to aggravated indecent assault).
 - (viii) 18 Pa.C.S. § 3126 (relating to indecent assault).
 - (ix) 18 Pa.C.S. § 3127 (relating to indecent exposure).
 - (x) 18 Pa.C.S. § 3129 (relating to sexual intercourse with animal).
 - (xi) 18 Pa.C.S. § 3130 (relating to conduct relating to sex offenders).
 - (xii) 18 Pa.C.S. § 3131 (relating to unlawful dissemination of intimate image).
 - (xiii) 18 Pa.C.S. § 3132 (relating to female mutilation).
 - (xiv) 18 Pa.C.S. § 3133 (relating to sexual extortion).
- (4) 18 Pa.C.S. § 4302 (relating to incest).
- (5) 18 Pa.C.S. § 4304(a)(1) (relating to endangering welfare of children) if the offense

involved sexual contact with the victim.

(6) 18 Pa.C.S. § 5901 (relating to open lewdness) if the offense involved a minor under 18 years of age.

(7) 18 Pa.C.S. § 5902(b) or (b.1) (relating to prostitution and related offenses) pertaining to promoting prostitution and promoting prostitution of a minor.

(8) 18 Pa.C.S. § 5903 (relating to obscene and other sexual materials and performances) if the offense involved a minor under 18 years of age.

(9) 18 Pa.C.S. § 6301(a)(1)(i) (relating to corruption of minors) if the offense involved sexual contact with the victim.

(10) 18 Pa.C.S. § 6301(a)(1)(ii) (relating to corruption of minors).

(11) 18 Pa.C.S. § 6312 (relating to sexual abuse of children).

(12) 18 Pa.C.S. § 6318 (relating to unlawful contact with minor).

(13) 18 Pa.C.S. § 6320 (relating to sexual exploitation of children).

(14) 18 Pa.C.S. § 7507.1 (relating to invasion of privacy).

(15) Criminal attempt, criminal conspiracy or criminal solicitation to commit any of the offenses listed in paragraphs (1)—(14).

(16) Any equivalent crime in another jurisdiction.

§ 43b.502. Crimes of violence.

For purposes of § 43b.404(c) (relating to consideration of criminal convictions), a “crime of violence” includes any of the following:

(1) 18 Pa.C.S. § 2502(c) (relating to murder).

(2) 18 Pa.C.S. § 2503 (relating to voluntary manslaughter).

(3) 18 Pa.C.S. § 2506(a) (relating to drug delivery resulting in death).

- (4) 18 Pa.C.S. § 2507(c) or (d) (relating to criminal homicide of law enforcement officer).
- (5) 18 Pa.C.S. § 2604(c) (relating to murder of unborn child).
- (6) 18 Pa.C.S. § 2606 (relating to aggravated assault of unborn child).
- (7) 18 Pa.C.S. § 2702(a)(1) and (2) (relating to aggravated assault).
- (8) 18 Pa.C.S. § 2702.1 (relating to assault of law enforcement officer).
- (9) 18 Pa.C.S. § 2716(b) (relating to weapons of mass destruction).
- (10) 18 Pa.C.S. § 2717 (relating to terrorism), when graded as a felony of the first degree.
- (11) 18 Pa.C.S. § 2718 (relating to strangulation), when graded as a felony.
- (12) 18 Pa.C.S. § 2901 (relating to kidnapping).
- (13) 18 Pa.C.S. § 3011 (relating to trafficking in individuals), when graded as a felony of the first degree.
- (14) 18 Pa.C.S. § 3121 (relating to rape).
- (15) 18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse).
- (16) 18 Pa.C.S. § 3124.1 (relating to sexual assault).
- (17) 18 Pa.C.S. § 3125 (relating to aggravated indecent assault).
- (18) 18 Pa.C.S. § 3301(a) or (a.1) (relating to arson and related offenses).
- (19) 18 Pa.C.S. § 3311(b)(3) (relating to ecoterrorism).
- (20) 18 Pa.C.S. § 3502(a)(1) (relating to burglary).
- (21) 18 Pa.C.S. § 3701(a)(1)(i), (ii) or (iii) (relating to robbery).
- (22) 18 Pa.C.S. § 3702 (relating to robbery of motor vehicle).
- (23) 18 Pa.C.S. § 4302 (relating to incest).

- (24) Criminal attempt, criminal conspiracy or criminal solicitation to commit any of the offenses listed in paragraphs (1)—(24).
- (25) Any equivalent crime under the laws of this Commonwealth in effect at the time of the commission of that offense.
- (26) Any equivalent crime in another jurisdiction.

§ 43b.503. Schedule of criminal convictions – State Board of Accountancy.

- (a) A conviction of any of the criminal offenses in subsections (b) and (c) may constitute grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit issued by the State Board of Accountancy (Board).
- (b) Each of the crimes of violence set forth in § 43b.502 (relating to crimes of violence), in accordance with § 43b.404(c) (relating to consideration of criminal convictions).
- (c) The following additional criminal offenses that have been deemed by the Board as directly related to the accountancy profession:
 - (1) 18 Pa.C.S. § 911 (relating to corrupt organizations).
 - (2) 18 Pa.C.S. § 3701 (relating to robbery).
 - (3) 18 Pa.C.S. § 3921 (relating to theft by unlawful taking or disposition).
 - (4) 18 Pa.C.S. § 3922 (relating to theft by deception).
 - (5) 18 Pa.C.S. § 3923 (relating to theft by extortion).
 - (6) 18 Pa.C.S. § 3924 (relating to theft of property lost, mislaid, or delivered by mistake).
 - (7) 18 Pa.C.S. § 3925 (relating to receiving stolen property).
 - (8) 18 Pa.C.S. § 3926 (relating to theft of services).
 - (9) 18 Pa.C.S. § 3927 (relating to theft by failure to make required disposition of funds

received).

- (10) 18 Pa.C.S. § 3929 (relating to retail theft) when graded as a felony.
- (11) 18 Pa.C.S. § 3929.3 (relating to organized retail theft).
- (12) 18 Pa.C.S. § 3932 (relating to theft of leased property).
- (13) 18 Pa.C.S. § 3934 (relating to theft from a motor vehicle).
- (14) 18 Pa.C.S. § 4101 (relating to forgery).
- (15) 18 Pa.C.S. § 4103 (relating to fraudulent destruction, removal or concealment of recordable instruments).
- (16) 18 Pa.C.S. § 4104 (relating to tampering with records or identification).
- (17) 18 Pa.C.S. § 4105 (relating to bad checks), when graded as a felony.
- (18) 18 Pa.C.S. § 4106 (relating to access device fraud), when graded as a felony.
- (19) 18 Pa.C.S. § 4107 (relating to deceptive or fraudulent business practices).
- (20) 18 Pa.C.S. § 4107.2 (relating to deception relating to certification of minority business enterprise or women’s business enterprise).
- (21) 18 Pa.C.S. § 4108 (relating to commercial bribery and breach of duty to act disinterestedly).
- (22) 18 Pa.C.S. § 4110 (relating to defrauding secured creditors).
- (23) 18 Pa.C.S. § 4111 (relating to fraud in insolvency).
- (24) 18 Pa.C.S. § 4113 (relating to misapplication of entrusted property and property of government or financial institutions).
- (25) 18 Pa.C.S. § 4114 (relating to securing execution of documents by deception).
- (26) 18 Pa.C.S. § 4115 (relating to falsely impersonating persons privately employed).
- (27) 18 Pa.C.S. § 4117 (relating to insurance fraud).

- (28) 18 Pa.C.S. § 4120 (relating to identity theft).
- (29) 18 Pa.C.S. § 4701 (relating to bribery in official and political matters).
- (30) 18 Pa.C.S. § 4702 (relating to threats and other improper influence in official and political matters).
- (31) 18 Pa.C.S. § 4703 (relating to retaliation for past official action).
- (32) 18 Pa.C.S. § 4902 (relating to perjury).
- (33) 18 Pa.C.S. § 4903 (relating to false swearing).
- (34) 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).
- (35) 18 Pa.C.S. § 4909 (relating to witness or informant taking a bribe).
- (36) 18 Pa.C.S. § 4910 (relating to tampering with or fabricating physical evidence).
- (37) 18 Pa.C.S. § 4911 (relating to tampering with public records or information).
- (38) 18 Pa.C.S. § 4912 (relating to impersonating a public servant).
- (39) 18 Pa.C.S. § 4913 (relating to impersonating a notary public or holder of a professional or occupational license).
- (40) 18 Pa.C.S. § 4952 (relating to intimidation of witnesses or victims) when graded as a felony.
- (41) 18 Pa.C.S. § 4953 (relating to retaliation against witness, victim or party).
- (42) 18 Pa.C.S. § 4958 (relating to intimidation, retaliation or obstruction in child abuse cases).
- (43) 18 Pa.C.S. § 5107 (relating to aiding consummation of a crime).
- (44) 18 Pa.C.S. § 5108 (relating to compounding).
- (45) 18 Pa.C.S. § 5111 (relating to dealing in proceeds of unlawful activities).
- (50) 18 Pa.C.S. § 7326 (relating to disclosure of confidential tax information).

- (51) 18 Pa.C.S. § 7611 (relating to unlawful use of computer and other computer crimes).
- (52) 18 Pa.C.S. § 7613 (relating to computer theft).
- (53) 18 Pa.C.S. § 7615 (relating to computer trespass).
- (54) 15 U.S.C. § 78j(b) (relating to manipulative and deceptive devices).
- (55) 26 U.S.C. § 7201 (relating to attempt to evade or defeat tax).
- (56) 26 U.S.C. § 7202 (relating to willful failure to collect or pay over tax).
- (57) 26 U.S.C. § 7203 (relating to willful failure to file return, supply information, or pay tax).
- (58) 26 U.S.C. § 7204 (relating to fraudulent statement or failure to make statement to employees).
- (59) 26 U.S.C. § 7205 (relating to fraudulent withholding exemption certificate or failure to supply information).
- (60) 26 U.S.C. § 7206 (relating to fraud and false statements).
- (61) 26 U.S.C. § 7207 (relating to fraudulent returns, statements, or other documents).
- (62) 26 U.S.C. § 7212 (relating to attempts to interfere with administration of Internal Revenue laws).
- (63) 26 U.S.C. § 7213 (relating to unauthorized disclosure of information).
- (64) 26 U.S.C. § 7215 (relating to offenses with respect to collected taxes).
- (65) 26 U.S.C. § 7216 (relating to disclosure or use of information by preparers of returns).
- (66) Criminal attempt, criminal conspiracy or criminal solicitation to commit any of the offenses listed in paragraphs (1)—(65).

(67) Any equivalent crime under the laws of this Commonwealth in effect at the time of the commission of that offense.

(68) Any equivalent crime in another jurisdiction.

§ 43b.504. Schedule of criminal convictions – State Architects Licensure Board.

(a) A conviction of any of the criminal offenses in subsections (b) and (c) may constitute grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit issued by the State Architects Licensure Board (Board).

(b) Each of the crimes of violence set forth in § 43b.502 (relating to crimes of violence), in accordance with § 43b.404(c) (relating to consideration of criminal convictions).

(c) The following additional criminal offenses that have been deemed by the Board as directly related to the architect profession:

(1) 18 Pa.C.S. § 3921 (relating to theft by unlawful taking or disposition).

(4) 18 Pa.C.S. § 3922 (relating to theft by deception).

(5) 18 Pa.C.S. § 3923 (relating to theft by extortion).

(6) 18 Pa.C.S. § 3924 (relating to theft of property lost, mislaid, or delivered by mistake).

(7) 18 Pa.C.S. § 3925 (relating to receiving stolen property).

(8) 18 Pa.C.S. § 3926 (relating to theft of services).

(9) 18 Pa.C.S. § 3927 (relating to theft by failure to make required disposition of funds received).

(10) 18 Pa.C.S. § 4101 (relating to forgery).

(11) 18 Pa.C.S. § 4103 (relating to fraudulent destruction, removal or concealment of recordable instruments).

- (12) 18 Pa.C.S. § 4104 (relating to tampering with records or identification).
- (13) 18 Pa.C.S. § 4105 (relating to bad checks), when graded as a felony.
- (14) 18 Pa.C.S. § 4107 (relating to deceptive or fraudulent business practices).
- (15) 18 Pa.C.S. § 4108 (relating to commercial bribery and breach of duty to act disinterestedly).
- (16) 18 Pa.C.S. § 4114 (relating to securing execution of documents by deception).
- (17) 18 Pa.C.S. § 4115 (relating to falsely impersonating persons privately employed).
- (18) 18 Pa.C.S. § 4117 (relating to insurance fraud).
- (19) 18 Pa.C.S. § 4120 (relating to identity theft).
- (20) 18 Pa.C.S. § 4121 (relating to possession and use of unlawful devices).
- (21) 18 Pa.C.S. § 4913 (relating to impersonating a notary public or holder of a professional or occupational license).
- (22) 73 P.S. § 517.8 (relating to home improvement fraud).
- (23) Criminal attempt, criminal conspiracy or criminal solicitation to commit any of the offenses listed in paragraphs (1)—(22).
- (24) Any equivalent crime under the laws of this Commonwealth in effect at the time of the commission of that offense.
- (25) Any equivalent crime in another jurisdiction.

§ 43b.505. Schedule of criminal convictions – State Board of Auctioneer Examiners.

- (a) A conviction of any of the criminal offenses in subsections (b) and (c) may constitute grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit issued by the State Board of Auctioneer Examiners (Board).
- (b) Each of the crimes of violence set forth in § 43b.502 (relating to crimes of violence), in

accordance with § 43b.404(c) (relating to consideration of criminal convictions).

(c) The following additional criminal offenses that have been deemed by the Board as directly related to the professions regulated by the Board:

- (1) 18 Pa.C.S. § 911 (relating to corrupt organizations).
- (2) 18 Pa.C.S. § 2906 (relating to criminal coercion).
- (3) 18 Pa.C.S. § 2907 (relating to disposition of ransom).
- (4) 18 Pa.C.S. § 2909 (relating to concealment of the whereabouts of a child).
- (5) 18 Pa.C.S. § 2910 (relating to luring a child into a motor vehicle or structure).
- (6) 18 Pa.C.S. § 3015(a) (relating to nonpayment of wages), pertaining to human trafficking.
- (7) 18 Pa.C.S. § 3016(a) (relating to obstruction of justice), pertaining to human trafficking.
- (8) 18 Pa.C.S. § 3022 (relating to professional licenses), pertaining to employing a victim of human trafficking.
- (9) 18 Pa.C.S. § 3133 (relating to sexual extortion).
- (10) 18 Pa.C.S. § 3921 (relating to theft by unlawful taking or disposition).
- (11) 18 Pa.C.S. § 3922 (relating to theft by deception).
- (12) 18 Pa.C.S. § 3923 (relating to theft by extortion).
- (13) 18 Pa.C.S. § 3924 (relating to theft of property lost, mislaid, or delivered by mistake).
- (14) 18 Pa.C.S. § 3925 (relating to receiving stolen property).
- (15) 18 Pa.C.S. § 3926 (relating to theft of services).
- (16) 18 Pa.C.S. § 3927 (relating to theft by failure to make required disposition of funds

received).

- (17) 18 Pa.C.S. § 3928 (relating to unauthorized use of automobiles and other vehicles).
- (18) 18 Pa.C.S. § 3929 (relating to retail theft).
- (19) 18 Pa.C.S. § 3929.1 (relating to library theft).
- (20) 18 Pa.C.S. § 3929.2 (relating to unlawful possession of retail or library theft instruments).
- (21) 18 Pa.C.S. § 3929.3 (relating to organized retail theft).
- (22) 18 Pa.C.S. § 3930 (relating to theft of trade secrets).
- (23) 18 Pa.C.S. § 3931 (relating to theft of unpublished dramas and musical compositions).
- (24) 18 Pa.C.S. § 3932 (relating to theft of leased property).
- (25) 18 Pa.C.S. § 3934 (relating to theft from a motor vehicle).
- (26) 18 Pa.C.S. § 3935.1 (relating to theft of secondary metal).
- (27) 18 Pa.C.S. § 4101 (relating to forgery).
- (28) 18 Pa.C.S. § 4102 (relating to simulating objects of antiquity, rarity, etc.).
- (29) 18 Pa.C.S. § 4103 (relating to fraudulent destruction, removal or concealment of recordable instruments).
- (30) 18 Pa.C.S. § 4104 (relating to tampering with records or identification).
- (31) 18 Pa.C.S. § 4107 (relating to deceptive or fraudulent business practices).
- (32) 18 Pa.C.S. § 4108 (relating to commercial bribery and breach of duty to act disinterestedly).
- (33) 18 Pa.C.S. § 4109 (relating to rigging publicly exhibited contest).
- (34) 18 Pa.C.S. § 4110 (relating to defrauding secured creditors).

- (35) 18 Pa.C.S. § 4111 (relating to fraud in insolvency).
- (36) 18 Pa.C.S. § 4112 (relating to receiving deposits in a failing financial institution).
- (37) 18 Pa.C.S. § 4113 (relating to misapplication of entrusted property and property of government or financial institutions).
- (38) 18 Pa.C.S. § 4114 (relating to securing execution of documents by deception).
- (39) 18 Pa.C.S. § 4115 (relating to falsely impersonating persons privately employed).
- (40) 18 Pa.C.S. § 4116 (relating to copying; recording devices).
- (41) 18 Pa.C.S. § 4116.1 (relating to unlawful operation of recording devices in motion picture theater).
- (42) 18 Pa.C.S. § 4117 (relating to insurance fraud).
- (43) 18 Pa.C.S. § 4118 (relating to washing vehicle titles).
- (44) 18 Pa.C.S. § 4119 (relating to trademark counterfeiting).
- (45) 18 Pa.C.S. § 4120 (relating to identity theft).
- (46) 18 Pa.C.S. § 4121 (relating to possession and use of unlawful devices).
- (47) 18 Pa.C.S. § 4902 (relating to perjury).
- (48) 18 Pa.C.S. § 4903 (relating to false swearing).
- (49) 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).
- (50) 18 Pa.C.S. § 4911 (relating to tampering with public records or information).
- (51) 18 Pa.C.S. § 4913 (relating to impersonating a notary public or holder of a professional or occupational license).
- (52) 18 Pa.C.S. § 4952 (relating to intimidation of witnesses or victims).
- (53) 18 Pa.C.S. § 4953 (relating to retaliation against witness, victim or party).
- (54) 63 P.S. § 734.29(a) (relating to penalties), pertaining to criminal penalties for

unlicensed practice.

(55) Criminal attempt, criminal conspiracy or criminal solicitation to commit any of the offenses listed in paragraphs (1)—(54).

(56) Any equivalent crime under the laws of this Commonwealth in effect at the time of the commission of that offense.

(57) Any equivalent crime in another jurisdiction.

§ 43b.506. Schedule of criminal convictions – State Board of Barber Examiners.

(a) A conviction of any of the criminal offenses in subsections (b) and (c) may constitute grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit issued by the State Board of Barber Examiners (Board).

(b) Each of the crimes of violence set forth in § 43b.502 (relating to crimes of violence), in accordance with § 43b.404(c) (relating to consideration of criminal convictions).

(c) The following additional criminal offenses that have been deemed by the Board as directly related to the barbering profession:

(1) 18 Pa.C.S. § 2702 (relating to aggravated assault).

(2) 18 Pa.C.S. § 2705 (relating to recklessly endangering another person).

(3) 18 Pa.C.S. § 3921 (relating to theft by unlawful taking or disposition).

(4) 18 Pa.C.S. § 3922 (relating to theft by deception).

(5) 18 Pa.C.S. § 3924 (relating to theft of property lost, mislaid, or delivered by mistake).

(6) 18 Pa.C.S. § 3926 (relating to theft of services).

(7) 18 Pa.C.S. § 4107 (relating to deceptive or fraudulent business practices).

(8) 18 Pa.C.S. § 4115 (relating to falsely impersonating persons privately employed).

- (9) 18 Pa.C.S. § 4913 (relating to impersonating a notary public or holder of a professional or occupational license).
- (10) 35 P.S. § 780-113(a)(30) (relating to prohibited acts; penalties), pertaining to the manufacture, delivery or possession with intent to manufacture or deliver, a controlled substance by a person not registered...or a practitioner not registered or licensed by the appropriate State board, or knowingly creating, delivering or possessing with intent to deliver, a counterfeit controlled substance.
- (11) 75 Pa.C.S. § 3802 (relating to driving under influence of alcohol or controlled substance), when graded as a felony.
- (12) Criminal attempt, criminal conspiracy or criminal solicitation to commit any of the offenses listed in paragraphs (1)—(11).
- (13) Any equivalent crime under the laws of this Commonwealth in effect at the time of the commission of that offense.
- (14) Any equivalent crime in another jurisdiction.

§ 43b.507. Schedule of criminal convictions – State Board of Certified Real Estate Appraisers.

- (a) A conviction of any of the criminal offenses in subsections (b) and (c) may constitute grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit issued by the State Board of Certified Real Estate Appraisers (Board).
- (b) Each of the crimes of violence set forth in § 43b.502 (relating to crimes of violence), in accordance with § 43b.404(c) (relating to consideration of criminal convictions).
- (c) The following additional criminal offenses that have been deemed by the Board as directly related to the professions regulated by the Board (appraisers and assessors):

- (1) 18 Pa.C.S. § 3502 (relating to burglary).
- (2) 18 Pa.C.S. § 3503 (relating to criminal trespass), when graded as a felony.
- (3) 18 Pa.C.S. § 3701 (relating to robbery).
- (4) 18 Pa.C.S. § 3921 (relating to theft by unlawful taking or disposition).
- (5) 18 Pa.C.S. § 3922 (relating to theft by deception).
- (6) 18 Pa.C.S. § 3923 (relating to theft by extortion).
- (7) 18 Pa.C.S. § 3924 (relating to theft of property lost, mislaid, or delivered by mistake).
- (8) 18 Pa.C.S. § 3925 (relating to receiving stolen property).
- (9) 18 Pa.C.S. § 3926 (relating to theft of services).
- (10) 18 Pa.C.S. § 3932 (relating to theft of leased property).
- (11) 18 Pa.C.S. § 4101 (relating to forgery).
- (12) 18 Pa.C.S. § 4103 (relating to fraudulent destruction, removal or concealment of recordable instruments).
- (13) 18 Pa.C.S. § 4104 (relating to tampering with records or identification).
- (14) 18 Pa.C.S. § 4107 (relating to deceptive or fraudulent business practices).
- (15) 18 Pa.C.S. § 4108 (relating to commercial bribery and breach of duty to act disinterestedly).
- (16) 18 Pa.C.S. § 4110 (relating to defrauding secured creditors).
- (17) 18 Pa.C.S. § 4114 (relating to securing execution of documents by deception).
- (18) 18 Pa.C.S. § 4115 (relating to falsely impersonating persons privately employed).
- (19) 18 Pa.C.S. § 4117 (relating to insurance fraud).
- (20) 18 Pa.C.S. § 4120 (relating to identity theft).

- (21) 18 Pa.C.S. § 4701 (relating to bribery in official and political matters).
- (22) 18 Pa.C.S. § 4702 (relating to threats and other improper influence in official and political matters).
- (23) 18 Pa.C.S. § 4703 (relating to retaliation for past official action).
- (24) 18 Pa.C.S. § 4902 (relating to perjury).
- (25) 18 Pa.C.S. § 4903 (relating to false swearing).
- (26) 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).
- (27) 18 Pa.C.S. § 4909 (relating to witness or informant taking a bribe).
- (28) 18 Pa.C.S. § 4911 (relating to tampering with public records or information).
- (29) 18 Pa.C.S. § 4912 (relating to impersonating a public servant).
- (30) 18 Pa.C.S. § 4913 (relating to impersonating a notary public or holder of a professional or occupational license).
- (31) 18 Pa.C.S. § 4952 (relating to intimidation of witnesses or victims) when graded as a felony.
- (32) 18 Pa.C.S. § 4953 (relating to retaliation against witness, victim or party).
- (33) 18 Pa.C.S. § 4958 (relating to intimidation, retaliation or obstruction in child abuse cases).
- (34) 18 Pa.C.S. § 7331 (relating to unlicensed mortgage loan business).
- (35) 18 Pa.C.S. § 7611 (relating to unlawful use of computer and other computer crimes).
- (36) 18 Pa.C.S. § 7613 (relating to computer theft).
- (37) 18 Pa.C.S. § 7615 (relating to computer trespass).
- (38) Criminal attempt, criminal conspiracy or criminal solicitation to commit any of the

offenses listed in paragraphs (1)—(37).

(39) Any equivalent crime under the laws of this Commonwealth in effect at the time of the commission of that offense.

(40) Any equivalent crime in another jurisdiction.

§ 43b.508. Schedule of criminal convictions – State Board of Chiropractic.

(a) A conviction of any of the sexual offenses set forth in § 43b.501 (relating to schedule of sexual offenses) constitutes grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit issued by the State Board of Chiropractic (Board) in accordance with § 43b.404(b) (relating to consideration of criminal convictions).

(b) A conviction of any of the criminal offenses set forth in subsections (c), (d) and (e) may constitute grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit issued by the Board.

(c) Each of the crimes of violence set forth in § 43b.502 (relating to crimes of violence), in accordance with § 43b.404(c).

(d) A drug trafficking offense in accordance with § 43b.404(d).

(e) The following additional criminal offenses that have been deemed by the Board as directly related to the chiropractic profession:

(1) 18 Pa.C.S. § 2709.1 (relating to stalking).

(2) 18 Pa.C.S. § 2710 (relating to ethnic intimidation).

(3) 18 Pa.C.S. § 2713 (relating to neglect of a care-dependent person).

(4) 18 Pa.C.S. § 3022 (relating to professional licenses), pertaining to employing a victim of human trafficking.

(5) 18 Pa.C.S. § 3922 (relating to theft by deception).

- (6) 18 Pa.C.S. § 3926 (relating to theft of services).
- (7) 18 Pa.C.S. § 3927 (relating to theft by failure to make required disposition of funds received).
- (8) 18 Pa.C.S. § 4101 (relating to forgery).
- (9) 18 Pa.C.S. § 4104 (relating to tampering with records or identification).
- (10) 18 Pa.C.S. § 4106 (relating to access device fraud).
- (11) 18 Pa.C.S. § 4107 (relating to deceptive or fraudulent business practices).
- (12) 18 Pa.C.S. § 4108 (relating to commercial bribery and breach of duty to act disinterestedly).
- (13) 18 Pa.C.S. § 4114 (relating to securing execution of documents by deception).
- (14) 18 Pa.C.S. § 4117 (relating to insurance fraud).
- (15) 18 Pa.C.S. § 4120 (relating to identity theft).
- (16) 18 Pa.C.S. § 4304 (relating to endangering welfare of children).
- (17) 18 Pa.C.S. § 4902 (relating to perjury).
- (18) 18 Pa.C.S. § 4903 (relating to false swearing).
- (19) 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).
- (20) 18 Pa.C.S. § 4911 (relating to tampering with public records or information).
- (21) 18 Pa.C.S. § 4913 (relating to impersonating a notary public or a holder of a professional or occupational license).
- (22) 18 Pa.C.S. § 4952 (relating to intimidation of witnesses or victims).
- (23) 18 Pa.C.S. § 4953 (relating to retaliation against witness, victim or party).
- (24) 18 Pa.C.S. § 5101 (relating to obstructing administration of law or other governmental function).

- (25) 18 Pa.C.S. § 5105 (relating to hindering apprehension or prosecution).
- (26) 18 Pa.C.S. § 5111 (relating to dealing in proceeds of unlawful activities).
- (27) 23 Pa.C.S. § 6319 (relating to penalties), pertaining to failure to report a case of suspected child abuse.
- (28) 35 P.S. § 780-113(a)(14), (19), (30) and (37) (relating to prohibited acts; penalties), pertaining to certain violations of The Controlled Substance, Drug, Device and Cosmetic Act.
- (29) 62 P.S. § 1407 (relating to provider prohibited acts, criminal penalties and civil remedies), pertaining to Medicaid fraud.
- (30) 63 P.S. § 390-8 (relating to unlawful acts), pertaining to violations of the Pharmacy Act.
- (31) 63 P.S. § 625.701 (relating to practice of chiropractic without license prohibited).
- (32) 63 P.S. § 625.702 (relating to violation of other provisions), pertaining to criminal offenses under the Chiropractic Practice Act.
- (33) 77 P.S. § 1039.2 (relating to offenses), pertaining to insurance fraud under the Workers' Compensation Act.
- (34) 18 U.S.C. § 1035 (relating to false statements relating to health care matters).
- (35) 18 U.S.C. § 1341 (relating to frauds and swindles), pertaining to mail fraud.
- (36) 18 U.S.C. § 1347 (relating to health care fraud).
- (37) 26 U.S.C. § 7206 (relating to fraud and false statements), pertaining to crimes under the Internal Revenue Code.
- (38) Criminal attempt, criminal conspiracy or criminal solicitation to commit any of the offenses listed in paragraphs (1)—(37).

(39) Any equivalent crime under the laws of this Commonwealth in effect at the time of the commission of that offense.

(40) Any equivalent crime in another jurisdiction.

§ 43b.509. Schedule of criminal convictions – State Board of Cosmetology.

(a) A conviction of any of the criminal offenses in subsections (b) and (c) may constitute grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit issued by the State Board of Cosmetology (Board).

(b) Each of the crimes of violence set forth in § 43b.502 (relating to crimes of violence), in accordance with § 43b.404(c) (relating to consideration of criminal convictions).

(c) The following additional criminal offenses that have been deemed by the Board as directly related to the professions regulated by the Board:

(1) 18 Pa.C.S. § 2702 (relating to aggravated assault).

(2) 18 Pa.C.S. § 2705 (relating to recklessly endangering another person).

(3) 18 Pa.C.S. § 3921 (relating to theft by unlawful taking or disposition).

(4) 18 Pa.C.S. § 3922 (relating to theft by deception).

(5) 18 Pa.C.S. § 3924 (relating to theft of property lost, mislaid or delivered by mistake).

(6) 18 Pa.C.S. § 3926 (relating to theft of services).

(7) 18 Pa.C.S. § 4101 (relating to forgery).

(8) 18 Pa.C.S. § 4104 (relating to tampering with records or identification).

(9) 18 Pa.C.S. § 4107 (relating to deceptive or fraudulent business practices).

(10) 18 Pa.C.S. § 4108 (relating to commercial bribery and breach of duty to act disinterestedly).

- (11) 18 Pa.C.S. § 4112 (relating to receiving deposits in a failing financial institution).
- (12) 18 Pa.C.S. § 4113 (relating to misapplication of entrusted property and property of government or financial institutions).
- (13) 18 Pa.C.S. § 4114 (relating to securing execution of documents by deception).
- (14) 18 Pa.C.S. § 4115 (relating to falsely impersonating persons privately employed).
- (15) 18 Pa.C.S. § 4120 (relating to identity theft).
- (16) 18 Pa.C.S. § 4913 (relating to impersonating a notary public or holder of a professional or occupational license).
- (17) Criminal attempt, criminal conspiracy or criminal solicitation to commit any of the offenses listed in paragraphs (1)—(16).
- (18) Any equivalent crime under the laws of this Commonwealth in effect at the time of the commission of that offense.
- (19) Any equivalent crime in another jurisdiction.

§ 43b.510. Schedule of criminal convictions – State Board of Crane Operators.

- (a) A conviction of any of the criminal offenses in subsections (b), (c) and (d) may constitute grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit issued by the State Board of Crane Operators (Board).
- (b) Each of the crimes of violence set forth in § 43b.502 (relating to crimes of violence), in accordance with § 43b.404(c) (relating to consideration of criminal convictions).
- (c) A drug trafficking offense in accordance with § 43b.404(d).
- (d) The following additional criminal offenses that have been deemed by the Board as directly related to the crane operating profession:
 - (1) 18 Pa.C.S. § 2506(a) (relating to drug delivery resulting in death).

- (2) 18 Pa.C.S. § 3313 (relating to illegal dumping of methamphetamine waste).
- (3) 18 Pa.C.S. § 3928 (relating to unauthorized use of automobiles and other vehicles).
- (4) 18 Pa.C.S. § 3935.1 (relating to theft of secondary metal).
- (5) 18 Pa.C.S. § 4117 (relating to insurance fraud).
- (6) 18 Pa.C.S. § 7508.2 (relating to operation of a methamphetamine laboratory).
- (7) 35 P.S. § 780-113(a)(1), (12), (14), (16), (30) and (37) (relating to prohibited acts; penalties), pertaining to certain violations of The Controlled Substance, Drug, Device and Cosmetic Act.
- (8) 75 Pa.C.S. § 3732 (relating to homicide by vehicle).
- (9) 75 Pa.C.S. § 3732.1 (relating to aggravated assault by vehicle).
- (10) 75 Pa.C.S. § 3735 (relating to homicide by vehicle while driving under influence).
- (11) 75 Pa.C.S. § 3735.1 (relating to aggravated assault by vehicle while driving under influence).
- (12) 75 Pa.C.S. § 3802 (relating to driving under influence of alcohol or controlled substance).
- (13) 75 Pa.C.S. § 3808 (relating to illegally operating a motor vehicle not equipped with ignition interlock).
- (14) 75 Pa.C.S. § 3809 (relating to restrictions on alcoholic beverages).
- (15) Criminal attempt, criminal conspiracy or criminal solicitation to commit any of the offenses listed in paragraphs (1)—(14).
- (16) Any equivalent crime under the laws of this Commonwealth in effect at the time of the commission of that offense.
- (17) Any equivalent crime in another jurisdiction.

§ 43b.511. Schedule of criminal convictions – State Board of Dentistry.

- (a) A conviction of any of the sexual offenses set forth in § 43b.501 (relating to schedule of sexual offenses) constitutes grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit issued by the State Board of Dentistry (Board) in accordance with § 43b.404(b) (relating to consideration of criminal convictions).
- (b) A conviction of any of the criminal offenses set forth in subsections (c), (d) and (e) may constitute grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit issued by the Board.
- (c) Each of the crimes of violence set forth in § 43b.502 (relating to crimes of violence), in accordance with § 43b.404(c).
- (d) A drug trafficking offense in accordance with § 43b.404(d).
- (e) The following additional criminal offenses that have been deemed by the Board as directly related to the professions regulated by the Board:
 - (1) 18 Pa.C.S. § 2710 (relating to ethnic intimidation).
 - (2) 18 Pa.C.S. § 3022 (relating to professional licenses), pertaining to employing victim of human trafficking.
 - (3) 18 Pa.C.S. § 3922 (relating to theft by deception).
 - (4) 18 Pa.C.S. § 4101 (relating to forgery).
 - (5) 18 Pa.C.S. § 4107 (relating to deceptive or fraudulent business practices).
 - (6) 18 Pa.C.S. § 4117 (relating to insurance fraud).
 - (7) 18 Pa.C.S. § 4120 (relating to identity theft).
 - (8) 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).
 - (9) 18 Pa.C.S. § 4911 (relating to tampering with public records or information).

- (10) 18 Pa.C.S. § 4913 (relating to impersonating a notary public or holder of a professional or occupational license).
- (11) 18 Pa.C.S. § 7611 (relating to unlawful use of computer and other computer crimes).
- (12) 18 Pa.C.S. § 7615 (relating to computer trespass).
- (13) 23 Pa.C.S. § 6319 (relating to penalties), pertaining to failure to report a case of suspected child abuse.
- (14) 23 Pa.C.S. § 6346 (relating to cooperation of other agencies), pertaining to willful failure to cooperate with an investigation of suspected child abuse.
- (15) 35 P.S. § 780-113(a)(12), (13), (14), (21), (28), (30), (32) and (33) (relating to prohibited acts; penalties), pertaining to certain violations of The Controlled Substance, Drug, Device and Cosmetic Act.
- (16) 62 P.S. § 1407 (relating to provider prohibited acts, criminal penalties and civil remedies), pertaining to Medicaid fraud.
- (17) 63 P.S. § 129 (relating to penalties for unlawful practice).
- (18) 63 P.S. § 390-8 (relating to unlawful acts), pertaining to violations of the Pharmacy Act.
- (19) Criminal attempt, criminal conspiracy or criminal solicitation to commit any of the offenses listed in paragraphs (1)—(18).
- (20) Any equivalent crime under the laws of this Commonwealth in effect at the time of the commission of that offense.
- (21) Any equivalent crime in another jurisdiction.

§ 43b.512. Schedule of criminal convictions – State Registration Board for Professional Engineers, Land Surveyors and Geologists.

- (a) A conviction of any of the criminal offenses in subsections (b) and (c) may constitute grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit issued by the State Registration Board for Professional Engineers, Land Surveyors and Geologists (Board).
- (b) Each of the crimes of violence set forth in § 43b.502 (relating to crimes of violence), in accordance with § 43b.404(c) (relating to consideration of criminal convictions).
- (c) The following additional criminal offenses that have been deemed by the Board as directly related to the professions regulated by the Board:
- (1) 18 Pa.C.S. § 3921 (relating to theft by unlawful taking or disposition).
 - (4) 18 Pa.C.S. § 3922 (relating to theft by deception).
 - (5) 18 Pa.C.S. § 3923 (relating to theft by extortion).
 - (6) 18 Pa.C.S. § 3924 (relating to theft of property lost, mislaid, or delivered by mistake).
 - (7) 18 Pa.C.S. § 3925 (relating to receiving stolen property).
 - (8) 18 Pa.C.S. § 3926 (relating to theft of services).
 - (9) 18 Pa.C.S. § 3927 (relating to theft by failure to make required disposition of funds received).
 - (10) 18 Pa.C.S. § 4101 (relating to forgery).
 - (11) 18 Pa.C.S. § 4103 (relating to fraudulent destruction, removal or concealment of recordable instruments).
 - (12) 18 Pa.C.S. § 4104 (relating to tampering with records or identification).
 - (13) 18 Pa.C.S. § 4105 (relating to bad checks), when graded as a felony.

- (14) 18 Pa.C.S. § 4107 (relating to deceptive or fraudulent business practices).
- (15) 18 Pa.C.S. § 4108 (relating to commercial bribery and breach of duty to act disinterestedly).
- (16) 18 Pa.C.S. § 4114 (relating to securing execution of documents by deception).
- (17) 18 Pa.C.S. § 4115 (relating to falsely impersonating persons privately employed).
- (18) 18 Pa.C.S. § 4117 (relating to insurance fraud).
- (19) 18 Pa.C.S. § 4120 (relating to identity theft).
- (20) 18 Pa.C.S. § 4121 (relating to possession and use of unlawful devices).
- (21) 18 Pa.C.S. § 4913 (relating to impersonating a notary public or holder of a professional or occupational license).
- (22) 73 P.S. § 517.8 (relating to home improvement fraud).
- (23) Criminal attempt, criminal conspiracy or criminal solicitation to commit any of the offenses listed in paragraphs (1)—(21).
- (24) Any equivalent crime under the laws of this Commonwealth in effect at the time of the commission of that offense.
- (25) Any equivalent crime in another jurisdiction.

§ 43b.513. Schedule of criminal convictions – State Board of Funeral Directors.

- (a) A conviction of any of the criminal offenses in subsections (b) and (c) may constitute grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit issued by the State Board of Funeral Directors (Board).
- (b) Each of the crimes of violence set forth in § 43b.502 (relating to crimes of violence), in accordance with § 43b.404(c) (relating to consideration of criminal convictions).
- (c) The following additional criminal offenses that have been deemed by the Board as directly

related to the profession of funeral directing:

- (1) 18 Pa.C.S. § 3921 (relating to theft by unlawful taking or disposition).
- (2) 18 Pa.C.S. § 3922 (relating to theft by deception).
- (3) 18 Pa.C.S. § 3923 (relating to theft by extortion).
- (4) 18 Pa.C.S. § 3924 (relating to theft of property lost, mislaid, or delivered by mistake).
- (5) 18 Pa.C.S. § 3925 (relating to receiving stolen property).
- (6) 18 Pa.C.S. § 3927 (relating to theft by failure to make required disposition of funds received).
- (7) 18 Pa.C.S. § 4101 (relating to forgery).
- (8) 18 Pa.C.S. § 4103 (relating to fraudulent destruction, removal or concealment of recordable instruments).
- (9) 18 Pa.C.S. § 4104 (relating to tampering with records or identification).
- (10) 18 Pa.C.S. § 4105 (relating to bad checks), when graded as a felony.
- (11) 18 Pa.C.S. § 4106 (relating to access device fraud), when graded as a felony.
- (12) 18 Pa.C.S. § 4107 (relating to deceptive or fraudulent business practices).
- (13) 18 Pa.C.S. § 4108 (relating to commercial bribery and breach of duty to act disinterestedly).
- (14) 18 Pa.C.S. § 4112 (relating to receiving deposits in a failing financial institution).
- (15) 18 Pa.C.S. § 4113 (relating to misapplication of entrusted property and property of government or financial institutions).
- (16) 18 Pa.C.S. § 4114 (relating to securing execution of documents by deception).
- (17) 18 Pa.C.S. § 4115 (relating to falsely impersonating persons privately employed).

- (18) 18 Pa.C.S. § 4117 (relating to insurance fraud).
- (19) 18 Pa.C.S. § 4120 (relating to identity theft).
- (20) 18 Pa.C.S. § 4701 (relating to bribery in official and political matters).
- (21) 18 Pa.C.S. § 4702 (relating to threats and other improper influence in official and political matters).
- (22) 18 Pa.C.S. § 4703 (relating to retaliation for past official action).
- (23) 18 Pa.C.S. § 4902 (relating to perjury).
- (24) 18 Pa.C.S. § 4903 (relating to false swearing).
- (25) 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).
- (26) 18 Pa.C.S. § 4910 (relating to tampering with or fabricating physical evidence).
- (27) 18 Pa.C.S. § 4911 (relating to tampering with public records or information).
- (28) 18 Pa.C.S. § 4913 (relating to impersonating a notary public or holder of a professional or occupational license).
- (29) 18 Pa.C.S. § 5101 (relating to obstructing administration of law or other governmental function).
- (30) 18 Pa.C.S. § 5110 (relating to abuse of corpse).
- (31) 18 Pa.C.S. § 7308 (relating to unlawful advertising of insurance business).
- (32) 18 Pa.C.S. § 7310 (relating to furnishing insurance as inducement for purchases).
- (33) Criminal attempt, criminal conspiracy or criminal solicitation to commit any of the offenses listed in paragraphs (1)—(32).
- (34) Any equivalent crime under the laws of this Commonwealth in effect at the time of the commission of that offense.
- (35) Any equivalent crime in another jurisdiction.

§ 43b.514. Schedule of criminal convictions – State Board of Landscape Architects.

(a) A conviction of any of the criminal offenses in subsections (b) and (c) may constitute grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit issued by the State Board of Landscape Architects (Board).

(b) Each of the crimes of violence set forth in § 43b.502 (relating to crimes of violence), in accordance with § 43b.404(c) (relating to consideration of criminal convictions).

(c) The following additional criminal offenses that have been deemed by the Board as directly related to the landscape architect profession:

- (1) 18 Pa.C.S. § 3921 (relating to theft by unlawful taking or disposition).
- (4) 18 Pa.C.S. § 3922 (relating to theft by deception).
- (5) 18 Pa.C.S. § 3923 (relating to theft by extortion).
- (6) 18 Pa.C.S. § 3924 (relating to theft of property lost, mislaid, or delivered by mistake).
- (7) 18 Pa.C.S. § 3925 (relating to receiving stolen property).
- (8) 18 Pa.C.S. § 3926 (relating to theft of services).
- (9) 18 Pa.C.S. § 3927 (relating to theft by failure to make required disposition of funds received).
- (10) 18 Pa.C.S. § 4101 (relating to forgery).
- (11) 18 Pa.C.S. § 4103 (relating to fraudulent destruction, removal or concealment of recordable instruments).
- (12) 18 Pa.C.S. § 4104 (relating to tampering with records or identification).
- (13) 18 Pa.C.S. § 4105 (relating to bad checks), when graded as a felony.
- (14) 18 Pa.C.S. § 4107 (relating to deceptive or fraudulent business practices).

- (15) 18 Pa.C.S. § 4108 (relating to commercial bribery and breach of duty to act disinterestedly).
- (16) 18 Pa.C.S. § 4114 (relating to securing execution of documents by deception).
- (17) 18 Pa.C.S. § 4115 (relating to falsely impersonating persons privately employed).
- (18) 18 Pa.C.S. § 4117 (relating to insurance fraud).
- (19) 18 Pa.C.S. § 4120 (relating to identity theft).
- (20) 18 Pa.C.S. § 4121 (relating to possession and use of unlawful devices).
- (21) 18 Pa.C.S. § 4913 (relating to impersonating a notary public or holder of a professional or occupational license).
- (22) 73 P.S. § 517.8 (relating to home improvement fraud).
- (23) Criminal attempt, criminal conspiracy or criminal solicitation to commit any of the offenses listed in paragraphs (1)—(21).
- (24) Any equivalent crime under the laws of this Commonwealth in effect at the time of the commission of that offense.
- (25) Any equivalent crime in another jurisdiction.

§ 43b.515. Schedule of criminal convictions – State Board of Massage Therapy.

- (a) A conviction of any of the criminal offenses in subsections (b), (c) and (d) may constitute grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit issued by the State Board of Massage Therapy (Board).
- (b) Each of the crimes of violence set forth in § 43b.502 (relating to crimes of violence), in accordance with § 43b.404(c) (relating to consideration of criminal convictions).
- (c) A drug trafficking offense in accordance with § 43b.404(d).
- (d) The following additional criminal offenses that have been deemed by the Board as directly

related to the massage therapy profession:

- (1) 18 Pa.C.S. § 2705 (relating to recklessly endangering another person).
- (2) 18 Pa.C.S. § 2713 (relating to neglect of care-dependent person).
- (3) 18 Pa.C.S. § 2713.1 (relating to abuse of care-dependent person).
- (4) 18 Pa.C.S. § 2910 (relating to luring a child into a motor vehicle or structure).
- (5) Any of the offenses enumerated in 18 Pa.C.S. Ch. 30 (relating to human trafficking)

if the offense involved sexual servitude, including any of the following:

- (vi) 18 Pa.C.S. § 3011 (relating to trafficking in individuals).
- (vii) 18 Pa.C.S. § 3012 (relating to involuntary servitude).
- (viii) 18 Pa.C.S. § 3013 (relating to patronizing a victim of sexual servitude).
- (ix) 18 Pa.C.S. § 3014 (relating to unlawful conduct regarding documents).
- (x) 18 Pa.C.S. § 3015 (relating to nonpayment of wages).
- (6) 18 Pa.C.S. § 3011(a)(3) and (4), pertaining to labor servitude.
- (7) 18 Pa.C.S. § 3012(a), pertaining to labor servitude.
- (8) 18 Pa.C.S. § 3022 (relating to professional licenses), pertaining to employment of a victim of human trafficking.
- (9) Any of the offenses enumerated in 18 Pa.C.S. Ch. 31 (relating to sexual offenses),

including the following:

- (i) 18 Pa.C.S. § 3121 (relating to rape).
- (ii) 18 Pa.C.S. § 3122.1 (relating to statutory sexual assault).
- (iii) 18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse).
- (iv) 18 Pa.C.S. § 3124.1 (relating to sexual assault).
- (v) 18 Pa.C.S. § 3124.2 (relating to institutional sexual assault).

- (vi) 18 Pa.C.S. § 3124.3 (relating to sexual assault by sports official, volunteer or employee of nonprofit association).
- (vii) 18 Pa.C.S. § 3125 (relating to aggravated indecent assault).
- (viii) 18 Pa.C.S. § 3126 (relating to indecent assault).
- (ix) 18 Pa.C.S. § 3127 (relating to indecent exposure).
- (x) 18 Pa.C.S. § 3129 (relating to sexual intercourse with animal).
- (xi) 18 Pa.C.S. § 3130 (relating to conduct relating to sex offenders).
- (xii) 18 Pa.C.S. § 3131 (relating to unlawful dissemination of intimate image).
- (xiii) 18 Pa.C.S. § 3132 (relating to female mutilation).
- (xiv) 18 Pa.C.S. § 3133 (relating to sexual extortion).
- (10) 18 Pa.C.S. § 4107 (relating to deceptive or fraudulent business practices).
- (11) 18 Pa.C.S. § 4117 (relating to insurance fraud).
- (12) 18 Pa.C.S. § 4302 (relating to incest).
- (13) 18 Pa.C.S. § 4304 (relating to endangering welfare of children).
- (14) 18 Pa.C.S. § 4952 (relating to intimidation of witnesses or victims).
- (15) 18 Pa.C.S. § 5901 (relating to open lewdness) if the offense involved a minor under 18 years of age.
- (16) 18 Pa.C.S. § 5902(b) or (b.1) (relating to prostitution and related offenses).
- (17) 18 Pa.C.S. § 5903 (relating to obscene and other sexual materials and performances) if the offense involved a minor under 18 years of age.
- (18) 18 Pa.C.S. § 6301(a)(1)(i) (relating to corruption of minors) if the offense involved sexual contact with the victim.
- (19) 18 Pa.C.S. § 6301(a)(1)(ii).

- (20) 18 Pa.C.S. § 6312 (relating to sexual abuse of children).
- (21) 18 Pa.C.S. § 6318 (relating to unlawful contact with minor).
- (22) 18 Pa.C.S. § 6320 (relating to sexual exploitation of children).
- (23) 18 Pa.C.S. § 7507.1 (relating to invasion of privacy).
- (24) 23 Pa.C.S. § 6319 (relating to penalties), pertaining to failure to report suspected child abuse.
- (25) Criminal attempt, criminal conspiracy or criminal solicitation to commit any of the offenses listed in paragraphs (1)—(24).
- (26) Any equivalent crime under the laws of this Commonwealth in effect at the time of the commission of that offense.
- (27) Any equivalent crime in another jurisdiction.

§ 43b.516. Schedule of criminal convictions – State Board of Medicine.

- (a) A conviction of any of the sexual offenses set forth in § 43b.501 (relating to schedule of sexual offenses) constitutes grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit issued by the State Board of Medicine (Board) in accordance with § 43b.404(b) (relating to consideration of criminal convictions).
- (b) A conviction of any of the criminal offenses set forth in subsections (c), (d) and (e) may constitute grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit issued by the Board.
- (c) Each of the crimes of violence set forth in § 43b.502 (relating to crimes of violence), in accordance with § 43b.404(c).
- (d) A drug trafficking offense in accordance with § 43b.404(d).
- (e) The following additional criminal offenses that have been deemed by the Board as directly

related to the professions regulated by the Board:

- (1) 18 Pa.C.S. § 2710 (relating to ethnic intimidation).
- (2) 18 Pa.C.S. § 2713 (relating to neglect of care-dependent person).
- (3) 18 Pa.C.S. § 2713.1 (relating to abuse of care-dependent person).
- (4) 18 Pa.C.S. § 2905 (relating to interference with custody of committed person).
- (5) 18 Pa.C.S. § 3011 (relating to trafficking in individuals).
- (6) 18 Pa.C.S. § 3012 (relating to involuntary servitude).
- (7) 18 Pa.C.S. § 3013 (relating to patronizing a victim of sexual servitude).
- (8) 18 Pa.C.S. § 3014 (relating to unlawful conduct regarding documents).
- (9) 18 Pa.C.S. § 3015 (relating to nonpayment of wages).
- (10) 18 Pa.C.S. § 3022 (relating to professional licenses), pertaining to employing a victim of human trafficking.
- (11) 18 Pa.C.S. § 3211 (relating to abortion on unborn child of 24 or more weeks gestational age).
- (12) 18 Pa.C.S. § 3212 (relating to infanticide).
- (13) 18 Pa.C.S. § 3213 (relating to prohibited acts) under the Abortion Control Act.
- (14) 18 Pa.C.S. § 3216 (relating to fetal experimentation).
- (15) 18 Pa.C.S. § 4303 (relating to concealing death of child).
- (16) 18 Pa.C.S. § 4304 (relating to endangering welfare of children).
- (17) 18 Pa.C.S. § 4305 (relating to dealing in infant children).
- (18) 18 Pa.C.S. § 4911 (relating to tampering with public records or information).
- (19) 18 Pa.C.S. § 4913 (relating to impersonating a notary public or a holder of a professional or occupational license).

- (20) 18 Pa.C.S. § 4958 (relating to intimidation, retaliation or obstruction in child abuse cases).
- (21) 23 Pa.C.S. § 6319 (relating to penalties), pertaining to failure to report suspected child abuse.
- (22) 23 Pa.C.S. § 6346 (relating to cooperation of other agencies), pertaining to willful failure to cooperate in an investigation of suspected child abuse.
- (23) 35 P.S. § 780-113(a)(12), (13), (14), (21), (28), (30), (32) and (33) (relating to prohibited acts; penalties), pertaining to certain violations of The Controlled Substance, Drug, Device and Cosmetic Act.
- (24) 62 P.S. § 1407 (relating to provider prohibited acts, criminal penalties and civil remedies), pertaining to Medicaid fraud.
- (25) 63 P.S. § 271.11(a) or (b) (relating to penalty provisions), pertaining to criminal offenses under the Osteopathic Medical Practice Act.
- (26) 63 P.S. § 390-8 (relating to unlawful acts), pertaining to criminal offenses under the Pharmacy Act.
- (27) 63 P.S. § 422.39(a) (relating to penalties), pertaining to criminal offenses under the Medical Practice Act of 1985.
- (28) Criminal attempt, criminal conspiracy or criminal solicitation to commit any of the offenses listed in paragraphs (1)—(27).
- (29) Any equivalent crime under the laws of this Commonwealth in effect at the time of the commission of that offense.
- (30) Any equivalent crime in another jurisdiction.

§ 43b.517. Schedule of criminal convictions – Navigation Commission for the Delaware River and its Navigable Tributaries.

A conviction of any of the following criminal offenses may constitute grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit issued by the Navigation Commission of the Delaware River and its Navigable Tributaries (Navigation Commission) and have been deemed by the Navigation Commission as directly related to the piloting profession.

- (1) Each of the crimes of violence set forth in § 43b.502 (relating to crimes of violence).
- (2) 18 Pa.C.S. § 2701 (relating to simple assault).
- (3) 18 Pa.C.S. § 3302 (relating to causing or risking catastrophe).
- (4) 18 Pa.C.S. § 3313 (relating to illegal dumping of methamphetamine waste).
- (5) 18 Pa.C.S. § 3921 (relating to theft by unlawful taking or disposition), when graded as a felony.
- (6) 18 Pa.C.S. § 3922 (relating to theft by deception), when graded as a felony.
- (7) 18 Pa.C.S. § 3923 (relating to theft by extortion), when graded as a felony.
- (8) 18 Pa.C.S. § 3924 (relating to theft of property lost, mislaid or delivered by mistake), when graded as a felony.
- (9) 18 Pa.C.S. § 3925 (relating to receiving stolen property), when graded as a felony.
- (10) 18 Pa.C.S. § 3926 (relating to theft of services), when graded as a felony.
- (11) 18 Pa.C.S. § 3928 (relating to unauthorized use of automobiles and other vehicles).
- (12) 18 Pa.C.S. § 3935.1 (relating to theft of secondary metal).
- (13) 18 Pa.C.S. § 4117 (relating to insurance fraud).
- (14) 18 Pa.C.S. § 4120 (relating to identity theft), when graded as a felony.
- (15) 18 Pa.C.S. § 7508.2 (relating to operation of methamphetamine laboratory).

- (16) 35 P.S. § 780-113(a)(1), (12), (16), (30) and (37) (relating to prohibited acts; penalties), pertaining to certain violations of The Controlled Substance, Drug, Device and Cosmetic Act.
- (17) 75 Pa.C.S. § 3732 (relating to homicide by vehicle).
- (17) 75 Pa.C.S. § 3732.1 (relating to aggravated assault by vehicle).
- (18) 75 Pa.C.S. § 3735 (relating to homicide by vehicle while driving under influence).
- (19) 75 Pa.C.S. § 3735.1 (relating to aggravated assault by vehicle while driving under the influence).
- (20) 75 Pa.C.S. § 3736 (relating to reckless driving).
- (21) 75 Pa.C.S. § 3742 (relating to accidents involving death or personal injury).
- (22) 75 Pa.C.S. § 3742.1 (relating to accidents involving death or personal injury while not properly licensed).
- (23) 75 Pa.C.S. § 3802 (relating to driving under influence of alcohol or controlled substance).
- (24) 75 Pa.C.S. § 3808 (relating to illegally operating a motor vehicle not equipped with ignition interlock).
- (25) 75 Pa.C.S. § 3809 (relating to restriction on alcoholic beverages).
- (27) Criminal attempt, criminal conspiracy or criminal solicitation to commit any of the offenses listed in paragraphs (1)—(26).
- (28) Any equivalent crime under the laws of this Commonwealth in effect at the time of the commission of that offense.
- (29) Any equivalent crime in another jurisdiction.

§ 43b.518. Schedule of criminal convictions – State Board of Nursing.

- (a) A conviction of any of the sexual offenses set forth in § 43b.501 (relating to schedule of sexual offenses) constitutes grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit issued by the State Board of Nursing (Board) in accordance with § 43b.404(b) (relating to consideration of criminal convictions) and have been deemed by the Board as directly related to the professions regulated by the Board.
- (b) A conviction of any of the criminal offenses set forth in subsections (c), (d) and (e) may constitute grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit issued by the Board and have been deemed by the Board as directly related to the professions regulated by the Board.
- (c) Each of the crimes of violence set forth in § 43b.502 (relating to crimes of violence), in accordance with § 43b.404(c).
- (d) A drug trafficking offense in accordance with § 43b.404(d).
- (e) The following additional directly related criminal offenses:
- (1) 18 Pa.C.S. § 2501 (relating to criminal homicide).
 - (2) 18 Pa.C.S. § 2504 (relating to involuntary manslaughter).
 - (3) 18 Pa.C.S. § 2505 (relating to causing or aiding suicide).
 - (4) 18 Pa.C.S. § 2603 (relating to criminal homicide of unborn child).
 - (5) 18 Pa.C.S. § 2605 (relating to voluntary manslaughter of unborn child).
 - (6) 18 Pa.C.S. § 2701 (relating to simple assault).
 - (7) 18 Pa.C.S. § 2706(a)(1) (relating to terroristic threats), pertaining to communicating a threat to commit any crime of violence with intent to terrorize another.
 - (8) 18 Pa.C.S. § 2707.1 (relating to discharge of a firearm into an occupied structure).

- (9) 18 Pa.C.S. § 2709 (relating to harassment).
- (10) 18 Pa.C.S. § 2709.1 (relating to stalking).
- (11) 18 Pa.C.S. § 2713 (relating to neglect of care-dependent person).
- (12) 18 Pa.C.S. § 2713.1 (relating to abuse of care-dependent person).
- (13) 18 Pa.C.S. § 2902 (relating to unlawful restraint).
- (14) 18 Pa.C.S. § 2909 (relating to concealment of whereabouts of a child).
- (15) 18 Pa.C.S. § 3022 (relating to professional licenses), pertaining to employing a victim of human trafficking).
- (16) 18 Pa.C.S. § 3211 (relating to abortion of unborn child of 24 or more weeks gestational age).
- (17) 18 Pa.C.S. § 3212 (relating to infanticide).
- (18) 18 Pa.C.S. § 3216 (relating to fetal experimentation).
- (19) 18 Pa.C.S. § 3921 (relating to theft by unlawful taking or disposition).
- (20) 18 Pa.C.S. § 3922 (relating to theft by deception).
- (21) 18 Pa.C.S. § 3923 (relating to theft by extortion).
- (22) 18 Pa.C.S. § 3925 (relating to receiving stolen property).
- (23) 18 Pa.C.S. § 3929 (relating to retail theft).
- (24) 18 Pa.C.S. § 3929.3 (relating to organized retail theft).
- (25) 18 Pa.C.S. § 4101 (relating to forgery).
- (26) 18 Pa.C.S. § 4104 (relating to tampering with records or identification).
- (27) 18 Pa.C.S. § 4106 (relating to access device fraud).
- (28) 18 Pa.C.S. § 4114 (relating to securing execution of documents by deception).
- (29) 18 Pa.C.S. § 4117 (relating to insurance fraud).

- (30) 18 Pa.C.S. § 4120 (relating to identity theft).
- (31) 18 Pa.C.S. § 4121 (relating to possession and use of unlawful devices).
- (32) 18 Pa.C.S. § 4303 (relating to concealing death of child).
- (33) 18 Pa.C.S. § 4304 (relating to endangering welfare of children).
- (34) 18 Pa.C.S. § 4305 (relating to dealing in infant children).
- (35) 18 Pa.C.S. § 4902 (relating to perjury).
- (36) 18 Pa.C.S. § 4903 (relating to false swearing).
- (37) 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).
- (38) 18 Pa.C.S. § 4905 (relating to false alarms to agency of public safety).
- (39) 18 Pa.C.S. § 4906 (relating to false reports to law enforcement authorities).
- (40) 18 Pa.C.S. § 4906.1 (relating to false reports of child abuse).
- (41) 18 Pa.C.S. § 4909 (relating to witness or informant taking bribe).
- (42) 18 Pa.C.S. § 4910 (relating to tampering with or fabricating physical evidence).
- (43) 18 Pa.C.S. § 4911 (relating to tampering with public records or information).
- (44) 18 Pa.C.S. § 4913 (relating to impersonating a notary public or a holder of a professional or occupational license).
- (45) 18 Pa.C.S. § 4914 (relating to false identification to law enforcement authorities).
- (46) 18 Pa.C.S. § 4952 (relating to intimidation of witnesses or victims).
- (47) 18 Pa.C.S. § 4953 (relating to retaliation against witness, victim or party).
- (48) 18 Pa.C.S. § 4953.1 (relating to retaliation against prosecutor or judicial official).
- (49) 18 Pa.C.S. § 4958 (relating to intimidation, retaliation or obstruction in child abuse cases).
- (50) 18 Pa.C.S. § 5105(a)(3) or (5) (relating to hindering apprehension or prosecution).

- (51) 18 Pa.C.S. § 5106 (relating to failure to report injuries by firearm or criminal act).
- (52) 18 Pa.C.S. § 5112 (relating to obstructing emergency services).
- (53) 18 Pa.C.S. § 5123(a), (a.2) or (c) (relating to contraband).
- (54) 18 Pa.C.S. § 5510 (relating to abuse of corpse).
- (55) 18 Pa.C.S. § 7313 (relating to buying or exchanging Federal supplemental nutrition assistance program (Snap) benefits).
- (56) 18 Pa.C.S. § 7314 (relating to fraudulent traffic in supplemental nutrition assistance program (Snap) benefits).
- (57) 18 Pa.C.S. § 7508.2 (relating to operation of methamphetamine laboratory).
- (58) 18 Pa.C.S. § 7509 (relating to furnishing of drug-free urine).
- (59) 18 Pa.C.S. § 7611 (relating to unlawful use of computer and other computer crimes).
- (60) 18 Pa.C.S. § 7613 (relating to computer theft).
- (61) 18 Pa.C.S. § 7615(a)(3) (relating to computer trespass).
- (62) 35 P.S. § 780-113(a)(1), (2), (5), (6), (12), (13), (14), (16), (17), (19), (21), (25), (26), (27), (28), (30), (31), (32), (33), (35), (36) and (37) (relating to prohibited acts; penalties), pertaining to certain violations of The Controlled Substance, Drug, Device and Cosmetic Act.
- (63) 35 P.S. § 10231.1302 (relating to criminal diversion of medical marijuana).
- (64) 35 P.S. § 10231.1306 (relating to adulteration of medical marijuana).
- (65) 62 P.S. § 1407 (relating to provider prohibited acts, criminal penalties and civil remedies), pertaining to Medicaid fraud.
- (66) 63 P.S. § 223(a) (relating to punishment for violations), pertaining to violations of

the Professional Nursing Law.

(67) 63 P.S. § 390-8(13) and (15) (relating to unlawful acts), pertaining to procuring a drug by fraud in violation of the Pharmacy Act.

(68) 63 P.S. § 665 (relating to penalties), pertaining to violations of the Practical Nurse Law.

(69) 75 Pa.C.S. § 3735 (relating to homicide by vehicle while driving under influence).

(70) 75 Pa.C.S. § 3735.1 (relating to aggravated assault by vehicle while driving under the influence).

(71) 75 Pa.C.S. § 3802 (relating to driving under influence of alcohol or controlled substances).

(72) Criminal attempt, criminal conspiracy or criminal solicitation to commit any of the offenses listed in paragraphs (1)—(71).

(73) Any equivalent crime under the laws of this Commonwealth in effect at the time of the commission of that offense.

(74) Any equivalent crime in another jurisdiction.

§ 43b.519. Schedule of criminal convictions – State Board of Examiners of Nursing Home Administrators.

(a) A conviction of any of the criminal offenses in subsections (b) and (c) may constitute grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit issued by the State Board of Examiners of Nursing Home Administrators (Board).

(b) Each of the crimes of violence set forth in § 43b.502 (relating to crimes of violence), in accordance with § 43b.404(c) (relating to consideration of criminal convictions).

(c) The following additional criminal offenses that have been deemed by the Board as directly

related to the profession of nursing home administration:

- (1) 18 Pa.C.S. § 907 (relating to possessing instruments of crime).
- (2) 18 Pa.C.S. § 908 (relating to prohibited offensive weapons).
- (3) 18 Pa.C.S. § 908.1 (relating to use or possession of electric or electronic incapacitation device).
- (4) 18 Pa.C.S. § 2501 (relating to criminal homicide).
- (5) 18 Pa.C.S. § 2504 (relating to involuntary manslaughter).
- (6) 18 Pa.C.S. § 2505 (relating to causing or aiding suicide).
- (7) 18 Pa.C.S. § 2506 (relating to drug delivery resulting in death).
- (8) 18 Pa.C.S. § 2701 (relating to simple assault).
- (9) 18 Pa.C.S. § 2702 (relating to aggravated assault).
- (10) 18 Pa.C.S. § 2706(a)(1) (relating to terroristic threats).
- (11) 18 Pa.C.S. § 2707.1 (relating to discharge of a firearm into an occupied structure).
- (12) 18 Pa.C.S. § 2709 (relating to harassment).
- (13) 18 Pa.C.S. § 2709.1 (relating to stalking).
- (14) 18 Pa.C.S. § 2710 (relating to ethnic intimidation).
- (15) 18 Pa.C.S. § 2713 (relating to neglect of care-dependent person).
- (16) 18 Pa.C.S. § 2713.1 (relating to abuse of care-dependent person).
- (17) 18 Pa.C.S. § 2718 (relating to strangulation).
- (18) 18 Pa.C.S. § 2901 (relating to kidnapping).
- (19) 18 Pa.C.S. § 2902 (relating to unlawful restraint).
- (20) 18 Pa.C.S. § 2903 (relating to false imprisonment).
- (21) 18 Pa.C.S. § 3011 (relating to trafficking in individuals).

- (22) 18 Pa.C.S. § 3012 (relating to involuntary servitude).
- (23) 18 Pa.C.S. § 3022 (relating to professional licenses), pertaining to employing a victim of human trafficking.
- (24) 18 Pa.C.S. § 3121 (relating to rape).
- (25) 18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse).
- (26) 18 Pa.C.S. § 3124.1 (relating to sexual assault).
- (27) 18 Pa.C.S. § 3124.2 (relating to institutional sexual assault).
- (28) 18 Pa.C.S. § 3124.3 (sexual assault by sports official, volunteer or employee of nonprofit association).
- (29) 18 Pa.C.S. § 3125 (relating to aggravated indecent assault).
- (30) 18 Pa.C.S. § 3126 (relating to indecent assault).
- (31) 18 Pa.C.S. § 3127 (relating to indecent exposure).
- (32) 18 Pa.C.S. § 3130 (relating to conduct relating to sex offenders).
- (33) 18 Pa.C.S. § 3131 (relating to unlawful dissemination of intimate image).
- (34) 18 Pa.C.S. § 3132 (relating to female mutilation).
- (35) 18 Pa.C.S. § 3133 (relating to sexual extortion).
- (36) 18 Pa.C.S. § 3921 (relating to theft by unlawful taking or disposition).
- (37) 18 Pa.C.S. § 3922 (relating to theft by deception).
- (38) 18 Pa.C.S. § 3923 (relating to theft by extortion).
- (39) 18 Pa.C.S. § 3924 (relating to theft of property lost, mislaid, or delivered by mistake).
- (40) 18 Pa.C.S. § 3925 (relating to receiving stolen property).
- (41) 18 Pa.C.S. § 3926 (relating to theft of services).

- (42) 18 Pa.C.S. § 3927 (relating to theft by failure to make required disposition of funds received).
- (43) 18 Pa.C.S. § 3930 (relating to theft of trade secrets).
- (44) 18 Pa.C.S. § 4101 (relating to forgery).
- (45) 18 Pa.C.S. § 4105 (relating to bad checks).
- (46) 18 Pa.C.S. § 4106 (relating to access device fraud).
- (47) 18 Pa.C.S. § 4113 (relating to misapplication of entrusted property and property of government or financial institution).
- (48) 18 Pa.C.S. § 4114 (relating to securing execution of documents by deception).
- (49) 18 Pa.C.S. § 4115 (relating to falsely impersonating persons privately employed).
- (50) 18 Pa.C.S. § 4117 (relating to insurance fraud).
- (51) 18 Pa.C.S. § 4120 (relating to identity theft).
- (52) 18 Pa.C.S. § 4121 (relating to possession and use of unlawful devices).
- (53) 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).
- (54) 18 Pa.C.S. § 4905 (relating to false alarms to agencies of public safety).
- (55) 18 Pa.C.S. § 4906 (relating to false reports to law enforcement authorities).
- (56) 18 Pa.C.S. § 4910 (relating to tampering with or fabricating physical evidence).
- (57) 18 Pa.C.S. § 4911 (relating to tampering with public records or information).
- (58) 18 Pa.C.S. § 4913 (relating to impersonating a notary public or a holder of a professional or occupational license).
- (59) 18 Pa.C.S. § 4914 (relating to false identification to law enforcement authorities).
- (60) 18 Pa.C.S. § 4952 (relating to intimidation of witnesses or victims).
- (61) 18 Pa.C.S. § 4953 (relating to retaliation against witness, victim or party).

- (62) 18 Pa.C.S. § 5106 (relating to failure to report injuries by firearm or criminal act).
- (63) 18 Pa.C.S. § 5112 (relating to obstructing emergency services).
- (64) 18 Pa.C.S. § 5123 (relating to contraband).
- (65) 18 Pa.C.S. § 5510 (relating to abuse of corpse).
- (66) 18 Pa.C.S. § 7507.1 (relating to invasion of privacy).
- (67) 18 Pa.C.S. § 7509 (relating to furnishing drug-free urine).
- (68) 18 Pa.C.S. § 7611 (relating to unlawful use of computer and other computer crimes).
- (69) 18 Pa.C.S. § 7613 (relating to computer theft).
- (70) 18 Pa.C.S. § 7615(a)(3) (relating to computer trespass).
- (71) 35 P.S. § 780-113 (relating to prohibited acts; penalties), pertaining to violations of the Controlled Substance, Drug, Device and Cosmetic Act.
- (72) 63 P.S. § 390-8(13) (relating to unlawful acts), pertaining to procuring a drug by fraud in violation of the Pharmacy Act.
- (73) 63 P.S. § 1111 (relating to penalties), pertaining to offenses under the Nursing Home Administrators Act.
- (74) Criminal attempt, criminal conspiracy or criminal solicitation to commit any of the offenses listed in paragraphs (1)—(73).
- (75) Any equivalent crime under the laws of this Commonwealth in effect at the time of the commission of that offense.
- (76) Any equivalent crime in another jurisdiction.

§ 43b.520. Schedule of criminal convictions – State Board of Occupational Therapy Education and Licensure.

- (a) A conviction of any of the sexual offenses set forth in § 43b.501 (relating to schedule of sexual offenses) constitutes grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit issued by the State Board of Occupational Therapy Education and Licensure (Board) in accordance with § 43b.404(b) (relating to consideration of criminal convictions).
- (b) A conviction of any of the criminal offenses set forth in subsections (c) and (d) may constitute grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit issued by the Board.
- (c) Each of the crimes of violence set forth in § 43b.502 (relating to crimes of violence), in accordance with § 43b.404(c).
- (d) The following additional criminal offenses that have been deemed by the Board as directly related to the professions regulated by the Board (occupational therapy and occupational therapy assisting):
- (1) 18 Pa.C.S. § 2709.1 (relating to stalking).
 - (2) 18 Pa.C.S. § 2710 (relating to ethnic intimidation).
 - (3) 18 Pa.C.S. § 2713 (relating to neglect of care-dependent person).
 - (4) 18 Pa.C.S. § 3022 (relating to professional licenses), pertaining to employing a victim of human trafficking.
 - (5) 18 Pa.C.S. § 3921 (relating to theft by unlawful taking).
 - (6) 18 Pa.C.S. § 3922 (relating to theft by deception).
 - (7) 18 Pa.C.S. § 3926 (relating to theft of services).
 - (8) 18 Pa.C.S. § 3927 (relating to theft by failure to make required disposition of funds received).
 - (9) 18 Pa.C.S. § 4101 (relating to forgery).

- (10) 18 Pa.C.S. § 4104 (relating to tampering with records or identification).
- (11) 18 Pa.C.S. § 4106 (relating to access device fraud).
- (12) 18 Pa.C.S. § 4107 (relating to deceptive or fraudulent business practices).
- (13) 18 Pa.C.S. § 4108 (relating to commercial bribery and breach of duty to act disinterestedly).
- (14) 18 Pa.C.S. § 4114 (relating to securing execution of documents by deception).
- (15) 18 Pa.C.S. § 4117 (relating to insurance fraud).
- (16) 18 Pa.C.S. § 4120 (relating to identity theft).
- (17) 18 Pa.C.S. § 4304 (relating to endangering welfare of children).
- (18) 18 Pa.C.S. § 4902 (relating to perjury).
- (19) 18 Pa.C.S. § 4903 (relating to false swearing).
- (20) 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).
- (21) 18 Pa.C.S. § 4911 (relating to tampering with public records or information).
- (22) 18 Pa.C.S. § 4913 (relating to impersonating a notary public or holder of a professional or occupational license).
- (23) 18 Pa.C.S. § 4952 (relating to intimidation of witnesses or victims).
- (24) 18 Pa.C.S. § 4953 (relating to retaliation against witness, victim or party).
- (25) 18 Pa.C.S. § 5101 (relating to obstructing administration of law or other governmental function).
- (26) 18 Pa.C.S. § 5105 (relating to hindering apprehension or prosecution).
- (27) 18 Pa.C.S. § 5111 (relating to dealing in proceeds of unlawful activity).
- (28) 23 Pa.C.S. § 6319 (relating to penalties), pertaining to failure to report suspected child abuse.

- (29) 62 P.S. § 1407 (relating to provider prohibited acts, criminal penalties and civil remedies), pertaining to Medicaid fraud.
- (30) 63 P.S. § 1516 (relating to refusal, suspension or revocation of license; refusal to renew; penalties; injunctive relief), pertaining to misdemeanor violations of the Occupational Therapy Practice Act.
- (31) 77 P.S. § 1039.2 (relating to offenses), pertaining to insurance fraud under the Workers' Compensation Act.
- (32) 18 U.S.C. § 1035 (relating to false statements relating to health care matters).
- (33) 18 U.S.C. § 1341 (relating to mail fraud).
- (34) 18 U.S.C. § 1347 (relating to health care fraud).
- (35) 26 U.S.C. § 7206 (relating to fraud and false statements).
- (36) Criminal attempt, criminal conspiracy or criminal solicitation to commit any of the offenses listed in paragraphs (1)—(35).
- (37) Any equivalent crime under the laws of this Commonwealth in effect at the time of the commission of that offense.
- (38) Any equivalent crime in another jurisdiction.

§ 43b.521. Schedule of criminal convictions – State Board of Optometry.

- (a) A conviction of any of the sexual offenses set forth in § 43b.501 (relating to schedule of sexual offenses) constitutes grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit issued by the State Board of Optometry (Board) in accordance with § 43b.404(b) (relating to consideration of criminal convictions).
- (b) A conviction of any of the criminal offenses set forth in subsections (c), (d) and (e) may constitute grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit

issued by the Board.

(c) Each of the crimes of violence set forth in § 43b.502 (relating to crimes of violence), in accordance with § 43b.404(c).

(d) A drug trafficking offense in accordance with § 43b.404(d).

(e) The following criminal offenses that have been deemed by the Board as directly related to the optometry profession:

- (1) 18 Pa.C.S. § 2502 (relating to murder).
- (2) 18 Pa.C.S. § 2503 (relating to voluntary manslaughter).
- (3) 18 Pa.C.S. § 2506 (relating to drug delivery resulting in death).
- (4) 18 Pa C.S. § 2507 (relating to criminal homicide of a law enforcement officer).
- (5) 18 Pa.C.S. § 2604 (relating to murder of unborn child).
- (6) 18 Pa.C.S. § 2605 (relating to voluntary manslaughter of unborn child).
- (7) 18 Pa.C.S. § 2606 (relating to aggravated assault of unborn child)
- (8) 18 Pa.C.S. § 2702 (relating to aggravated assault).
- (9) 18 Pa.C.S. § 2702.1 (relating to assault of law enforcement officer).
- (10) 18 Pa.C.S. § 2705 (relating to recklessly endangering another person).
- (11) 18 Pa.C.S. § 2706 (relating to terroristic threats).
- (12) 18 Pa.C.S. § 2710 (relating to ethnic intimidation).
- (13) 18 Pa.C.S. § 2713 (relating to neglect of care-dependent person).
- (14) 18 Pa.C.S. § 2713.1 (relating to abuse of care-dependent person).
- (15) 18 Pa.C.S. § 2715 (relating to threat to use weapons of mass destruction).
- (16) 18 Pa.C.S. § 2717 (relating to terrorism).
- (17) 18 Pa.C.S. § 2718 (relating to strangulation).

- (18) 18 Pa.C.S. § 2901 (relating to kidnapping).
- (19) 18 Pa.C.S. § 2910 (relating to luring a child into a motor vehicle or structure).
- (20) 18 Pa.C.S. § 3011 (relating to trafficking in individuals).
- (21) 18 Pa.C.S. § 3012 (relating to involuntary servitude).
- (22) 18 Pa.C.S. § 3013 (relating to patronizing a victim of sexual servitude).
- (23) 18 Pa.C.S. § 3014 (relating to unlawful conduct regarding documents).
- (24) 18 Pa.C.S. § 3016 (relating to obstruction of justice).
- (25) 18 Pa.C.S. § 3017 (relating to violation by business entities).
- (26) 18 Pa.C.S. § 3022 (relating to professional licenses), pertaining to employing a victim of human trafficking.
- (27) 18 Pa.C.S. § 3121 (relating to rape).
- (28) 18 Pa.C.S. § 3122.1 (relating to statutory sexual assault).
- (29) 18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse).
- (30) 18 Pa.C.S. § 3124.1 (relating to sexual assault).
- (31) 18 Pa.C.S. § 3124.2 (relating to institutional sexual assault).
- (32) 18 Pa.C.S. § 3125 (relating to aggravated indecent assault).
- (33) 18 Pa.C.S. § 3126 (relating to indecent assault).
- (34) 18 Pa.C.S. § 3127 (relating to indecent exposure).
- (35) 18 Pa.C.S. § 3130 (relating to conduct relating to sex offenders).
- (36) 18 Pa.C.S. § 3131 (relating to unlawful dissemination of intimate image).
- (37) 18 Pa.C.S. § 3133 (relating to sexual extortion).
- (38) 18 Pa.C.S. § 3301 (relating to arson and related offenses).
- (39) 18 Pa.C.S. § 3502 (relating to burglary).

- (40) 18 Pa.C.S. § 3701 (relating to robbery).
- (41) 18 Pa.C.S. § 3702 (relating to robbery of motor vehicle).
- (42) 18 Pa.C.S. § 3921 (relating to theft by unlawful taking or disposition).
- (43) 18 Pa.C.S. § 3922 (relating to theft by deception).
- (44) 18 Pa.C.S. § 3923 (relating to theft by extortion).
- (45) 18 Pa.C.S. § 3927 (relating to theft by failure to make required disposition of funds received).
- (46) 18 Pa.C.S. § 4101 (relating to forgery).
- (47) 18 Pa.C.S. § 4104 (relating to tampering with records or identification).
- (48) 18 Pa.C.S. § 4106 (relating to access device fraud).
- (49) 18 Pa.C.S. § 4107 (relating to deceptive or fraudulent business practices).
- (50) 18 Pa.C.S. § 4117 (relating to insurance fraud).
- (51) 18 Pa.C.S. § 4304 (relating to endangering welfare of children).
- (52) 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).
- (53) 18 Pa.C.S. § 4952 (relating to intimidation of witnesses or victims).
- (55) 18 Pa.C.S. § 4953 (relating to retaliation against witness, victim or party).
- (56) 18 Pa.C.S. § 5901 (relating to open lewdness).
- (57) 18 Pa.C.S. § 5902 (relating to prostitution and related offenses).
- (58) 18 Pa.C.S. § 5903 (relating to obscene and other sexual materials and performances).
- (59) 18 Pa.C.S. § 6301 (relating to corruption of minors).
- (60) 18 Pa.C.S. § 6312 (relating to sexual abuse of children).
- (61) 18 Pa.C.S. § 6318 (relating to unlawful contact with minor).

- (63) 18 Pa.C.S. § 6320 (relating to sexual exploitation of children).
- (64) 18 Pa.C.S. § 7507.1 (relating to invasion of privacy).
- (65) 23 Pa.C.S. § 6319 (relating to penalties), pertaining to failure to report suspected child abuse.
- (66) 35 P.S. § 780-113(a)(12), (13), (14), (21), (28), (32) and (33) (relating to prohibited acts; penalties), pertaining to certain violations of the Controlled Substance, Drug, Device and Cosmetic Act.
- (67) 63 P.S. § 390-8(13) (relating to unlawful acts), pertaining to procuring a drug by fraud in violation of the Pharmacy Act.
- (68) Criminal attempt, criminal conspiracy or criminal solicitation to commit any of the offenses listed in paragraphs (1)—(67).
- (69) Any equivalent crime under the laws of this Commonwealth in effect at the time of the commission of that offense.
- (70) Any equivalent crime in another jurisdiction.

§ 43b.522. Schedule of criminal convictions – State Board of Osteopathic Medicine.

- (a) A conviction of any of the sexual offenses set forth in § 43b.501 (relating to schedule of sexual offenses) constitutes grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit issued by the State Board of Osteopathic Medicine (Board) in accordance with § 43b.404(b) (relating to consideration of criminal convictions).
- (b) A conviction of any of the criminal offenses set forth in subsections (c), (d) and (e) may constitute grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit issued by the Board.
- (c) Each of the crimes of violence set forth in § 43b.502 (relating to crimes of violence), in

accordance with § 43b.404(c).

(d) A drug trafficking offense in accordance with § 43b.404(d).

(e) The following additional criminal offenses that have been deemed by the Board as directly related to the professions regulated by the Board:

- (1) 18 Pa.C.S. § 2710 (relating to ethnic intimidation).
- (2) 18 Pa.C.S. § 2713 (relating to neglect of care-dependent person).
- (3) 18 Pa.C.S. § 2713.1 (relating to abuse of care-dependent person).
- (4) 18 Pa.C.S. § 2905 (relating to interference with custody of committed person).
- (5) 18 Pa.C.S. § 3011 (relating to trafficking in individuals).
- (6) 18 Pa.C.S. § 3012 (relating to involuntary servitude).
- (7) 18 Pa.C.S. § 3013 (relating to patronizing a victim of sexual servitude).
- (8) 18 Pa.C.S. § 3014 (relating to unlawful conduct regarding documents).
- (9) 18 Pa.C.S. § 3015 (relating to nonpayment of wages).
- (10) 18 Pa.C.S. § 3022 (relating to professional licenses), pertaining to employing a victim of human trafficking.
- (11) 18 Pa.C.S. § 3211 (relating to abortion on unborn child of 24 or more weeks gestational age).
- (12) 18 Pa.C.S. § 3212 (relating to infanticide).
- (13) 18 Pa.C.S. § 3213 (relating to prohibited acts) under the Abortion Control Act.
- (14) 18 Pa.C.S. § 3216 (relating to fetal experimentation).
- (15) 18 Pa.C.S. § 4303 (relating to concealing death of child).
- (16) 18 Pa.C.S. § 4304 (relating to endangering welfare of children).
- (17) 18 Pa.C.S. § 4305 (relating to dealing in infant children).

- (18) 18 Pa.C.S. § 4911 (relating to tampering with public records or information).
- (19) 18 Pa.C.S. § 4913 (relating to impersonating a notary public or a holder of a professional or occupational license).
- (20) 18 Pa.C.S. § 4958 (relating to intimidation, retaliation or obstruction in child abuse cases).
- (21) 23 Pa.C.S. § 6319 (relating to penalties), pertaining to failure to report suspected child abuse.
- (22) 23 Pa.C.S. § 6346 (relating to cooperation of other agencies), pertaining to willful failure to cooperate in an investigation of suspected child abuse.
- (23) 35 P.S. § 780-113(a)(12), (13), (14), (21), (28), (30), (32) and (33) (relating to prohibited acts; penalties), pertaining to certain violations of The Controlled Substance, Drug, Device and Cosmetic Act.
- (24) 62 P.S. § 1407 (relating to provider prohibited acts, criminal penalties and civil remedies), pertaining to Medicaid fraud.
- (25) 63 P.S. § 271.11(a) or (b) (relating to penalty provisions), pertaining to criminal offenses under the Osteopathic Medical Practice Act.
- (26) 63 P.S. § 390-8 (relating to unlawful acts), pertaining to criminal offenses under the Pharmacy Act.
- (27) 63 P.S. § 422.39(a) (relating to penalties), pertaining to criminal offenses under the Medical Practice Act of 1985.
- (28) Criminal attempt, criminal conspiracy or criminal solicitation to commit any of the offenses listed in paragraphs (1)—(27).
- (29) Any equivalent crime under the laws of this Commonwealth in effect at the time of

the commission of that offense.

(30) Any equivalent crime in another jurisdiction.

§ 43b.523. Schedule of criminal convictions – State Board of Pharmacy.

(a) A conviction of any of the sexual offenses set forth in § 43b.501 (relating to schedule of sexual offenses) constitutes grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit issued by the State Board of Pharmacy (Board) in accordance with § 43b.404(b) (relating to consideration of criminal convictions).

(b) A conviction of any of the criminal offenses set forth in subsections (c), (d) and (e) may constitute grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit issued by the Board.

(c) Each of the crimes of violence set forth in § 43b.502 (relating to crimes of violence), in accordance with § 43b.404(c).

(d) A drug trafficking offense in accordance with § 43b.404(d).

(e) The following additional criminal offenses that have been deemed by the Board as directly related to the pharmacy profession:

(1) 18 Pa.C.S. § 3022 (relating to professional licenses), pertaining to employing a victim of human trafficking.

(2) 18 Pa.C.S. § 3313 (relating to illegal dumping of methamphetamine waste).

(3) 18 Pa.C.S. § 3502 (relating to burglary).

(4) 18 Pa.C.S. § 3701 (relating to robbery).

(5) 18 Pa.C.S. § 3921 (relating to theft by unlawful taking or disposition).

(6) 18 Pa.C.S. § 3922 (relating to theft by deception).

(7) 18 Pa.C.S. § 3924 (relating to theft of property lost, mislaid, or delivered by

mistake).

- (8) 18 Pa.C.S. § 3925 (relating to receiving stolen property).
- (9) 18 Pa.C.S. § 3929 (relating to retail theft) when graded as a felony.
- (10) 18 Pa.C.S. § 3929.3 (relating to organized retail theft).
- (11) 18 Pa.C.S. § 4101 (relating to forgery).
- (12) 18 Pa.C.S. § 4104 (relating to tampering with records or identification).
- (13) 18 Pa.C.S. § 4107 (relating to deceptive or fraudulent business practices).
- (14) 18 Pa.C.S. § 4115 (relating to falsely impersonating persons privately employed).
- (15) 18 Pa.C.S. § 4117 (relating to insurance fraud).
- (16) 18 Pa.C.S. § 4120 (relating to identity theft).
- (17) 18 Pa.C.S. § 4902 (relating to perjury).
- (18) 18 Pa.C.S. § 4903 (relating to false swearing).
- (19) 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).
- (20) 18 Pa.C.S. § 4910 (relating to tampering with or fabricating physical evidence).
- (21) 18 Pa.C.S. § 4911 (relating to tampering with public records or information).
- (22) 18 Pa.C.S. § 4913 (relating to impersonating a notary public or holder of a professional or occupational license).
- (23) 23 Pa.C.S. § 6319 (relating to penalties), pertaining to failure to report suspected child abuse.
- (24) 35 P.S. § 780-113 (relating to prohibited acts; penalties), pertaining to violations of the Controlled Substance, Drug, Device and Cosmetic Act.
- (25) 35 P.S. § 10231.1302 (relating to criminal diversion of medical marijuana).
- (26) 35 P.S. § 10231.1306 (relating to adulteration of medical marijuana).

- (27) 62 P.S. § 1407 (relating to provider prohibited acts, criminal penalties and civil remedies), pertaining to Medicaid fraud.
- (28) 63 P.S. § 390-8 (relating to unlawful acts), pertaining to criminal offenses under the Pharmacy Act.
- (29) Criminal attempt, criminal conspiracy or criminal solicitation to commit any of the offenses listed in paragraphs (1)—(28).
- (30) Any equivalent crime under the laws of this Commonwealth in effect at the time of the commission of that offense.
- (31) Any equivalent crime in another jurisdiction.

§ 43b.524. Schedule of criminal convictions – State Board of Physical Therapy.

- (a) A conviction of any of the sexual offenses set forth in § 43b.501 (relating to schedule of sexual offenses) constitutes grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit issued by the State Board of Physical Therapy (Board) in accordance with § 43b.404(b) (relating to consideration of criminal convictions).
- (b) A conviction of any of the criminal offenses set forth in subsections (c), (d) and (e) may constitute grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit issued by the Board.
- (c) Each of the crimes of violence set forth in § 43b.502 (relating to crimes of violence), in accordance with § 43b.404(c).
- (d) A drug trafficking offense in accordance with § 43b.404(d).
- (e) The following additional criminal offenses that have been deemed by the Board as directly related to the physical therapy profession:
 - (1) 18 Pa.C.S. § 2705 (relating to recklessly endangering another person).

- (2) 18 Pa.C.S. § 2713 (relating to neglect of care-dependent person).
- (3) 18 Pa.C.S. § 2713.1 (relating to abuse of care-dependent person).
- (4) 18 Pa.C.S. § 3011(a)(3) and (4) (relating to trafficking in individuals).
- (5) 18 Pa.C.S. § 3012(a) (relating to labor servitude).
- (6) 18 Pa.C.S. § 3022 (relating to professional licenses), pertaining to employing a victim of human trafficking.
- (7) 18 Pa.C.S. § 3133 (relating to sexual extortion).
- (8) 18 Pa.C.S. § 3921 (relating to theft by unlawful taking or disposition).
- (9) 18 Pa.C.S. § 3922 (relating to theft by deception).
- (10) 18 Pa.C.S. § 3923 (relating to theft by extortion).
- (11) 18 Pa.C.S. § 3927 (relating to theft by failure to make required disposition of funds received).
- (12) 18 Pa.C.S. § 4101 (relating to forgery).
- (13) 18 Pa.C.S. § 4104 (relating to tampering with records or identification).
- (14) 18 Pa.C.S. § 4106 (relating to access device fraud).
- (15) 18 Pa.C.S. § 4107 (relating to deceptive or fraudulent business practices).
- (16) 18 Pa.C.S. § 4117 (relating to insurance fraud).
- (17) 18 Pa.C.S. § 4304 (relating to endangering the welfare of children).
- (18) 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities)
- (19) 18 Pa.C.S. § 4952 (relating to intimidation of witnesses or victims).
- (20) 23 Pa.C.S. § 6319 (relating to penalties), pertaining to failure to report suspected child abuse.
- (21) 62 P.S. § 1407 (relating to provider prohibited acts, criminal penalties and civil

remedies), pertaining to Medicaid fraud.

(22) 63 P.S. § 1312(a) (relating to penalties; injunctive relief).

(23) Criminal attempt, criminal conspiracy or criminal solicitation to commit any of the offenses listed in paragraphs (1)—(22).

(24) Any equivalent crime under the laws of this Commonwealth in effect at the time of the commission of that offense.

(25) Any equivalent crime in another jurisdiction.

§ 43b.525. Schedule of criminal convictions – State Board of Podiatry.

(a) A conviction of any of the sexual offenses set forth in § 43b.501 (relating to schedule of sexual offenses) constitutes grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit issued by the State Board of Podiatry (Board) in accordance with § 43b.404(b) (relating to consideration of criminal convictions).

(b) A conviction of any of the criminal offenses set forth in subsections (c), (d) and (e) may constitute grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit issued by the Board.

(c) Each of the crimes of violence set forth in § 43b.502 (relating to crimes of violence), in accordance with § 43b.404(c).

(d) A drug trafficking offense in accordance with § 43b.404(d).

(e) The following additional criminal offenses that have been deemed by the Board as directly related to the podiatry profession:

(1) 18 Pa.C.S. § 3022 (relating to professional licenses), pertaining to employing a victim of human trafficking).

(2) 18 Pa.C.S. § 3921 (relating to theft by unlawful taking or disposition).

- (3) 18 Pa.C.S. § 3922 (relating to theft by deception).
- (4) 18 Pa.C.S. § 4107 (relating to deceptive or fraudulent business practices).
- (5) 18 Pa.C.S. § 4117 (relating to insurance fraud).
- (6) 18 Pa.C.S. § 4120 (relating to identity theft).
- (7) 18 Pa.C.S. § 4304 (relating to endangering welfare of children).
- (8) 18 Pa.C.S. § 4952 (relating to intimidation of witnesses or victims).
- (9) 18 Pa.C.S. § 4953 (relating to retaliation of witnesses, victims or parties).
- (10) 23 Pa.C.S. § 6319 (relating to penalties), pertaining to failure to report suspected child abuse.
- (11) 62 P.S. § 1407 (relating to provider prohibited acts, criminal penalties and civil remedies), pertaining to Medicaid fraud.
- (12) 63 P.S. § 42.13 (relating to penalties), pertaining to criminal offenses under the Podiatry Practice Act.
- (13) 63 P.S. § 390-8 (relating to unlawful acts), pertaining to criminal offenses under the Pharmacy Act.
- (14) Criminal attempt, criminal conspiracy or criminal solicitation to commit any of the offenses listed in paragraphs (1)—(13).
- (15) Any equivalent crime under the laws of this Commonwealth in effect at the time of the commission of that offense.
- (16) Any equivalent crime in another jurisdiction.

§ 43b.526. Schedule of criminal convictions – State Board of Psychology.

- (a) A conviction of any of the sexual offenses set forth in § 43b.501 (relating to schedule of sexual offenses) constitutes grounds to refuse to issue, suspend or revoke a license, certificate,

registration or permit issued by the State Board of Psychology (Board) in accordance with § 43b.404(b) (relating to consideration of criminal convictions).

(b) A conviction of any of the criminal offenses set forth in subsections (c), (d) and (e) may constitute grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit issued by the Board.

(c) Each of the crimes of violence set forth in § 43b.502 (relating to crimes of violence), in accordance with § 43b.404(c).

(d) A drug trafficking offense in accordance with § 43b.404(d).

(e) The following additional criminal offenses that have been deemed by the Board as directly related to the psychology profession:

- (1) 18 Pa.C.S. § 911(b) (relating to corrupt organizations).
- (2) 18 Pa.C.S. § 2505 (relating to causing or aiding suicide).
- (3) 18 Pa.C.S. § 2709 (relating to harassment).
- (4) 18 Pa.C.S. § 2709.1 (relating to stalking).
- (5) 18 Pa.C.S. § 2710 (relating to ethnic intimidation).
- (6) 18 Pa.C.S. § 2904 (relating to interference with custody of children).
- (7) 18 Pa.C.S. § 2905 (relating to interference with custody of committed persons).
- (8) 18 Pa.C.S. § 2906 (relating to criminal coercion).
- (9) 18 Pa.C.S. § 2909 (relating to concealment of whereabouts of a child).
- (10) 18 Pa.C.S. § 3022 (relating to professional licenses), pertaining to employing a victim of human trafficking.
- (11) 18 Pa.C.S. § 3921 (relating to theft by unlawful taking).
- (12) 18 Pa.C.S. § 3922 (relating to theft by deception).

- (13) 18 Pa.C.S. § 4107 (relating to deceptive or fraudulent business practices).
- (14) 18 Pa.C.S. § 4117 (relating to insurance fraud).
- (15) 18 Pa.C.S. § 4906.1 (relating to false reports of child abuse).
- (16) 18 Pa.C.S. § 4952 (relating to intimidation of witnesses or victims).
- (17) 18 Pa.C.S. § 4953 (relating to retaliations against witness, victim or party).
- (18) 18 Pa.C.S. § 4958 (relating to intimidation, retaliation or obstruction in child abuse cases).
- (19) 18 Pa.C.S. § 6319 (relating to solicitation of minors to traffic drugs).
- (20) 18 Pa.C.S. § 7509 (relating to furnishing drug-free urine).
- (21) 23 Pa.C.S. § 6319 (relating to penalties), pertaining to failure to report suspected child abuse.
- (22) 35 P.S. § 780-113(a)(12), (14), (16), (19), (30), (32) and (33) (relating to prohibited acts; penalties), pertaining to violations of the Controlled Substance, Drug, Device and Cosmetic Act.
- (23) 62 P.S. § 1407 (relating to provider prohibited acts, criminal penalties and civil remedies), pertaining to Medicaid fraud.
- (24) 63 P.S. § 1211 (relating to penalties and injunctions against unlawful practice), pertaining to criminal offenses under the Psychology Practice Act.
- (25) Criminal attempt, criminal conspiracy or criminal solicitation to commit any of the offenses listed in paragraphs (1)—(24).
- (26) Any equivalent crime under the laws of this Commonwealth in effect at the time of the commission of that offense.
- (27) Any equivalent crime in another jurisdiction.

§ 43b.527. Schedule of criminal convictions – State Real Estate Commission.

(a) A conviction of any of the criminal offenses in subsections (b) and (c) may constitute grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit issued by the State Real Estate Commission (Commission).

(b) Each of the crimes of violence set forth in § 43b.502 (relating to crimes of violence), in accordance with § 43b.404(c) (relating to consideration of criminal convictions).

(c) The following additional criminal offenses that have been deemed by the Commission as directly related to the real estate profession:

- (1) 18 Pa.C.S. § 3022 (relating to professional licenses), pertaining to employing a victim of human trafficking.
- (2) 18 Pa.C.S. § 3121 (relating to rape).
- (3) 18 Pa.C.S. § 3122.1 (relating to statutory sexual assault).
- (4) 18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse).
- (5) 18 Pa.C.S. § 3124.1 (relating to sexual assault).
- (6) 18 Pa.C.S. § 3124.2 (relating to institutional sexual assault).
- (7) 18 Pa.C.S. § 3124.3 (relating to sexual assault by sports official, volunteer or employee of nonprofit association).
- (8) 18 Pa.C.S. § 3125 (relating to aggravated indecent assault).
- (9) 18 Pa.C.S. § 3126 (relating to indecent assault).
- (10) 18 Pa.C.S. § 3127 (relating to indecent exposure).
- (11) 18 Pa.C.S. § 3130 (relating to conduct relating to sex offenders).
- (12) 18 Pa.C.S. § 3502 (relating to burglary).

- (13) 18 Pa.C.S. § 3503 (relating to criminal trespass), when graded as a felony.
- (14) 18 Pa.C.S. § 3701 (relating to robbery).
- (15) 18 Pa.C.S. § 3921 (relating to theft by unlawful taking).
- (16) 18 Pa.C.S. § 3922 (relating to theft by deception).
- (17) 18 Pa.C.S. § 3923 (relating to theft by extortion).
- (18) 18 Pa.C.S. § 3924 (relating to theft of property lost, mislaid, or delivered by mistake).
- (19) 18 Pa.C.S. § 3925 (relating to receiving stolen property).
- (20) 18 Pa.C.S. § 3926 (relating to theft of services).
- (21) 18 Pa.C.S. § 3927 (relating to theft by failure to make required disposition of funds received).
- (22) 18 Pa.C.S. § 3929 (relating to retail theft), when graded as a misdemeanor or higher.
- (23) 18 Pa.C.S. § 3929.3 (relating to organized retail theft).
- (24) 18 Pa.C.S. § 3932 (relating to theft of leased property).
- (25) 18 Pa.C.S. § 3934 (relating to theft of motor vehicle).
- (26) 18 Pa.C.S. § 4101 (relating to forgery).
- (27) 18 Pa.C.S. § 4103 (relating to fraudulent destruction, removal or concealment of recordable instruments).
- (28) 18 Pa.C.S. § 4104 (relating to tampering with records or identification).
- (29) 18 Pa.C.S. § 4105 (relating to bad checks), when graded as a felony.
- (30) 18 Pa.C.S. § 4106 (relating to access device fraud), when graded as a felony.
- (31) 18 Pa.C.S. § 4107 (relating to deceptive or fraudulent business practices).
- (32) 18 Pa.C.S. § 4107.2 (relating to deception relating to certification of minority).

business enterprise or women's business enterprise).

(33) 18 Pa.C.S. § 4108 (relating to commercial bribery and breach of duty to act disinterestedly).

(34) 18 Pa.C.S. § 4110 (relating to defrauding secured creditors).

(35) 18 Pa.C.S. § 4111 (relating to fraud in insolvency).

(36) 18 Pa.C.S. § 4113 (relating to misapplication of entrusted property and property of governmental or financial institutions).

(37) 18 Pa.C.S. § 4114 (relating to securing execution of documents by deception).

(38) 18 Pa.C.S. § 4115 (relating to falsely impersonating persons privately employed).

(39) 18 Pa.C.S. § 4117 (relating to insurance fraud).

(40) 18 Pa.C.S. § 4120 (relating to identity theft).

(41) 18 Pa.C.S. § 4701 (relating to bribery in official and political matters).

(42) 18 Pa.C.S. § 4702 (relating to threats and other improper influence in official and political matters).

(43) 18 Pa.C.S. § 4703 (relating to retaliation for past official action).

(44) 18 Pa.C.S. § 4902 (relating to perjury).

(45) 18 Pa.C.S. § 4903 (relating to false swearing).

(46) 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

(47) 18 Pa.C.S. § 4909 (relating to witness or informant taking bribe).

(48) 18 Pa.C.S. § 4910 (relating to tampering with or fabricating physical evidence).

(49) 18 Pa.C.S. § 4911 (relating to tampering with public records or information).

(50) 18 Pa.C.S. § 4912 (relating to impersonating a public servant).

(51) 18 Pa.C.S. § 4913 (relating to impersonating a notary public or holder of a

professional or occupational license).

- (52) 18 Pa.C.S. § 4915.1 (relating to failure to comply with registration requirements).
- (53) 18 Pa.C.S. § 4915.2 (relating to failure to comply with 42 Pa.C.S. Ch. 97 Subch. I registration requirements).
- (54) 18 Pa.C.S. § 4952 (relating to intimidation of witnesses or victims), when graded as a felony.
- (55) 18 Pa.C.S. § 4953 (relating to retaliation against witness, victim or party).
- (56) 18 Pa.C.S. § 4958 (relating to intimidation, retaliation or obstruction in child abuse cases).
- (57) 18 Pa.C.S. § 7310 (relating to furnishing free insurance as inducement for purchases).
- (58) 18 Pa.C.S. § 7331 (relating to unlicensed mortgage loan business).
- (59) 18 Pa.C.S. § 7611 (relating to unlawful use of computer and other computer crimes).
- (60) 18 Pa.C.S. § 7613 (relating to computer theft).
- (61) 18 Pa.C.S. § 7615 (relating to computer trespass).
- (62) Criminal attempt, criminal conspiracy or criminal solicitation to commit any of the offenses listed in paragraphs (1)—(61).
- (63) Any equivalent crime under the laws of this Commonwealth in effect at the time of the commission of that offense.
- (64) Any equivalent crime in another jurisdiction.

§ 43b.528. Schedule of criminal convictions – State Board of Social Workers, Marriage and Family Therapists and Professional Counselors.

- (a) A conviction of any of the sexual offenses set forth in § 43b.501 (relating to schedule of sexual offenses) constitutes grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit issued by the State Board of Social Workers, Marriage and Family Therapists and Professional Counselors (Board) in accordance with § 43b.404(b) (relating to consideration of criminal convictions).
- (b) A conviction of any of the criminal offenses set forth in subsections (c) and (d) may constitute grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit issued by the Board.
- (c) Each of the crimes of violence set forth in § 43b.502 (relating to crimes of violence), in accordance with § 43b.404(c).
- (d) The following criminal offenses that have been deemed by the Board as directly related to the professions regulated by the Board:
- (1) 18 Pa.C.S. § 2505 (relating to causing or aiding suicide).
 - (2) 18 Pa.C.S. § 2710 (relating to ethnic intimidation).
 - (3) 18 Pa.C.S. § 2713 (relating to neglect of care-dependent person).
 - (4) 18 Pa.C.S. § 2713.1 (relating to abuse of care-dependent person).
 - (5) 18 Pa.C.S. § 2905 (relating to interference with custody of committed person).
 - (6) 18 Pa.C.S. § 2910 (relating to luring a child into a motor vehicle or structure).
 - (7) 18 Pa.C.S. § 3011 (relating to trafficking in individuals).
 - (8) 18 Pa.C.S. § 3012 (relating to involuntary servitude).
 - (9) 18 Pa.C.S. § 3013 (relating to patronizing a victim of sexual servitude).
 - (10) 18 Pa.C.S. § 3014 (relating to unlawful conduct regarding documents).
 - (11) 18 Pa.C.S. § 3015 (relating to nonpayment of wages).

- (12) 18 Pa.C.S. § 3022 (relating to professional licenses), pertaining to employing a victim of human trafficking.
- (13) Any of the offenses enumerated in 18 Pa.C.S. Ch. 31 (relating to sexual offenses), including the following:
- (i) 18 Pa.C.S. § 3121 (relating to rape).
 - (ii) 18 Pa.C.S. § 3122.1 (relating to statutory sexual assault).
 - (iii) 18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse).
 - (iv) 18 Pa.C.S. § 3124.1 (relating to sexual assault).
 - (v) 18 Pa.C.S. § 3124.2 (relating to institutional sexual assault).
 - (vi) 18 Pa.C.S. § 3124.3 (relating to sexual assault by sports official, volunteer or employee of nonprofit association).
 - (vii) 18 Pa.C.S. § 3125 (relating to aggravated indecent assault).
 - (viii) 18 Pa.C.S. § 3126 (relating to indecent assault).
 - (ix) 18 Pa.C.S. § 3127 (relating to indecent exposure).
 - (x) 18 Pa.C.S. § 3129 (relating to sexual intercourse with animal).
 - (xi) 18 Pa.C.S. § 3130 (relating to conduct relating to sex offenders).
 - (xii) 18 Pa.C.S. § 3131 (relating to unlawful dissemination of intimate image).
 - (xiii) 18 Pa.C.S. § 3132 (relating to female mutilation).
 - (xiv) 18 Pa.C.S. § 3133 (relating to sexual extortion).
- (14) 18 Pa.C.S. § 4107 (relating to deceptive or fraudulent business practices).
- (15) 18 Pa.C.S. § 4117 (relating to insurance fraud).
- (16) 18 Pa.C.S. § 4302 (relating to incest).
- (17) 18 Pa.C.S. § 4303 (relating to concealing death of a child).

- (18) 18 Pa.C.S. § 4304 (relating to endangering welfare of children).
- (19) 18 Pa.C.S. § 4305 (relating to dealing in infant children).
- (20) 18 Pa.C.S. § 4911 (relating to tampering with public records or information).
- (21) 18 Pa.C.S. § 4958 (relating to intimidation in child abuse cases).
- (22) 18 Pa.C.S. § 5901 (relating to open lewdness).
- (23) 18 Pa.C.S. § 5902(b) or (b.1) (relating to prostitution and related offenses) pertaining to promoting prostitution and promoting prostitution of a minor.
- (24) 18 Pa.C.S. § 5903 (relating to obscene and other sexual materials and performances) if the offense involved a minor under 18 years of age.
- (25) 18 Pa.C.S. § 6301(a)(1)(i) and (ii) (relating to corruption of minors).
- (26) 18 Pa.C.S. § 6312 (relating to sexual abuse of children).
- (27) 18 Pa.C.S. § 6318 (relating to unlawful contact with minor).
- (28) 18 Pa.C.S. § 6320 (relating to sexual exploitation of children).
- (29) 18 Pa.C.S. § 7507.1 (relating to invasion of privacy).
- (30) 23 Pa.C.S. § 6319 (relating to penalties), pertaining to failure to report suspected child abuse.
- (31) 23 Pa.C.S. § 6346 (relating to willful failure to cooperate in investigation of child abuse).
- (32) 35 P.S. § 780-113(a) (relating to prohibited acts; penalties), pertaining to violations of the Controlled Substance, Drug, Device and Cosmetic Act.
- (33) 62 P.S. § 1407 (relating to provider prohibited acts; criminal penalties and civil remedies), pertaining to Medicaid fraud.
- (34) Criminal attempt, criminal conspiracy or criminal solicitation to commit any of the

offenses listed in paragraphs (1)—(33).

(35) Any equivalent crime under the laws of this Commonwealth in effect at the time of the commission of that offense.

(36) Any equivalent crime in another jurisdiction.

§ 43b.529. Schedule of criminal convictions – State Board of Speech-Language Pathology and Audiology.

(a) A conviction of any of the sexual offenses set forth in § 43b.501 (relating to schedule of sexual offenses) constitutes grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit issued by the State Board of Speech-Language Pathology and Audiology (Board) in accordance with § 43b.404(b) (relating to consideration of criminal convictions).

(b) A conviction of any of the criminal offenses set forth in subsections (c) and (d) may constitute grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit issued by the Board.

(c) Each of the crimes of violence set forth in § 43b.502 (relating to crimes of violence), in accordance with § 43b.404(c).

(d) The following additional criminal offenses that have been deemed by the Board as directly related to the professions regulated by the Board:

(1) 18 Pa.C.S. § 2709.1 (relating to stalking).

(2) 18 Pa.C.S. § 2710 (relating to ethnic intimidation).

(3) 18 Pa.C.S. § 2713 (relating to neglect of a care-dependent person).

(4) 18 Pa.C.S. § 3022 (relating to professional licenses), pertaining to employing a victim of human trafficking.

(5) 18 Pa.C.S. § 3921 (relating to theft by unlawful taking).

- (6) 18 Pa.C.S. § 3922 (relating to theft by deception).
- (7) 18 Pa.C.S. § 3926 (relating to theft of services).
- (8) 18 Pa.C.S. § 3927 (relating to theft by failure to make required disposition of funds received).
- (9) 18 Pa.C.S. § 4101 (relating to forgery).
- (10) 18 Pa.C.S. § 4104 (relating to tampering with records or identification).
- (11) 18 Pa.C.S. § 4106 (relating to access device fraud).
- (12) 18 Pa.C.S. § 4107 (relating to deceptive or fraudulent business practices).
- (13) 18 Pa.C.S. § 4108 (relating to commercial bribery and breach of duty to act disinterestedly).
- (14) 18 Pa.C.S. § 4114 (relating to securing execution of documents by deception).
- (15) 18 Pa.C.S. § 4117 (relating to insurance fraud).
- (16) 18 Pa.C.S. § 4120 (relating to identity theft).
- (17) 18 Pa.C.S. § 4304 (relating to endangering welfare of children).
- (18) 18 Pa.C.S. § 4902 (relating to perjury).
- (19) 18 Pa.C.S. § 4903 (relating to false swearing).
- (20) 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).
- (21) 18 Pa.C.S. § 4911 (relating to tampering with public records or information).
- (22) 18 Pa.C.S. § 4913 (relating to impersonating a notary public or holder of a professional or occupational license).
- (23) 18 Pa.C.S. § 4952 (relating to intimidation of witnesses or victims), when graded as a felony.
- (24) 18 Pa.C.S. § 4953 (relating to retaliation against witness, victim or party).

- (25) 18 Pa.C.S. § 5101 (relating to obstructing administration of law or other governmental function).
- (26) 18 Pa.C.S. § 5105 (relating to hindering apprehension or prosecution).
- (27) 18 Pa.C.S. § 5111 (relating to dealing in proceeds of unlawful activity).
- (28) 23 Pa.C.S. § 6319 (relating to penalties), pertaining to failure to report suspected child abuse.
- (29) 62 P.S. § 1407 (relating to provider prohibited acts; criminal penalties and civil remedies), pertaining to Medicaid fraud.
- (30) 63 P.S. § 1718(a) (relating to penalties), pertaining to criminal offenses under the Speech-Language Pathologists and Audiologists Licensure Act.
- (31) 77 P.S. § 1039.2 (relating to offenses), pertaining to insurance fraud under the Workers' Compensation Act.
- (32) 18 U.S.C. § 1035 (relating to false statements relating to health care matters).
- (33) 18 U.S.C. § 1341 (relating to mail fraud).
- (34) 18 U.S.C. § 1347 (relating to health care fraud).
- (35) 26 U.S.C. § 7206 (relating to fraud and false statements).
- (36) Criminal attempt, criminal conspiracy or criminal solicitation to commit any of the offenses listed in paragraphs (1)—(35).
- (37) Any equivalent crime under the laws of this Commonwealth in effect at the time of the commission of that offense.
- (38) Any equivalent crime in another jurisdiction.

§ 43b.530. Schedule of criminal convictions – State Board of Vehicle Manufacturers, Dealers and Salespersons.

(a) A conviction of any of the criminal offenses in subsections (b) and (c) may constitute grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit issued by the State Board of Vehicle Manufacturers, Dealers and Salespersons (Board).

(b) Each of the crimes of violence set forth in § 43b.502 (relating to crimes of violence), in accordance with § 43b.404(c) (relating to consideration of criminal convictions).

(c) The following additional criminal offenses that have been deemed by the Board as directly related to the vehicle profession:

- (1) 18 Pa.C.S. § 3921 (relating to theft by unlawful taking).
- (2) 18 Pa.C.S. § 3922 (relating to theft by deception).
- (3) 18 Pa.C.S. § 3923 (relating to theft by extortion).
- (4) 18 Pa.C.S. § 3924 (relating to theft of property lost, mislaid, or delivered by mistake).
- (5) 18 Pa.C.S. § 3925 (relating to receiving stolen property).
- (6) 18 Pa.C.S. § 3926 (relating to theft of services).
- (7) 18 Pa.C.S. § 3927 (relating to theft by failure to make required disposition of funds received).
- (8) 18 Pa.C.S. § 3934 (relating to theft from a motor vehicle).
- (9) 18 Pa.C.S. § 4101 (relating to forgery).
- (10) 18 Pa.C.S. § 4103 (relating to fraudulent destruction, removal or concealment of recordable instruments).
- (11) 18 Pa.C.S. § 4104 (relating to tampering with records or identification).
- (12) 18 Pa.C.S. § 4105 (relating to bad checks), when graded as a felony.
- (13) 18 Pa.C.S. § 4107 (relating to deceptive or fraudulent business practices).

- (14) 18 Pa.C.S. § 4108 (relating to commercial bribery and breach of duty to act disinterestedly).
- (15) 18 Pa.C.S. § 4110 (relating to defrauding secured creditors).
- (16) 18 Pa.C.S. § 4114 (relating to securing execution of documents by deception).
- (17) 18 Pa.C.S. § 4115 (relating to falsely impersonating persons privately employed).
- (18) 18 Pa.C.S. § 4117 (relating to insurance fraud).
- (19) 18 Pa.C.S. § 4118 (relating to washing vehicle titles).
- (20) 18 Pa.C.S. § 4120 (relating to identity theft).
- (21) 18 Pa.C.S. § 4121 (relating to possession and use of unlawful devices).
- (22) 18 Pa.C.S. § 4701 (relating to bribery in official and political matters).
- (23) 18 Pa.C.S. § 4902 (relating to perjury).
- (24) 18 Pa.C.S. § 4911 (relating to tampering with public records or information).
- (25) 18 Pa.C.S. § 4913 (relating to impersonating a notary public or holder of a professional or occupational license).
- (26) 18 Pa.C.S. § 5111 (relating to dealing in proceeds of unlawful activity).
- (27) 75 Pa.C.S. § 7122 (relating to altered, forged or counterfeit documents and plates).
- (28) 75 Pa.C.S. § 7132 (relating to prohibited activities relating to odometers).
- (29) Criminal attempt, criminal conspiracy or criminal solicitation to commit any of the offenses listed in paragraphs (1)—(28).
- (30) Any equivalent crime under the laws of this Commonwealth in effect at the time of the commission of that offense.
- (31) Any equivalent crime in another jurisdiction.

§ 43b.531. Schedule of criminal convictions – State Board of Veterinary Medicine.

(a) A conviction of any of the criminal offenses in subsections (b), (c) and (d) may constitute grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit issued by the State Board of Veterinary Medicine (Board).

(b) Each of the crimes of violence set forth in § 43b.502 (relating to crimes of violence), in accordance with § 43b.404(c).

(c) A drug trafficking offense in accordance with § 43b.404(d).

(d) The following additional criminal offenses that have been deemed by the Board as directly related to the veterinary medical profession:

- (1) 18 Pa.C.S. § 2705 (relating to recklessly endangering another person).
- (2) 18 Pa.C.S. § 2713 (relating to neglect of care-dependent person).
- (3) 18 Pa.C.S. § 2713.1 (relating to abuse of care-dependent person).
- (4) 18 Pa.C.S. § 3011 (relating to trafficking in individuals).
- (5) 18 Pa.C.S. § 3012 (relating to involuntary servitude).
- (6) 18 Pa.C.S. § 3022 (relating to professional licenses), pertaining to employing a victim of human trafficking.
- (7) 18 Pa.C.S. § 3129 (relating to sexual intercourse with animal).
- (8) 18 Pa.C.S. § 3133 (relating to sexual extortion).
- (9) 18 Pa.C.S. § 3921 (relating to theft by unlawful taking).
- (10) 18 Pa.C.S. § 3922 (relating to theft by deception).
- (11) 18 Pa.C.S. § 3923 (relating to theft by extortion).
- (12) 18 Pa.C.S. § 3927 (relating to theft by failure to make required disposition of funds received).

- (13) 18 Pa.C.S. § 4101 (relating to forgery).
- (14) 18 Pa.C.S. § 4104 (relating to tampering with records or identification).
- (15) 18 Pa.C.S. § 4106 (relating to access device fraud).
- (16) 18 Pa.C.S. § 4107 (relating to deceptive or fraudulent business practices).
- (17) 18 Pa.C.S. § 4117 (relating to insurance fraud).
- (18) 18 Pa.C.S. § 4304 (relating to endangering welfare of children).
- (19) 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).
- (20) 18 Pa.C.S. § 4952 (relating to intimidation of witnesses or victims).
- (21) Any of the offenses enumerated in 18 Pa.C.S. Ch. 55, Subchapter B (relating to cruelty to animals).
- (22) 35 P.S. § 780-113(a) (relating to prohibited acts; penalties), pertaining to violations of the Controlled Substance, Drug, Device and Cosmetic Act.
- (23) Criminal attempt, criminal conspiracy or criminal solicitation to commit any of the offenses listed in paragraphs (1)—(22).
- (24) Any equivalent crime under the laws of this Commonwealth in effect at the time of the commission of that offense.
- (25) Any equivalent crime in another jurisdiction.



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

Post Office Box 2649
Harrisburg, Pennsylvania 17105-2649
(717) 775-8146

November 4, 2022

The Honorable George D. Bedwick, Chairman
INDEPENDENT REGULATORY REVIEW COMMISSION
14th Floor, Harristown 2, 333 Market Street
Harrisburg, Pennsylvania 17101

Re: Proposed Regulation
Bureau of Professional and Occupational Affairs
16A-66: Consideration of Criminal Convictions

Dear Chairman Bedwick:

Enclosed is a copy of a proposed rulemaking package of the Bureau of Professional and Occupational Affairs pertaining to Consideration of Criminal Convictions.

The Board will be pleased to provide whatever information the Commission may require during the course of its review of the rulemaking.

Sincerely,

A handwritten signature in cursive script that reads "Arion R. Claggett".

Arion R. Claggett, Acting Commissioner
Bureau of Professional and Occupational Affairs

ARC/ckm
Enclosure

cc: K. Kalonji Johnson, Deputy Secretary of Regulatory Programs
Marc Farrell, Deputy Director of Policy, Department of State
Cynthia Montgomery, Deputy Chief Counsel, Department of State
Jacqueline A. Wolfgang, Senior Regulatory Counsel, Department of State
Bureau of Professional and Occupational Affairs

From: [Blauch, Tammy](#)
To: [Christman, William](#); [Smeltz, Jennifer](#)
Subject: RE: DELIVERY: Regulation 16A-66 (Tomlinson)
Date: Friday, November 4, 2022 8:52:09 AM

Received.
Thank you.

Tammy Blauch
Executive Secretary
Office of Senator Robert M. Tomlinson
Room 286 Main Capitol Building
Harrisburg, PA 17120
(717)-787-5072
Fax: (717)772-2991
tblauch@pasen.gov

RECEIVED

NOV 4 2022

Independent Regulatory
Review Commission

From: Christman, William <wchristman@pa.gov>
Sent: Friday, November 4, 2022 8:41 AM
To: [Blauch, Tammy](mailto:tblauch@pasen.gov) <tblauch@pasen.gov>; [Smeltz, Jennifer](mailto:jmsmeltz@pasen.gov) <jmsmeltz@pasen.gov>
Subject: DELIVERY: Regulation 16A-66 (Tomlinson)
Importance: High

© CAUTION : External Email ©

Please provide written (email) confirmation of receipt of the delivery of the attached rulemaking.

Please be advised that the Bureau of Professional and Occupational Affairs is delivering the following proposed rulemaking:

- 16A-66 Consideration of Criminal Convictions

William Christman | Legal Assistant
Office of Chief Counsel | Department of State
Governor's Office of General Counsel
P.O. Box 69523 | Harrisburg PA 17106 - 9523
Phone: 717.783.7200 | Fax: 717.787.0251
wchristman@pa.gov | www.dos.pa.gov

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From: Jennifer Weaver
To: Christman, William; Nicole Sidle; Emily Hackman
Subject: Re: DELIVERY: Regulation 16A-66 (Hickernell)
Date: Friday, November 4, 2022 8:54:13 AM

Independent Regulatory
Review Commission

Received.

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From: Christman, William <wchristman@pa.gov>
Sent: Friday, November 4, 2022 8:40:29 AM
To: Nicole Sidle <Nsidle@pahousegop.com>; Emily Hackman <Eepler@pahousegop.com>; Jennifer Weaver <jweaver@pahousegop.com>
Subject: DELIVERY: Regulation 16A-66 (Hickernell)

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Office of Chief Counsel | Department of State
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From: Orchard, Kari L.
To: Christman, William; Barton, Jamie
Subject: RE: DELIVERY: Regulation 16A-66 (Burns)
Date: Friday, November 4, 2022 9:37:41 AM

This is received. Thank you!

Kari Orchard

Executive Director (D) | House Professional Licensure Committee
Chairman Frank Burns, 72nd Legislative District

From: Christman, William <wchristman@pa.gov>
Sent: Friday, November 4, 2022 8:40 AM
To: Orchard, Kari L. <KOrchard@pahouse.net>; Barton, Jamie <JBarton@pahouse.net>
Subject: DELIVERY: Regulation 16A-66 (Burns)
Importance: High

Please provide written (email) confirmation of receipt of the delivery of the attached rulemaking.

Please be advised that the Bureau of Professional and Occupational Affairs is delivering the following proposed rulemaking:

- 16A-66 Consideration of Criminal Convictions

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Office of Chief Counsel | Department of State
Governor's Office of General Counsel
P.O. Box 69523 | Harrisburg PA 17106 - 9523
Phone: 717.783.7200 | Fax: 717.787.0251
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NOV 4 2022

From: Monoski, Jesse
To: Christman, William
Cc: Gruber, Kayla
Subject: RE: DELIVERY: Regulation 16A-66 (Boscola)
Date: Friday, November 4, 2022 3:02:15 PM

Independent Regulatory
Review Commission

Received. Thank you

JESSE MONOSKI

LEGISLATIVE DIRECTOR | SENATOR LISA M. BOSCOLA | 18TH DISTRICT
CAPITOL OFFICE | ROOM 458 MAIN CAPITOL
HARRISBURG, PA 17120
OFFICE: 717-787-3638
DIRECT: 717-787-3506

From: Christman, William <wchristman@pa.gov>
Sent: Friday, November 4, 2022 3:01 PM
To: Monoski, Jesse <jesse.monoski@pasenate.com>
Cc: Gruber, Kayla <kagruber@pa.gov>
Subject: FW: DELIVERY: Regulation 16A-66 (Boscola)
Importance: High

■ EXTERNAL EMAIL ■

Good afternoon,

Can you please confirm delivery of the attached rulemaking?

Sincerely,

William Christman | Legal Assistant
Office of Chief Counsel | Department of State
Governor's Office of General Counsel
P.O. Box 69523 | Harrisburg PA 17106 - 9523
Phone: 717.783.7200 | Fax: 717.787.0251
wchristman@pa.gov | www.dos.pa.gov

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From: Christman, William
Sent: Friday, November 4, 2022 8:40 AM
To: Rolko, Seth <seth.rolko@pasenate.com>; Vazquez, Enid <Enid.Vazquez@pasenate.com>
Subject: DELIVERY: Regulation 16A-66 (Boscola)
Importance: High

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rulemaking.

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- 16A-66 Consideration of Criminal Convictions

William Christman | Legal Assistant
Office of Chief Counsel | Department of State
Governor's Office of General Counsel
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From: Bulletin
To: Christman, William; Bulletin
Subject: [External] RE: DELIVERY: Regulation 16A-66 (LRB)
Date: Friday, November 4, 2022 8:55:25 AM

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Review Commission

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Good morning William,

Thank you for sending Proposed Rulemaking #16A-66. Someone from our office will contact you regarding publication in the *Pennsylvania Bulletin*.

Take care,

Ernest L. Engvall | Legal Assistant
eengvall@parb.us | 717.783.1531
Legislative Reference Bureau
Code and Bulletin Office

From: Christman, William <wchristman@pa.gov>
Sent: Friday, November 4, 2022 8:41 AM
To: Bulletin <bulletin@parb.us>
Subject: DELIVERY: Regulation 16A-66 (LRB)
Importance: High

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- 16A-66 Consideration of Criminal Convictions

William Christman | Legal Assistant
Office of Chief Counsel | Department of State
Governor's Office of General Counsel
P.O. Box 69523 | Harrisburg PA 17106 - 9523
Phone: 717.783.7200 | Fax: 717.787.0251
wchristman@pa.gov | www.dos.pa.gov

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