

BILL ANALYSIS

		<u>DATE:</u>	9/11/2008
<u>COMMITTEE:</u>	Consumer Protection and Professional Licensure	<u>BILL NO.:</u>	SB 147
<u>PRIME SPONSOR:</u>	Senator Tomlinson	<u>PRINTER NO.</u>	192

Amends Act 48 to provide for certain investigative powers and additional powers, as well as providing for an increase in civil penalties and additional disciplinary action

The act takes effect in 60 days.

SUMMARY

Amendment A08863 to Senate Bill 147 Printer's No. 192

The amendment language changes Act 48 to give new authority to the 27 licensing boards and commissions within the Department of State's Bureau of Professional and Occupational Affairs (BPOA). It would require a person who has been found to be in violation of a licensing act or regulation to pay the costs associated with investigating the underlying violation. It would not include the any associated legal fees or cost of prosecution.

The amendment also **increases** the maximum civil penalty that a licensing board or commission can impose from \$1,000 to \$10,000.

Currently, the licensing boards and commissions are required to fund their administrative, investigative, legal and miscellaneous expenses through fees, fines and civil penalties. BPOA provides the administrative, investigative and legal staff necessary to administer the provisions of the acts, and then assesses that cost to the particular board or commission as part of their operating expenses.

The maximum civil penalty authorized under Act 48 and the various licensing acts is \$1,000. The State Board of Medicine and the State Board of Osteopathic Medicine were given authority to impose a maximum civil penalty of \$10,000 in the MCARE Act (Act 13 of 2002). The language will take effect in 60 days.