

RULES AND REGULATIONS

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

[49 PA. CODE CH. 43b]

Consideration of Criminal Convictions

The Acting Commissioner of Professional and Occupational Affairs (Commissioner) amends § 43b.201 (relating to fees for services) and adds Subchapter E (relating to consideration of criminal convictions) to read as set forth in Annex A.

Effective Date

The regulations will be effective upon publication of this final-form rulemaking in the *Pennsylvania Bulletin*.

Statutory Authority

The Commissioner is required under 63 Pa.C.S. § 3117 (relating to list of criminal offenses) 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 (Department) 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(a)(7) and (8) of The Administrative Code of 1929 (71 P.S. § 279.1(a)(7) and (8)).

Background and Purpose

The act of July 1, 2020 (P.L. 575, No. 53) (Act 53) sets forth a new paradigm for the professional and occupational licensing boards and commissions within the Bureau of Professional and Occupational Affairs (Bureau) in considering the impact of prior 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. (For ease of reference, the various professional and occupational licensing boards and commissions will be referred to generically herein as "boards," and the actions they take with respect to granting, renewing, suspending or revoking a license, certificate, registration or permit will be referred to as decisions relating to "licensure.") The relevant provisions of Act 53 are codified at 63 Pa.C.S. §§ 3112—3118. The policy goals of Act 53 were to protect and promote public safety while reducing barriers to professional licensure for individuals with prior criminal convictions and increasing transparency of the boards' decision-making process.

To these ends, Act 53 required the Commissioner, after consulting with the licensing boards and other interested parties, to publish a schedule of criminal offenses that "may constitute grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit for each occupation or profession under the respective practice acts." (63 Pa.C.S. § 3117(a)). The licensing boards must consult their respective schedules when assessing

an individual's fitness for licensure. If an individual had been convicted of a directly related offense, the board applies a rebuttable presumption that granting a license to that individual will "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." (63 Pa.C.S. § 3113(b) (relating to consideration of criminal convictions)). Regardless of whether an individual has a prior conviction for a scheduled offense, however, the board must conduct a detailed individualized assessment of each application, considering certain factors enumerated in 63 Pa.C.S. § 3113(c).

To warrant inclusion on the schedule, an offense must "directly relate" to a licensed profession or occupation. See 63 Pa.C.S. §§ 3113(b) and 3117(a)(1). Under Act 53, an offense "directly relates" to a profession or occupation only if it 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. See 63 Pa.C.S. § 3102 (relating to definitions). Consistent with the law's underlying policy of reducing unnecessary barriers to licensure, this statutory definition is narrow in scope.

Summary of Comments and the Commissioner's Response

After consulting each of the Bureau's boards, the Commissioner issued the proposed rulemaking, which was published at 52 Pa.B. 7108 (November 19, 2022) for 30 days of public comment. Twenty-one individuals and organizations submitted comments on the regulation, as follows:

- Justice Action Network—Jeanette Bottler (Submitted on December 12, 2022)
- Philadelphia Lawyers for Social Equity—Taylor E. Pacheco, Esq. (December 12, 2022)
- Pennsylvania Chiropractic Association—Keith M. Miller, DC (December 12, 2022)
- PLSE Pardon Project—Carl Oxholm, III (December 14, 2022)
- Last Prisoner Project—Frank Stiefel (December 14, 2022)
- Pennsylvania Prison Society—Clarie Shubik-Richards; Amachi Pittsburgh—Anna E. Hollis; Pennsylvania Institutional Law Project—Su Ming Yeh; Public Interest Law Center—Mimi McKenzie; Youth Sentencing and Reentry Project—Marto Isman; and Alliance for Safety and Justice—Shaena Fazal (December 15, 2022)
- Eastern State Penitentiary Historic Site—Sara Jane Elk (December 15, 2022)
- Community Legal Services, Inc. (December 16, 2022)
- PLSE Pardon Project Steering Committee—Akim Sims (December 16, 2022)
- Pennsylvania Coalition of Nurse Practitioners (PCNP) w/attachment—Cheryl Schlamb, DNP, CRNP (December 16, 2022)
- PA Affiliate of the American College of Nurse-Midwives (PA-ACNM)—Rebecca R.S. Clark, PhD, RN, CNM, WHNP-BC (December 16, 2022)
- Theresa Alberici (December 18, 2022)
- Pennsylvania Society of Health-System Pharmacists—Larry Jones (December 18, 2022)

- American Civil Liberties Union (ACLU) and the ACLU of Pennsylvania—Alexis Alvarez (December 19, 2022)
- City of Philadelphia—Erica Gibson and Assata M. Thomas (December 19, 2022)
- Pennsylvania Association of Nurse Anesthetists (PANA)—Laura Wiggins (December 19, 2022)
- PA Chamber of Business and Industry—Alex Halper (December 19, 2022)
- Pennsylvania Institute of Certified Public Accountants (PICPA)—Peter N. Calcara (December 19, 2022)
- Pennsylvania State Nurses Association (PSNA)—Deborah Cardenas, DNP, MSN, RN, Paralegal, CPHQ (December 19, 2022)
- PA Workforce Development Association—Carrie Amann (December 19, 2022)

In addition, the bipartisan prime sponsors of Senate Bill 637 and House Bill 1477 (the bills enacted as Act 53), Representatives Sheryl M. Delozier and Jordan A. Harris, and Senators John DiSanto and Judith L. Schwank, also submitted comments on December 19, 2022. The Independent Regulatory Review Commission (IRRC) submitted their comments on January 18, 2023. The following represents a summary of the comments and the Commissioner's response, and a description of the amendments made to this final-form rulemaking.

All but two of the public comments recommended rejecting the proposed rulemaking on the grounds that the schedules of offenses it prescribed are overbroad, undermining the policy animating Act 53. These commenters contend that the schedules, both generally and as to specific professions, included offenses that do not meet the narrow statutory definition of "directly related" and were inconsistent between professions with similar scopes of practice and job responsibilities.

Many commenters, for example, take issue with the inclusion of certain offenses that they argue do not have any direct bearing on the respective profession, like the offense of forgery for barbering (Philadelphia Lawyers for Social Equity), or driving under the influence (PANA) or minor theft-related crimes (PCNP) for nursing. The PA-ACNM criticizes that, under the proposed schedules, an applicant could qualify for a midwife license issued by the State Board of Medicine, but not the prerequisite nursing license from the State Board of Nursing because they were previously convicted of one of the numerous additional, unique offenses identified as directly related to the profession of nursing. The PSNA shares similar sentiments, while the Pennsylvania Chiropractic Association argues that the schedules should be consistent across all healthcare-related boards.

IRRC further asked whether the health care licensing boards consulted with each other in determining which offenses to include in their schedules and asked the Bureau to explain the reasonableness of the inconsistency of the schedules of offenses for health care professionals. In response, the Commissioner notes that some of the health-related boards who license the same or very similar professions made efforts to have consistency among their schedules. For example, the State Board of Medicine and the State Board of Osteopathic Medicine regulate physicians, physician assistants, respiratory therapists, athletic trainers, acupuncturists, perfusionists and genetic counselors. Due to this overlap of the professions regulated by these boards, efforts were made to assure that the schedules of directly related crimes were

consistent, if not identical. However, other health-related boards did not confer with each other as to the content of the initial lists. The Commissioner believes that this final-form rulemaking meets the goal of consistency across the health-related boards to the degree necessary.

Some commenters particularly criticize the process employed by the Commissioner to develop the proposed schedules, and urge the Commissioner to engage in an "evidenced-based process" (ACLU of Pennsylvania) that takes into account specific job responsibilities and duties, case law and policy relating to constitutional limits on professional licensing regulation (The Pardon Project) and the legislative goals of the law, including: ameliorating workforce shortages (PA Chamber of Business and Industry, PA Workforce Development Association and Justice Action Network); reducing barriers to rewarding professional practice (Eastern State Penitentiary Historic Site and Last Prisoner Project); and lessening the stigmatization and collateral consequences of criminal conviction (City of Philadelphia and PA Prison Society and five others). Community Legal Services, Inc. submitted extensive comments that include, in addition to many of the previously listed concerns, expert reports opining on the suitability of the proposed schedules and appropriate methodology for assessing when an offense directly relates to a profession.

The bipartisan legislative drafters of Act 53 align with the public commenters who opposed the proposed rulemaking. They stated that the proposed schedules were "overly broad and are in direct contrast to the spirit of this legislation and the intention of its makers," contained offenses that are unrelated to their respective professions and did not effectively provide guidance on when an applicant may pose a "substantial risk" to the public if licensed. The letter from the four prime sponsors made it clear that "Act 53 was drafted and amended with the objective of offering a pathway to licensure for those with criminal convictions who have paid their debt to society" and to eliminate barriers to licensure on the sole basis of old convictions that were not related or connected to the profession for which licensure was sought. The drafters opined that denying reformed convicted persons the prospect of meaningful employment does little to protect the safety and well-being of society and may actually contribute to these individuals choosing to offend. They further stated that "the primary objectives" of Act 53 "were to open the professions more widely to rehabilitated people with old and unrelated criminal records and to provide relief to businesses struggling to find qualified workers." The drafters urged the Commissioner to thoroughly review and revise the "directly related" lists before submission of this final-form rulemaking based on the intent of the law. IRRC suggested that the Bureau "consult with the legislature to clarify the legislative intent of Act 53" as it prepared this final-form rulemaking. Therefore, in addition to considering the letter from the prime sponsors, the Commissioner met with staff members for the four prime sponsors as well as the Professional Licensure Committee of the House of Representatives (HPLC) and the Consumer Protection and Professional Licensure Committee of the Senate (SCP/PLC) to discuss the intent of Act 53 and how this final-form rulemaking could more closely advance that purpose. The comments in that meeting reflected those made in the prime sponsor's letter and guided the Commissioner's review of the schedules of offenses.

In light of these and the numerous other comments objecting to the proposed rulemaking, IRRC encouraged the Commissioner in its comments to undertake "a thor-

ough reevaluation of all offenses and practices” included in the rule. IRRC also asked the Bureau to engage stakeholders to reach consensus where possible.

In consideration of these comments and upon further consideration and review of the statutory text and intent of Act 53, as clarified by the four prime sponsors and legislative staff, the Commissioner is amending the proposed schedules of offenses. These amended schedules are set forth in §§ 43b.421—43b.451 (relating to schedules of criminal convictions) of this final-form rulemaking. In making these amendments, the Commissioner considered foremost whether a scheduled offense meets the strict statutory definition of “directly related,” that is, if the offense 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.

To test the statutory fit, the Commissioner first identified key duties and responsibilities of each licensed occupation. The Commissioner principally consulted the statutory scopes of practice in the respective practice acts as well as O*NET Online, an occupational database sponsored by the United States Department of Labor, available at <https://www.onetonline.org>. Then, the Commissioner determined whether an offense met two criteria:

1. The offense must relate to a necessary duty or responsibility of the profession that generally will be required of all licensees engaging in that occupation. In other words, the duty or responsibility must be essential to and inherent in the profession, and not a task that may arise only sometimes or incidentally, or that would be generic to a variety of professional settings.

2. The offense must bear a meaningful relationship to one of the occupation’s necessary duties or responsibilities. This means that conviction for committing the offense indicates an inability to perform specific and essential professional duties or responsibilities, or that these duties or responsibilities pose unique circumstances for a heightened risk of reoffending.

If these two criteria were not satisfied, the Commissioner removed the offense from the schedules in this final-form rulemaking. In addition, the Commissioner considered other factors:

- The severity of the offense, including whether the legislature has determined it to warrant severe or relatively lenient punishment.
- The vagueness of the offense, and whether a person could be convicted of it for unrelated or relatively minor conduct.
- Whether the offense was included within the statutory categories of violent offenses, sexual offenses or drug offenses which the boards and commissions already must consider when assessing applicants.

Appendix 1 to the Regulatory Analysis Form (RAF) sets forth the rationale for the amended schedules of offenses for each of the boards, along with each profession’s necessary duties and responsibilities as well as, for ease of reference, a list of the offenses removed from the schedules as they appeared in the proposed rulemaking.

The Commissioner believes this process comports with the statutory text and intent, and it ensures that only a limited set of offenses—those that truly bear on an individual’s fitness to perform a particular licensed profession—result in a presumption of unfitness for license applicants. The resulting schedules will likely reduce unnecessary barriers to professional practice for individu-

als who have paid their debt to society for unrelated past misconduct while identifying those individuals whose fitness for licensure may warrant additional scrutiny by the relevant board. The Commissioner undertook the changes to the final-form regulations in consideration of the stakeholder concerns as expressed in their comments and believes that the vast majority of stakeholders who commented will agree that the revised schedules are neither overly broad, nor underinclusive, as suggested by IRRC.

This process also resulted in schedules that are more consistent across professions with similar or overlapping scopes of practice, which the Commissioner agrees with commenters is a sensible goal. Indeed, Act 53 itself provides a class-wide disqualification of “health care practitioner[s]” if convicted of a sexual offense at 63 Pa.C.S. § 3113(d), supporting congruent schedules for these professions. The schedules are not identical—the Commissioner did not believe it was appropriate to jettison, in favor of entirely homogenous schedules, the considered judgments of the licensing boards who were tasked with initially identifying the universe of offenses they considered to be directly related to their respective professions. But by employing a process designed to better tailor the included offenses, the Commissioner was able to compile schedules that were appropriately similar. Clients and patients of individuals working in similar professional settings will be assured that those individuals met similar standards when applying for licensure.

The Commissioner is mindful that conviction of an offense appearing on the resulting schedule only gives rise to a presumption that an applicant is unfit for licensure and that, in all cases, the boards retain discretion to render licensing decisions they believe best serve the public interest. Regardless of whether an applicant has been convicted of a scheduled offense or a different offense, the law requires the board to conduct a comprehensive individualized assessment of the nature, severity and other circumstances of the applicant’s prior misconduct that bear on fitness for licensure. See 63 Pa.C.S. § 3113(c). Public safety remains paramount.

Those opposed to the proposed rulemaking make two additional recommendations. First, contrary to the Commissioner’s position in the proposed rulemaking, over half of the commenters urge the Commissioner to include time limits in the rule beyond which prior conviction for a scheduled offense will no longer trigger a presumption that the applicant is unfit for licensure. These commenters argue that the statutory definition for “directly related” encompasses considering a prior conviction’s temporal proximity to the application for licensure, and that omitting time limits effectively creates lifetime bans for certain ex-offenders, undermining the statute’s intent. The principal legislative drafters share these views, which IRRC in part tasked the Commissioner with consulting to “clarify the legislative intent of Act 53.”

Research on recidivism is voluminous; studies generally show that the risk of reoffending among those with a prior criminal record falls below the risk of arrest for the general population approximately:

- 4—7 years after a violent offense;
- 4 years after a drug offense; and
- 3-4 years after a property offense.

See, for example, Alfred Blumstein & Kiminori Nakamura, *Redemption in the Presence of Widespread Criminal Background Checks*, *Criminology* 47:2 327—59 (2009); Samuel E. DeWitt et al., *Redeemed compared to*

whom? *Comparing the distributional properties of arrest risk across populations and provisional employees with and without a criminal record*, Criminology & Public Policy 16:963–97 (2017). See also, for example, United States Sentencing Commission, *Recidivism Among Federal Offenders: A Comprehensive Overview*, p. 5 (2016); Pa. Dep’t of Corrs., *Recidivism 2022 Report*, p. 4 (2022). This research roughly comports with the typical practice in other jurisdictions, which impose time limits of, on average, approximately 5 years following conviction for consideration of prior offenses when making licensing decisions.

About 5 years after it was committed, then, a prior offense may no longer be indicative of an individual’s likelihood of committing future offenses, and the offense may no longer have a “direct bearing” on necessary job duties and responsibilities. An applicant should not be prescriptively penalized for past conduct that, as research shows, may give no indication of the applicant’s likelihood of reoffending.

Therefore, the Commissioner has included in this final-form rulemaking a requirement that the commission of an offense will no longer be considered “directly related” to a profession or occupation and, therefore, will no longer create a rebuttable presumption that the applicant is unfit for licensure, if at least 5 years have passed since the individual was convicted of the offense. Although research shows that the risk of recidivism for violent offenders may remain slightly elevated relative to the general population at 5 years, the Commissioner believes this remains an appropriate benchmark for at least two reasons. First, the legislative intent of Act 53 was to reduce barriers to licensure for ex-offenders, which a shorter time limit facilitates. Second, although the risk of recidivism is greater among individuals convicted of serious violent crimes, those offenses already are subject to extended time limits under 63 Pa.C.S. § 3113(e). Again, the Commissioner stresses that the law still obligates the boards to make an individualized assessment of each applicant, including by considering the time that has passed since any prior offense, when reviewing applications for licensure.

The second additional concern raised by commenters opposed to the proposed rulemaking relates to the burdens faced by applicants with prior convictions who may invest substantial time and money into acquiring the training and education necessary to be eligible for licensure only to later learn that their prior conviction makes them presumptively ineligible. The PA Workforce Development Association, for instance, further suggests that the boards should offer rebates or waivers for these investments upon deciding to deny an application for licensure, and Theresa Alberici proposes an appeal process for application decisions before the individual has undertaken extensive education.

The Commissioner agrees that these commenters express a reasonable concern and believes the process prescribed by 63 Pa.C.S. § 3115 (relating to preliminary determinations by licensing boards and licensing commissions)—set forth in § 43b.403 (relating to preliminary determinations)—whereby potential applicants can seek preliminary determinations by boards of their fitness for licensure, satisfactorily balances the needs of protecting public safety and providing a transparent process for individuals seeking to enter professional life. In further consideration of the financial burden attendant with seeking professional licensure, and mindful of IRRC’s request to outline procedures for seeking fee waivers, the

Commissioner notes that the process for requesting a fee waiver is already incorporated as part of the application for a preliminary determination. However, the Commissioner adds to § 43b.403 the standards by which an applicant seeking a preliminary determination of fitness for licensure can establish in forma pauperis status to obtain waiver of the fee requirement as suggested by The Pardon Project. The Commissioner believes that The Pardon Project’s suggestion—to waive fees for individuals who can demonstrate that they are either receiving means-tested public assistance or whose household income is at or below 200% of the Federal poverty guidelines—provides clear and objective standards for evaluating fee waiver requests.

Finally, two commenters supported the proposed rulemaking while recommending that certain of the schedules be expanded. The Pennsylvania Society of Health-System Pharmacists states that the schedule of offenses for the State Board of Pharmacy was appropriate but that the regulatory language should be amended to clarify that it extends to applicants for the pharmacy intern registration.

IRRC also requested that the Commissioner specify that the rules relating to drug trafficking offenses set forth in § 43b.404(d) (relating to consideration of criminal convictions) apply to pharmacy interns. The Commissioner agrees and adds this language to this final-form rulemaking.

PICPA argues that the Accountancy Board’s schedule of offenses should be expanded to include 13 additional theft, fraud and counterfeiting crimes, which the commenter argues “directly relate to the duties necessary to ensure the public’s trust and confidence in the profession.” Specifically, PICPA recommended the Commissioner include the following offenses on the Accountancy Board schedule: 18 Pa.C.S. § 3930 (relating to theft of trade secrets); 18 Pa.C.S. § 3931 (relating to theft of unpublished dramas and musical compositions); 18 Pa.C.S. § 3935.1 (relating to theft of secondary metal); 18 Pa.C.S. § 4116 (relating to copying; recording devices); 18 Pa.C.S. § 4116.1 (relating to unlawful operation of recording device in motion picture theater); 18 Pa.C.S. § 4118 (relating to washing vehicle titles); 18 Pa.C.S. § 4119 (relating to trademark counterfeiting); 18 Pa.C.S. § 5101 (relating to obstructing administration of law or other governmental function); 18 Pa.C.S. § 5105 (relating to hindering apprehension or prosecution); 18 Pa.C.S. § 5111 (relating to dealing in proceeds of unlawful activities); 18 U.S.C.A. § 1341 regarding frauds and swindles; 18 U.S.C.A. § 1347 regarding health care fraud; and 75 Pa.C.S. § 7122 (relating to altered, forged or counterfeit documents and plates). In its comments, IRRC also requested that the Commissioner carefully consider PICPA’s recommendations.

Respectfully, the Commissioner does not believe that any of the recommended offenses belong on the final schedule. First, PICPA argues that each of the recommended offenses already had been included on the schedules for other boards and commissions. That, however, is no longer the case after the Commissioner’s review and amendments. Second, the recommended offenses do not meet the strict statutory definition of being “directly related” to the accounting profession. Moreover, the recommended offenses may indicate generally dishonest conduct but do not specifically pertain to necessary duties of accountants, which largely involve matters of financial analysis and recordkeeping. The schedule of offenses for the Accountancy Board in this final-form rulemaking is

extensive and includes those offenses the Commissioner has determined are directly related to the necessary responsibilities of accountants.

Description of the Amendments made to this Final-form Rulemaking

The following is a section-by-section description of the amendments made to this final-form rulemaking.

§ 43b.403

The Commissioner amends § 43b.403(a)(3)(ii) to clarify that an applicant seeking a preliminary determination may apply for the waiver on the preliminary determination application and to provide standards for the granting of the fee waiver if the applicant either demonstrates that the applicant receives means-tested public assistance or the applicant's household income is at or below 200% of the Federal poverty guidelines.

§ 43b.404

The Commissioner amends and reorganizes subsection (a)(2)(i) pertaining to the "individualized assessment" to clarify that if an individual's offense is on the applicable licensing board or commission's schedule, there shall be a rebuttable presumption that licensure, certification, permitting or registration 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 individual may rebut that presumption using the factors in paragraph (3). The applicable board or commission will then conduct an individualized assessment using those factors to determine if a license, certificate, permit or registration may be granted notwithstanding the conviction.

Conversely, if the individual's criminal conviction is not on the schedule, the applicable board or commission retains the discretion to determine whether, due to the nature of the criminal conduct that led to the conviction, the licensure, certification, permitting or registration 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, and the individual may rebut the board or commission's determination by showing evidence of rehabilitation as set forth in the factors in paragraph (3).

In addition, noting that the licensing boards and commissions do not only issue "licenses," but also certifications, permits and registrations, the Commissioner is taking this opportunity to clarify that the provisions of Act 53 apply to each of these credentials issued by the boards and commissions.

In response to comments, the Commissioner also amends subsection (d)(2)(ix) to specify that § 43b.404(d)(1) pertaining to the applicability of statutory limits regarding drug trafficking offenses to certain credentials regulated by the State Board of Pharmacy, also applies to pharmacy interns.

§§ 43b.421—43b.451

The Commissioner amends each of the schedules of offenses to adhere more strictly to the textual language and legislative intent of Act 53. Each of the revised schedules, along with related information, are also set forth as Appendix A to the RAF.

In addition, each of the schedules are amended to make it clear which crimes (those that are deemed "directly related" to the relevant professions/occupations) would

raise a rebuttable presumption that the individual's licensure, certification, permitting or registration poses a substantial risk to the individual's patients or clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(i).

The Commissioner also adds an additional subsection to each of the schedules to make it clear that each licensing board and commission retains the discretion to determine that, due to the nature of the criminal conduct that led to the conviction, the licensure, certification, permitting or registration of an individual with a criminal conviction for an offense not listed in the schedule would pose a substantial risk to the health and safety of the individual's clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(ii), and that the individual may rebut that determination by showing evidence of rehabilitation utilizing the factors in § 43b.404(a)(3).

§ 43b.452 (relating to time limits)

The Commissioner adds this section to prescribe that an offense identified by the relevant licensing board or commission as directly related to a profession or occupation on the schedules set forth in §§ 43b.421—43b.451 will no longer be considered directly related to the profession or occupation for which the individual seeks licensure, for purposes of the assessment required in § 43b.404, if at least 5 years have passed since the individual's conviction of that offense.

Fiscal Impact and Paperwork Requirements

As discussed in the proposed rulemaking, the only costs and additional paperwork associated with this rule 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 as part of the application that the individual is either on means-based public assistance or whose annual household income is at or less than 200% of the Federal poverty guidelines. Based on data over the nearly 3 years since implementation, where an average of 375 applications for preliminary determination were filed annually, the Commissioner estimates these costs to be approximately \$16,875 per year.

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 the notice of proposed rulemaking, published at 52 Pa.B. 7108 and a copy of an RAF to IRRC and to the HPLC and the SCP/PLC (the Committees) for review and comment. A copy of this material is available to the public upon request.

Under section 5(c) of the Regulatory Review Act, the Commissioner submitted to IRRC and the Committees copies of comments received as well as other documents when requested. In preparing the final-form regulation, the Commissioner has considered all comments from IRRC, the prime sponsors of Act 53, and the public. No comments from the Committees were received.

Under section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)), on February 14, 2024, the Commissioner originally delivered this final-form rulemaking to IRRC and to the chairpersons of the Committees. Under

section 5.1(j.2) of the Regulatory Review Act, the final-form rulemaking was deemed approved by the Committees on April 17, 2024. Under section 5.1(e) of the Regulatory Review Act, IRRC met on April 18, 2024, and disapproved the final-form rulemaking. IRRC issued its disapproval order on May 21, 2024.

Under section 7(c) of the Regulatory Review Act (71 P.S. § 745.7(c)), on June 3, 2024, the Commissioner delivered to IRRC and the Committees a revised final-form rulemaking and report in response to IRRC's disapproval order. Under section 7(c.1) of the Regulatory Review Act, IRRC met on June 20, 2024, and approved the revised final-form rulemaking. On July 5, 2024, the HPLC reported out a concurrent regulatory review resolution (HR 492) disapproving the final-form rulemaking. Under section 7(d) of the Regulatory Review Act, the revised final-form rulemaking was deemed approved by the House and Senate when 10 session days expired with no action on October 2, 2024.

Additional information

Additional information may be obtained by writing to the Acting Commissioner Arion Claggett, P.O. Box 2649, Harrisburg, PA 17105-2649; (833) DOS-BPOA ((833) 367-2762), RA-STRegulatoryCounsel@pa.gov.

Findings

The Commissioner finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202), referred to as the Commonwealth Documents Law and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking required; and adoption of regulations).

(2) A public comment period was provided as required by law, and all comments received were considered in drafting this final-form rulemaking.

(3) The amendments to this final-form rulemaking do not enlarge the original purpose of the proposed rulemaking published at 52 Pa.B. 7108.

(4) This final-form rulemaking is necessary and appropriate for the administration of the act of July 1, 2020 (P.L. 575, No. 53) (Act 53) (codified at 63 Pa.C.S. §§ 3112—3118).

Order

The Commissioner, therefore, orders that:

(a) The regulations of the Commissioner at 49 Pa. Code Chapter 43b are amended by amending § 43b.201 and adding §§ 43b.401—43b.405, 43b.421—43b.452 as set forth in Annex A.

(b) The Commissioner shall submit this final-form rulemaking to the Office of Attorney General and the Office of General Counsel for approval as required by law.

(c) The Commissioner shall submit this final-form rulemaking to IRRC and the Committees as required by law.

(d) The Commissioner shall certify this final-form rulemaking and deposit it with the Legislative Reference Bureau as required by law.

(e) This final-form rulemaking shall take effect upon publication in the *Pennsylvania Bulletin*.

ARION R. CLAGGETT,
Acting Commissioner

(*Editor's Note:* See 54 Pa.B. 3855 (July 6, 2024), for IRRC's approval order.)

Fiscal Note: Fiscal Note 16A-66 remains valid for the final adoption of the subject regulations.

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
- Petition for a preliminary determination \$45

Subchapter E. CONSIDERATION OF CRIMINAL CONVICTIONS

GENERAL PROVISIONS

- | | |
|----------|---|
| Sec. | |
| 43b.401. | Scope. |
| 43b.402. | Definitions. |
| 43b.403. | Preliminary determinations. |
| 43b.404. | Consideration of criminal convictions. |
| 43b.405. | Restricted licenses for barbers and cosmetologists. |

SCHEDULES OF CRIMINAL CONVICTIONS

- | | |
|----------|---|
| 43b.421. | Schedule of sexual offenses. |
| 43b.422. | Crimes of violence. |
| 43b.423. | Schedule of criminal convictions—State Board of Accountancy. |
| 43b.424. | Schedule of criminal convictions—State Architects Licensure Board. |
| 43b.425. | Schedule of criminal convictions—State Board of Auctioneer Examiners. |
| 43b.426. | Schedule of criminal convictions—State Board of Barber Examiners. |
| 43b.427. | Schedule of criminal convictions—State Board of Certified Real Estate Appraisers. |
| 43b.428. | Schedule of criminal convictions—State Board of Chiropractic. |
| 43b.429. | Schedule of criminal convictions—State Board of Cosmetology. |
| 43b.430. | Schedule of criminal convictions—State Board of Crane Operators. |
| 43b.431. | Schedule of criminal convictions—State Board of Dentistry. |
| 43b.432. | Schedule of criminal convictions—State Registration Board for Professional Engineers, Land Surveyors and Geologists. |
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| 43b.438. | Schedule of criminal convictions—State Board of Nursing. |
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| 43b.440. | Schedule of criminal convictions—State Board of Occupational Therapy Education and Licensure. |
| 43b.441. | Schedule of criminal convictions—State Board of Optometry. |
| 43b.442. | Schedule of criminal convictions—State Board of Osteopathic Medicine. |
| 43b.443. | Schedule of criminal convictions—State Board of Pharmacy. |
| 43b.444. | Schedule of criminal convictions—State Board of Physical Therapy. |
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| 43b.446. | Schedule of criminal convictions—State Board of Psychology. |
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| 43b.448. | Schedule of criminal convictions—State Board of Social Workers, Marriage and Family Therapists and Professional Counselors. |
| 43b.449. | Schedule of criminal convictions—State Board of Examiners in Speech-Language Pathology and Audiology. |
| 43b.450. | Schedule of criminal convictions—State Board of Vehicle Manufacturers, Dealers and Salespersons. |

- 43b.451. Schedule of criminal convictions—State Board of Veterinary Medicine.
 43b.452. Time limits.

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 in 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).

§ 43b.403. Preliminary determinations.

(a) An individual who, based on a review of the "best practices guide" published on the Department's web site at www.dos.pa.gov and the schedules of criminal convictions at §§ 43b.421—43b.452 (relating to schedules of criminal convictions), 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 (relating 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. An applicant may qualify for a waiver by demonstrating one of the following as part of the application for a preliminary determination:

(A) The applicant receives means-tested public assistance.

(B) The applicant's household income is at or below 200% of the Federal poverty guidelines.

(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.421—43b.452 (relating to schedules of criminal convictions).

(2) *Second stage—individualized assessment.* The following apply:

(i) If the individual's criminal conviction is on the applicable board's or commission's schedule, there shall be a rebuttable presumption that licensure, certification, permitting or registration 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 individual may rebut that presumption using the factors in paragraph (3). The applicable board or commission will conduct an individu-

alized assessment using the factors in paragraph (3) to determine if a license, certificate, permit or registration may be granted notwithstanding the conviction.

(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, the licensure, certification, permitting or registration 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 board's or commission's 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) An 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 a 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) Other relevant factors regarding the fitness of the individual for licensure.

(b) *Sexual offenses.* Under 63 Pa.C.S. § 3113(d) (relating to consideration of criminal convictions), 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.421 (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.422 (relating to 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 county 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 subsection (a)(3)(viii), that issuance of a license, certificate, permit or registration to 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) 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 qualifications 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 (e) and 3.3(a) and (b) of the Pharmacy Act (63 P.S. §§ 390-3(a) and (e) and 390-3.3(a) and (b)), pertaining to qualifications for licensure as a pharmacist or registration as a pharmacy intern; 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 counselor 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 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) 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) Other conditions 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) (relating to restricted licenses for barbers and cosmetologists), 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.

(f) As used in this section, “board” means the State Board of Barber Examiners or the State Board of Cosmetology.

SCHEDULES OF CRIMINAL CONVICTIONS

§ 43b.421. 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) The offenses enumerated in 18 Pa.C.S. Chapter 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) The offenses enumerated in 18 Pa.C.S. Chapter 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).

(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) An equivalent crime in another jurisdiction.

§ 43b.422. 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)—(23).

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

(26) An equivalent crime in another jurisdiction.

§ 43b.423. Schedule of criminal convictions—State Board of Accountancy.

(a) A conviction of any of the criminal offenses in paragraphs (1) and (2) may constitute grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit issued by the State Board of Accountancy (Board).

(1) Each of the crimes of violence set forth in § 43b.422 (relating to crimes of violence), in accordance with § 43b.404(c) (relating to consideration of criminal convictions).

(2) The following additional criminal offenses that have been deemed by the Board as directly related to the accountancy profession, which shall raise a rebuttable presumption that the individual's licensure, certification, permitting or registration poses a substantial risk to the individual's clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(i):

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

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

(iii) 18 Pa.C.S. § 4105 (relating to bad checks), when graded as a felony.

(iv) 18 Pa.C.S. § 4106 (relating to access device fraud), when graded as a felony.

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

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

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

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

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

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

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

(xii) 18 Pa.C.S. § 4913 (relating to impersonating a notary public or holder of a professional or occupational license).

(xiii) 18 Pa.C.S. § 7326 (relating to disclosure of confidential tax information).

(xiv) 15 U.S.C.A. § 78j(b), regarding manipulative and deceptive devices.

(xv) 26 U.S.C.A. § 7201, regarding attempt to evade or defeat tax.

(xvi) 26 U.S.C.A. § 7202, regarding willful failure to collect or pay over tax.

(xvii) 26 U.S.C.A. § 7203, regarding willful failure to file return, supply information, or pay tax.

(xviii) 26 U.S.C.A. § 7204, regarding fraudulent statement or failure to make statement to employees.

(xvix) 26 U.S.C.A. § 7205, regarding fraudulent withholding exemption certificate or failure to supply information.

(xx) 26 U.S.C.A. § 7206, regarding fraud and false statements.

(xxi) 26 U.S.C.A. § 7207, regarding fraudulent returns, statements, or other documents.

(xxii) 26 U.S.C.A. § 7212, regarding attempts to interfere with administration of internal revenue laws.

(xxiii) 26 U.S.C.A. § 7213, regarding unauthorized disclosure of information.

(xxiv) 26 U.S.C.A. § 7215, regarding offenses with respect to collected taxes.

(xxv) 26 U.S.C.A. § 7216, regarding disclosure or use of information by preparers of returns.

(xxvi) Criminal attempt, criminal conspiracy or criminal solicitation to commit any of the offenses listed in subparagraphs (i)—(xxv).

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

(xxviii) An equivalent crime in another jurisdiction.

(b) The Board retains the discretion to determine that, due to the nature of the criminal conduct that led to the conviction, the licensure, certification, permitting or registration of an individual with a criminal conviction for an offense not listed in subsection (a) would pose a substantial risk to the health and safety of the individual's clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(ii). The individual may rebut the Board's determination by showing evidence of rehabilitation utilizing the factors in § 43b.404(a)(3).

§ 43b.424. Schedule of criminal convictions—State Architects Licensure Board.

(a) A conviction of any of the criminal offenses in paragraphs (1) and (2) may constitute grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit issued by the State Architects Licensure Board (Board).

(1) Each of the crimes of violence set forth in § 43b.422 (relating to crimes of violence), in accordance with § 43b.404(c) (relating to consideration of criminal convictions).

(2) The following additional criminal offenses that have been deemed by the Board as directly related to the architect profession, which shall raise a rebuttable presumption that the individual's licensure, certification, permitting or registration poses a substantial risk to the

individual's clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(i):

- (i) 18 Pa.C.S. § 4101 (relating to forgery).
- (ii) 18 Pa.C.S. § 4103 (relating to fraudulent destruction, removal or concealment of recordable instruments).
- (iii) 18 Pa.C.S. § 4104(a) (relating to tampering with records or identification), when graded as a misdemeanor.
- (iv) 18 Pa.C.S. § 4913 (relating to impersonating a notary public or holder of a professional or occupational license).
- (v) Section 8 of the Home Improvement Consumer Protection Act (73 P.S. § 517.8), regarding home improvement fraud.
- (vi) Criminal attempt, criminal conspiracy or criminal solicitation to commit any of the offenses listed in subparagraphs (i)—(v).
- (vii) An equivalent crime under the laws of this Commonwealth in effect at the time of the commission of that offense.
- (viii) An equivalent crime in another jurisdiction.

(b) The Board retains the discretion to determine that, due to the nature of the criminal conduct that led to the conviction, the licensure, certification, permitting or registration of an individual with a criminal conviction for an offense not listed in subsection (a) would pose a substantial risk to the health and safety of the individual's clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(ii). The individual may rebut the Board's determination by showing evidence of rehabilitation utilizing the factors in § 43b.404(a)(3).

§ 43b.425. Schedule of criminal convictions—State Board of Auctioneer Examiners.

(a) A conviction of any of the criminal offenses in paragraphs (1) and (2) 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).

(1) Each of the crimes of violence set forth in § 43b.422 (relating to crimes of violence), in accordance with § 43b.404(c) (relating to consideration of criminal convictions).

(2) The following additional criminal offenses that have been deemed by the Board as directly related to the professions regulated by the Board, which shall raise a rebuttable presumption that the individual's licensure, certification, permitting or registration poses a substantial risk to the individual's clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(i):

- (i) 18 Pa.C.S. § 3924 (relating to theft of property lost, mislaid, or delivered by mistake).
- (ii) 18 Pa.C.S. § 3925 (relating to receiving stolen property).
- (iii) 18 Pa.C.S. § 3927 (relating to theft by failure to make required disposition of funds received).
- (iv) 18 Pa.C.S. § 4102 (relating to simulating objects of antiquity, rarity, etc.).
- (v) 18 Pa.C.S. § 4104 (relating to tampering with records or identification).

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

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

(viii) 18 Pa.C.S. § 4109 (relating to rigging publicly exhibited contest).

(ix) 18 Pa.C.S. § 4112 (relating to receiving deposits in a failing financial institution).

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

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

(xii) 18 Pa.C.S. § 4119 (relating to trademark counterfeiting).

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

(xiv) 18 Pa.C.S. § 4913 (relating to impersonating a notary public or holder of a professional or occupational license).

(xv) Section 29(a) of the Auctioneer Licensing and Trading Assistant Registration Act (63 P.S. § 734.29(a)), pertaining to criminal penalties for unlicensed practice.

(xvi) Criminal attempt, criminal conspiracy or criminal solicitation to commit any of the offenses listed in subparagraphs (i)—(xv).

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

(xviii) An equivalent crime in another jurisdiction.

(b) The Board retains the discretion to determine that, due to the nature of the criminal conduct that led to the conviction, the licensure, certification, permitting or registration of an individual with a criminal conviction for an offense not listed in subsection (a) would pose a substantial risk to the health and safety of the individual's clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(ii). The individual may rebut the Board's determination by showing evidence of rehabilitation utilizing the factors in § 43b.404(a)(3).

§ 43b.426. Schedule of criminal convictions—State Board of Barber Examiners.

(a) A conviction of any of the criminal offenses in paragraphs (1) and (2) 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).

(1) Each of the crimes of violence set forth in § 43b.422 (relating to crimes of violence), in accordance with § 43b.404(c) (relating to consideration of criminal convictions).

(2) The following additional criminal offenses that have been deemed by the Board as directly related to the barbering profession, which shall raise a rebuttable presumption that the individual's licensure, certification, permitting or registration poses a substantial risk to the individual's clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(i):

(i) 18 Pa.C.S. § 4913 (relating to impersonating a notary public or holder of a professional or occupational license).

(ii) Criminal attempt, criminal conspiracy or criminal solicitation to commit the offense listed in subparagraph (i).

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

(iv) An equivalent crime in another jurisdiction.

(b) The Board retains the discretion to determine that, due to the nature of the criminal conduct that led to the conviction, the licensure, certification, permitting or registration of an individual with a criminal conviction for an offense not listed in subsection (a) would pose a substantial risk to the health and safety of the individual's clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(ii). The individual may rebut the Board's determination by showing evidence of rehabilitation utilizing the factors in § 43b.404(a)(3).

§ 43b.427. Schedule of criminal convictions—State Board of Certified Real Estate Appraisers.

(a) A conviction of any of the criminal offenses in paragraphs (1) and (2) 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).

(1) Each of the crimes of violence set forth in § 43b.422 (relating to crimes of violence), in accordance with § 43b.404(c) (relating to consideration of criminal convictions).

(2) 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), which shall raise a rebuttable presumption that the individual's licensure, certification, permitting or registration poses a substantial risk to the individual's clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(i):

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

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

(iii) 18 Pa.C.S. § 4104 (relating to tampering with records or identification), when graded as a misdemeanor.

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

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

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

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

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

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

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

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

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

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

(xiv) 18 Pa.C.S. § 4913 (relating to impersonating a notary public or holder of a professional or occupational license).

(xv) 18 Pa.C.S. § 7331 (relating to unlicensed mortgage loan business).

(xvi) Criminal attempt, criminal conspiracy or criminal solicitation to commit any of the offenses listed in subparagraphs (i)—(xv).

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

(xviii) An equivalent crime in another jurisdiction.

(b) The Board retains the discretion to determine that, due to the nature of the criminal conduct that led to the conviction, the licensure, certification, permitting or registration of an individual with a criminal conviction for an offense not listed in subsection (a) would pose a substantial risk to the health and safety of the individual's clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(ii). The individual may rebut the Board's determination by showing evidence of rehabilitation utilizing the factors in § 43b.404(a)(3).

§ 43b.428. Schedule of criminal convictions—State Board of Chiropractic.

(a) A conviction of any of the sexual offenses set forth in § 43b.421 (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 paragraphs (1), (2) and (3) may constitute grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit issued by the Board.

(1) Each of the crimes of violence set forth in § 43b.422 (relating to crimes of violence), in accordance with § 43b.404(c).

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

(3) The following additional criminal offenses that have been deemed by the Board as directly related to the chiropractic profession, which shall raise a rebuttable presumption that the individual's licensure, certification, permitting or registration poses a substantial risk to the individual's patients or clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(i):

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

(ii) 18 Pa.C.S. § 4913 (relating to impersonating a notary public or a holder of a professional or occupational license).

(iii) 23 Pa.C.S. § 6319 (relating to penalties), pertaining to failure to report a case of suspected child abuse.

(iv) Section 1407 of the Human Services Code (62 P.S. § 1407), pertaining to Medicaid fraud.

(v) Section 701 of the Chiropractic Practice Act (63 P.S. § 625.701).

(vi) Section 702 of the Chiropractic Practice Act (63 P.S. § 625.702), pertaining to criminal offenses under the Chiropractic Practice Act (63 P.S. §§ 625.101—625.1106).

(vii) 18 U.S.C.A. § 1035, regarding false statements relating to health care matters.

(viii) 18 U.S.C.A. § 1347, regarding health care fraud.

(ix) Criminal attempt, criminal conspiracy or criminal solicitation to commit any of the offenses listed in subparagraphs (i)—(viii).

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

(xi) An equivalent crime in another jurisdiction.

(c) The Board retains the discretion to determine that, due to the nature of the criminal conduct that led to the conviction, the licensure, certification, permitting or registration of an individual with a criminal conviction for an offense not listed in subsection (a) would pose a substantial risk to the health and safety of the individual's patients or clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(ii). The individual may rebut the Board's determination by showing evidence of rehabilitation utilizing the factors in § 43b.404(a)(3).

§ 43b.429. Schedule of criminal convictions—State Board of Cosmetology.

(a) A conviction of any of the criminal offenses in paragraphs (1) and (2) may constitute grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit issued by the State Board of Cosmetology (Board).

(1) Each of the crimes of violence set forth in § 43b.422 (relating to crimes of violence), in accordance with § 43b.404(c) (relating to consideration of criminal convictions).

(2) The following additional criminal offenses that have been deemed by the Board as directly related to the professions regulated by the Board, which shall raise a rebuttable presumption that the individual's licensure, certification, permitting or registration poses a substantial risk to the individual's clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(i):

(i) 18 Pa.C.S. § 4913 (relating to impersonating a notary public or holder of a professional or occupational license).

(ii) Criminal attempt, criminal conspiracy or criminal solicitation to commit the offense listed in subparagraph (i).

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

(iv) An equivalent crime in another jurisdiction.

(b) The Board retains the discretion to determine that, due to the nature of the criminal conduct that led to the conviction, the licensure, certification, permitting or registration of an individual with a criminal conviction for an offense not listed in subsection (a) would pose a substantial risk to the health and safety of the individual's clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(ii). The individual may rebut the Board's determination by showing evidence of rehabilitation utilizing the factors in § 43b.404(a)(3).

§ 43b.430. Schedule of criminal convictions—State Board of Crane Operators.

(a) A conviction of any of the criminal offenses in paragraphs (1) and (2) 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).

(1) Each of the crimes of violence set forth in § 43b.422 (relating to crimes of violence), in accordance with § 43b.404(c) (relating to consideration of criminal convictions).

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

(b) The Board retains the discretion to determine that, due to the nature of the criminal conduct that led to the conviction, the licensure, certification, permitting or registration of an individual with a criminal conviction for an offense not listed in subsection (a) would pose a substantial risk to the health and safety of the individual's clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(ii). The individual may rebut the Board's determination by showing evidence of rehabilitation utilizing the factors in § 43b.404(a)(c).

§ 43b.431. Schedule of criminal convictions—State Board of Dentistry.

(a) A conviction of any of the sexual offenses set forth in § 43b.421 (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 paragraphs (1), (2) and (3) may constitute grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit issued by the Board.

(1) Each of the crimes of violence set forth in § 43b.422 (relating to crimes of violence), in accordance with § 43b.404(c).

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

(3) The following additional criminal offenses that have been deemed by the Board as directly related to the professions regulated by the Board, which shall raise a rebuttable presumption that the individual's licensure, certification, permitting or registration poses a substantial risk to the individual's patients or clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(i):

(i) 18 Pa.C.S. § 4913 (relating to impersonating a notary public or holder of a professional or occupational license).

(ii) 18 U.S.C.A. § 1035, regarding false statements relating to health care matters.

(iii) 18 U.S.C.A. § 1347, regarding health care fraud.

(iv) 23 Pa.C.S. § 6319 (relating to penalties), pertaining to failure to report a case of suspected child abuse.

(v) Section 13(a)(2), (5), (6), (12), (13), (14), (17), (21), (25), (26), (27), (28), (30), (33), (35), (36) and (37) of The

Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. § 780-113(a)(2), (5), (6), (12), (13), (14), (17), (21), (25), (26), (27), (28), (30), (33), (35), (36) and (37)), regarding prohibited acts and penalties, pertaining to certain violations of The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. §§ 780-101—780-144).

(vi) Section 1407 of the Human Services Code (62 P.S. § 1407), regarding provider prohibited acts, criminal penalties and civil remedies, pertaining to Medicaid fraud.

(vii) Section 10 of the Dental Law (63 P.S. § 129), regarding penalties for unlawful practice.

(viii) Section 8 of the Pharmacy Act (63 P.S. § 390-8) regarding unlawful acts, pertaining to violations of the Pharmacy Act (63 P.S. §§ 390-1—390-13).

(ix) Criminal attempt, criminal conspiracy or criminal solicitation to commit any of the offenses listed in subparagraphs (i)—(viii).

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

(xi) An equivalent crime in another jurisdiction.

(c) The Board retains the discretion to determine that, due to the nature of the criminal conduct that led to the conviction, the licensure, certification, permitting or registration of an individual with a criminal conviction for an offense not listed in subsection (a) would pose a substantial risk to the health and safety of the individual's patients or clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(ii). The individual may rebut the Board's determination by showing evidence of rehabilitation utilizing the factors in § 43b.404(a)(3).

§ 43b.432. Schedule of criminal convictions—State Registration Board for Professional Engineers, Land Surveyors and Geologists.

(a) A conviction of any of the criminal offenses in paragraphs (1) and (2) 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).

(1) Each of the crimes of violence set forth in § 43b.422 (relating to crimes of violence), in accordance with § 43b.404(c) (relating to consideration of criminal convictions).

(2) The following additional criminal offenses that have been deemed by the Board as directly related to the professions regulated by the Board, which shall raise a rebuttable presumption that the individual's licensure, certification, permitting or registration poses a substantial risk to the individual's clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(i):

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

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

(iii) 18 Pa.C.S. § 4104(a) (relating to tampering with records or identification), when graded as a misdemeanor.

(iv) 18 Pa.C.S. § 4913 (relating to impersonating a notary public or holder of a professional or occupational license).

(v) Section 8 of the Home Improvement Consumer Protection Act (73 P.S. § 517.8), regarding home improvement fraud.

(vi) Criminal attempt, criminal conspiracy or criminal solicitation to commit any of the offenses listed in subparagraphs (i)—(v).

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

(viii) An equivalent crime in another jurisdiction.

(b) The Board retains the discretion to determine that, due to the nature of the criminal conduct that led to the conviction, the licensure, certification, permitting or registration of an individual with a criminal conviction for an offense not listed in subsection (a) would pose a substantial risk to the health and safety of the individual's clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(ii). The individual may rebut the Board's determination by showing evidence of rehabilitation utilizing the factors in § 43b.404(a)(3).

§ 43b.433. Schedule of criminal convictions—State Board of Funeral Directors.

(a) A conviction of any of the criminal offenses in paragraphs (1) and (2) 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).

(1) Each of the crimes of violence set forth in § 43b.422 (relating to crimes of violence), in accordance with § 43b.404(c) (relating to consideration of criminal convictions).

(2) The following additional criminal offenses that have been deemed by the Board as directly related to the profession of funeral directing, which shall raise a rebuttable presumption that the individual's licensure, certification, permitting or registration poses a substantial risk to the individual's clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(i):

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

(ii) 18 Pa.C.S. § 4104(a) (relating to tampering with records or identification), when graded as a misdemeanor.

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

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

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

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

(vii) 18 Pa.C.S. § 4913 (relating to impersonating a notary public or holder of a professional or occupational license).

(viii) 18 Pa.C.S. § 5510 (relating to abuse of corpse).

(ix) 18 Pa.C.S. § 7310 (relating to furnishing free insurance as inducement for purchases).

(x) Criminal attempt, criminal conspiracy or criminal solicitation to commit any of the offenses listed in subparagraphs (i)—(ix).

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

(xii) An equivalent crime in another jurisdiction.

(b) The Board retains the discretion to determine that, due to the nature of the criminal conduct that led to the conviction, the licensure, certification, permitting or registration of an individual with a criminal conviction for an offense not listed in subsection (a) would pose a substantial risk to the health and safety of the individual's clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(ii). The individual may rebut the Board's determination by showing evidence of rehabilitation utilizing the factors in § 43b.404(a)(3).

§ 43b.434. Schedule of criminal convictions—State Board of Landscape Architects.

(a) A conviction of any of the criminal offenses in paragraphs (1) and (2) 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).

(1) Each of the crimes of violence set forth in § 43b.422 (relating to crimes of violence), in accordance with § 43b.404(c) (relating to consideration of criminal convictions).

(2) The following additional criminal offenses that have been deemed by the Board as directly related to the landscape architect profession, which shall raise a rebuttable presumption that the individual's licensure, certification, permitting or registration poses a substantial risk to the individual's clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(i):

- (i) 18 Pa.C.S. § 4101 (relating to forgery).
- (ii) 18 Pa.C.S. § 4104(a) (relating to tampering with records or identification), when graded as a misdemeanor.
- (iii) 18 Pa.C.S. § 4913 (relating to impersonating a notary public or holder of a professional or occupational license).
- (iv) Criminal attempt, criminal conspiracy or criminal solicitation to commit any of the offenses listed in subparagraphs (i)—(iii).

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

(vi) An equivalent crime in another jurisdiction.

(b) The Board retains the discretion to determine that, due to the nature of the criminal conduct that led to the conviction, the licensure, certification, permitting or registration of an individual with a criminal conviction for an offense not listed in subsection (a) would pose a substantial risk to the health and safety of the individual's clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(ii). The individual may rebut the Board's determination by showing evidence of rehabilitation utilizing the factors in § 43b.404(a)(3).

§ 43b.435. Schedule of criminal convictions—State Board of Massage Therapy.

(a) A conviction of any of the criminal offenses in paragraphs (1), (2) and (3) 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).

(1) Each of the crimes of violence set forth in § 43b.422 (relating to crimes of violence), in accordance with § 43b.404(c) (relating to consideration of criminal convictions).

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

(3) The following additional criminal offenses that have been deemed by the Board as directly related to the massage therapy profession, which shall raise a rebuttable presumption that the individual's licensure, certification, permitting or registration poses a substantial risk to the individual's clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(i):

- (i) 18 Pa.C.S. § 2713 (relating to neglect of care-dependent person).
- (ii) 18 Pa.C.S. § 2713.1 (relating to abuse of care-dependent person).
- (iii) 18 Pa.C.S. § 3121 (relating to rape).
- (iv) 18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse).
- (v) 18 Pa.C.S. § 3124.1 (relating to sexual assault).
- (vi) 18 Pa.C.S. § 3125 (relating to aggravated indecent assault).
- (vii) 18 Pa.C.S. § 3126 (relating to indecent assault).
- (viii) 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.
- (ix) 23 Pa.C.S. § 6319 (relating to penalties), pertaining to failure to report suspected child abuse.
- (x) Criminal attempt, criminal conspiracy or criminal solicitation to commit any of the offenses listed in subparagraphs (i)—(ix).

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

(xii) An equivalent crime in another jurisdiction.

(b) The Board retains the discretion to determine that, due to the nature of the criminal conduct that led to the conviction, the licensure, certification, permitting or registration of an individual with a criminal conviction for an offense not listed in subsection (a) would pose a substantial risk to the health and safety of the individual's clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(ii). The individual may rebut the Board's determination by showing evidence of rehabilitation utilizing the factors in § 43b.404(a)(3).

§ 43b.436. Schedule of criminal convictions—State Board of Medicine.

(a) A conviction of any of the sexual offenses set forth in § 43b.421 (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 paragraphs (1), (2) and (3) may constitute grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit issued by the Board.

(1) Each of the crimes of violence set forth in § 43b.422 (relating to crimes of violence), in accordance with § 43b.404(c).

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

(3) The following additional criminal offenses that have been deemed by the Board as directly related to the professions regulated by the Board, which shall raise a rebuttable presumption that the individual's licensure, certification, permitting or registration poses a substantial risk to the individual's patients or clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(i):

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

(ii) 18 Pa.C.S. § 2713.1 (relating to abuse of care-dependent person).

(iii) 18 Pa.C.S. § 3212 (relating to infanticide).

(iv) 18 Pa.C.S. § 3216 (relating to fetal experimentation).

(v) 18 Pa.C.S. § 4305 (relating to dealing in infant children).

(vi) 18 Pa.C.S. § 4913 (relating to impersonating a notary public or a holder of a professional or occupational license).

(vii) 18 Pa.C.S. § 4958 (relating to intimidation, retaliation or obstruction in child abuse cases).

(viii) 23 Pa.C.S. § 6319 (relating to penalties), pertaining to failure to report suspected child abuse.

(ix) 23 Pa.C.S. § 6346 (relating to cooperation of other agencies), pertaining to willful failure to cooperate in an investigation of suspected child abuse.

(x) Section 13(a)(2), (5), (6), (12), (13), (14), (17), (21), (25), (26), (27), (28), (30), (35), (36) and (37) of The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. § 780-113(a)(2), (5), (6), (12), (13), (14), (17), (21), (25), (26), (27), (28), (30), (35), (36) and (37)), pertaining to certain violations of The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. §§ 780-101—780-144).

(xi) Section 1407 of the Human Services Code (62 P.S. § 1407), pertaining to Medicaid fraud.

(xii) 18 U.S.C.A. § 1035, regarding false statements relating to health care matters.

(xiii) 18 U.S.C.A. § 1347, regarding health care fraud.

(xiv) Section 11(a) or (b) of the Osteopathic Medical Practice Act (63 P.S. § 271.11(a) or (b)), pertaining to criminal offenses under the Osteopathic Medical Practice Act (63 P.S. §§ 271.1—271.18).

(xv) Section 8 of the Pharmacy Act (63 P.S. § 390-8), pertaining to criminal offenses under the Pharmacy Act (63 P.S. §§ 390-1—390-13).

(xvi) Section 39(a) of the Medical Practice Act of 1985 (63 P.S. § 422.39(a)), pertaining to criminal offenses under the Medical Practice Act of 1985 (63 P.S. §§ 422.1—422.53).

(xvii) Criminal attempt, criminal conspiracy or criminal solicitation to commit any of the offenses listed in subparagraphs (i)—(xvi).

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

(xix) An equivalent crime in another jurisdiction.

(c) The Board retains the discretion to determine that, due to the nature of the criminal conduct that led to the conviction, the licensure, certification, permitting or registration of an individual with a criminal conviction for an offense not listed in subsection (a) would pose a substantial risk to the health and safety of the individual's patients or clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(ii). The individual may rebut the Board's determination by showing evidence of rehabilitation utilizing the factors in § 43b.404(a)(3).

§ 43b.437. Schedule of criminal convictions—Navigation Commission for the Delaware River and its Navigable Tributaries.

(a) A conviction of any of the criminal offenses set forth in paragraphs (1) and (2) may constitute grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit issued by the Navigation Commission for the Delaware River and its Navigable Tributaries (Navigation Commission).

(1) Each of the crimes of violence set forth in § 43b.422 (relating to crimes of violence), in accordance with § 43b.404(c) (relating to consideration of criminal convictions).

(2) The following additional criminal offenses that have been deemed by the Navigation Commission as directly related to the piloting profession, which shall raise a rebuttable presumption that the individual's licensure, certification, permitting or registration poses a substantial risk to the individual's clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(i):

(i) 75 Pa.C.S. § 3742.1 (relating to accidents involving death or personal injury while not properly licensed).

(ii) Criminal attempt, criminal conspiracy or criminal solicitation to commit the offense listed in subparagraph (i).

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

(iv) An equivalent crime in another jurisdiction.

(b) The Navigation Commission retains the discretion to determine that, due to the nature of the criminal conduct that led to the conviction, the licensure, certification, permitting or registration of an individual with a criminal conviction for an offense not listed in subsection (a) would pose a substantial risk to the health and safety of the individual's patients or clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(ii). The individual may rebut the Navigation Commission's determination by showing evidence of rehabilitation utilizing the factors in § 43b.404(a)(3).

§ 43b.438. Schedule of criminal convictions—State Board of Nursing.

(a) A conviction of any of the sexual offenses set forth in § 43b.421 (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).

(b) A conviction of any of the criminal offenses set forth in paragraphs (1), (2) and (3) may constitute grounds to

refuse to issue, suspend or revoke a license, certificate, registration or permit issued by the Board.

(1) Each of the crimes of violence set forth in § 43b.422 (relating to crimes of violence), in accordance with § 43b.404(c).

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

(3) The following additional criminal offenses that have been deemed by the Board as directly related to the professions regulated by the Board, which shall raise a rebuttable presumption that the individual's licensure, certification, permitting or registration poses a substantial risk to the individual's patients or clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(i):

(i) 18 Pa.C.S. § 2505 (relating to causing or aiding suicide).

(ii) 18 Pa.C.S. § 2605 (relating to voluntary manslaughter of unborn child).

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

(iv) 18 Pa.C.S. § 2713.1 (relating to abuse of care-dependent person).

(v) 18 Pa.C.S. § 3212 (relating to infanticide).

(vi) 18 Pa.C.S. § 3216 (relating to fetal experimentation).

(vii) 18 Pa.C.S. § 4305 (relating to dealing in infant children).

(viii) 18 Pa.C.S. § 4906.1 (relating to false reports of child abuse).

(ix) 18 Pa.C.S. § 4913 (relating to impersonating a notary public or a holder of a professional or occupational license).

(x) 18 Pa.C.S. § 4958 (relating to intimidation, retaliation or obstruction in child abuse cases).

(xi) 18 Pa.C.S. § 5106 (relating to failure to report injuries by firearm or criminal act).

(xii) 18 Pa.C.S. § 5112 (relating to obstructing emergency services).

(xiii) 18 Pa.C.S. § 5510 (relating to abuse of corpse).

(xiv) 18 Pa.C.S. § 7508.2 (relating to operation of methamphetamine laboratory).

(xv) 18 Pa.C.S. § 7509 (relating to furnishing drug-free urine).

(xvi) 18 U.S.C.A. § 1035, regarding false statements relating to health care matters.

(xvii) 18 U.S.C.A. § 1347, regarding health care fraud.

(xviii) 23 Pa.C.S. § 6319 (relating to penalties), pertaining to failure to report suspected child abuse.

(xiv) Section 13(a)(2), (5), (6), (12), (13), (14), (17), (21), (25), (26), (27), (28), (30), (35), (36) and (37) of The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. § 780-113(a)(2), (5), (6), (12), (13), (14), (17), (21), (25), (26), (27), (28), (30), (35), (36) and (37)), pertaining to certain violations of The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. §§ 780-101—780-144).

(xx) Section 1302 of the Medical Marijuana Act (35 P.S. § 10231.1302), regarding criminal diversion of medical marijuana.

(xxi) Section 1306 of the Medical Marijuana Act (35 P.S. § 10231.1306), regarding adulteration of medical marijuana.

(xxii) Section 1407 of the Human Services Code (62 P.S. § 1407), pertaining to Medicaid fraud.

(xxiii) Section 13(a) of the Professional Nursing Law (63 P.S. § 223(a)), pertaining to violations of the Professional Nursing Law (63 P.S. §§ 211—225.5).

(xxiv) Section 8(13) and (15) of the Pharmacy Act (63 P.S. § 390-8(13) and (15)), pertaining to procuring a drug by fraud in violation of the Pharmacy Act (63 P.S. §§ 390-1—390-13).

(xxv) Section 15 of the Practical Nurse Law (63 P.S. § 665), pertaining to violations of the Practical Nurse Law (63 P.S. §§ 651—667.8).

(xxvi) Criminal attempt, criminal conspiracy or criminal solicitation to commit any of the offenses listed in subparagraphs (i)—(xxv).

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

(xxviii) An equivalent crime in another jurisdiction.

(c) The Board retains the discretion to determine that, due to the nature of the criminal conduct that led to the conviction, the licensure, certification, permitting or registration of an individual with a criminal conviction for an offense not listed in subsection (a) would pose a substantial risk to the health and safety of the individual's patients or clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(ii). The individual may rebut the Board's determination by showing evidence of rehabilitation utilizing the factors in § 43b.404(a)(3).

§ 43b.439. Schedule of criminal convictions—State Board of Examiners of Nursing Home Administrators.

(a) A conviction of any of the criminal offenses in paragraphs (1) and (2) 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).

(1) Each of the crimes of violence set forth in § 43b.422 (relating to crimes of violence), in accordance with § 43b.404(c) (relating to consideration of criminal convictions).

(2) The following additional criminal offenses that have been deemed by the Board as directly related to the profession of nursing home administration, which shall raise a rebuttable presumption that the individual's licensure, certification, permitting or registration poses a substantial risk to the individual's patients or clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(i):

(i) 18 Pa.C.S. § 2505 (relating to causing or aiding suicide).

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

(iii) 18 Pa.C.S. § 2713.1 (relating to abuse of care-dependent person).

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

(v) 18 Pa.C.S. § 4913 (relating to impersonating a notary public or a holder of a professional or occupational license).

(vi) 18 Pa.C.S. § 5106 (relating to failure to report injuries by firearm or criminal act).

(vii) 18 Pa.C.S. § 5112 (relating to obstructing emergency services).

(viii) 18 Pa.C.S. § 5510 (relating to abuse of corpse).

(ix) 18 Pa.C.S. § 7509 (relating to furnishing drug-free urine).

(x) 18 U.S.C.A. § 1035, regarding false statements relating to health care matters.

(xi) 18 U.S.C.A. § 1347, regarding health care fraud.

(xii) Section 1407 of the Human Services Code (62 P.S. § 1407), pertaining to Medicaid fraud.

(xiii) Section 8(13) of the Pharmacy Act (63 P.S. § 390-8(13)), pertaining to procuring a drug by fraud in violation of the Pharmacy Act (63 P.S. §§ 390-1—390-13).

(xiv) Section 11 of the Nursing Home Administrators License Act (63 P.S. § 1111), pertaining to offenses under the Nursing Home Administrators License Act (63 P.S. §§ 1101—1114.2).

(xv) Criminal attempt, criminal conspiracy or criminal solicitation to commit any of the offenses listed in subparagraphs (i)—(xiv).

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

(xvii) An equivalent crime in another jurisdiction.

(b) The Board retains the discretion to determine that, due to the nature of the criminal conduct that led to the conviction, the licensure, certification, permitting or registration of an individual with a criminal conviction for an offense not listed in subsection (a) would pose a substantial risk to the health and safety of the individual's patients or clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(ii). The individual may rebut the Board's determination by showing evidence of rehabilitation utilizing the factors in § 43b.404(a)(3).

§ 43b.440. 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.421 (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 paragraphs (1) and (2) may constitute grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit issued by the Board.

(1) Each of the crimes of violence set forth in § 43b.422 (relating to crimes of violence), in accordance with § 43b.404(c).

(2) 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), which shall raise a rebuttable presumption that the individual's licensure,

certification, permitting or registration poses a substantial risk to the individual's patients or clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(i):

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

(ii) 18 Pa.C.S. § 4913 (relating to impersonating a notary public or a holder of a professional or occupational license).

(iii) 23 Pa.C.S. § 6319 (relating to penalties), pertaining to failure to report suspected child abuse.

(iv) Section 1407 of the Human Services Code (62 P.S. § 1407), regarding provider prohibited acts, criminal penalties and civil remedies, pertaining to Medicaid fraud.

(v) Section 16 of the Occupational Therapy Practice Act (63 P.S. § 1516) regarding refusal, suspension or revocation of license; refusal to renew; penalties; injunctive relief, pertaining to misdemeanor violations of the Occupational Therapy Practice Act (63 P.S. §§ 1501—1519).

(vi) Section 1102 of the Workers' Compensation Act (77 P.S. § 1039.2), regarding offenses, pertaining to insurance fraud under the Workers' Compensation Act (77 P.S. §§ 1—2710).

(vii) 18 U.S.C.A. § 1035, regarding false statements relating to health care matters.

(viii) 18 U.S.C.A. § 1347, regarding health care fraud.

(ix) Criminal attempt, criminal conspiracy or criminal solicitation to commit any of the offenses listed in subparagraphs (i)—(viii).

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

(xi) An equivalent crime in another jurisdiction.

(c) The Board retains the discretion to determine that, due to the nature of the criminal conduct that led to the conviction, the licensure, certification, permitting or registration of an individual with a criminal conviction for an offense not listed in subsection (a) would pose a substantial risk to the health and safety of the individual's patients or clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(ii). The individual may rebut the Board's determination by showing evidence of rehabilitation utilizing the factors in § 43b.404(a)(3).

§ 43b.441. Schedule of criminal convictions—State Board of Optometry.

(a) A conviction of any of the sexual offenses set forth in § 43b.421 (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 paragraphs (1), (2) and (3) may constitute grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit issued by the Board.

(1) Each of the crimes of violence set forth in § 43b.422 (relating to crimes of violence), in accordance with § 43b.404(c).

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

(3) The following criminal offenses that have been deemed by the Board as directly related to the optometry profession, which shall raise a rebuttable presumption that the individual's licensure, certification, permitting or registration poses a substantial risk to the individual's patients or clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(i):

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

(ii) 18 Pa.C.S. § 2713.1 (relating to abuse of care-dependent person).

(iii) 23 Pa.C.S. § 6319 (relating to penalties), pertaining to failure to report suspected child abuse.

(iv) Section 13(a)(2), (5), (6), (12), (13), (14), (17), (21), (25), (26), (27), (28), (30), (35), (36) and (37) of The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. § 780-113(a)(2), (5), (6), (12), (13), (14), (17), (21), (25), (26), (27), (28), (30), (35), (36) and (37)), pertaining to certain violations of The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. §§ 780-101—780-144).

(v) Section 8(13) of the Pharmacy Act (63 P.S. § 390-8(13)), pertaining to procuring a drug by fraud in violation of the Pharmacy Act (63 P.S. §§ 390-1—390-13).

(vi) Criminal attempt, criminal conspiracy or criminal solicitation to commit any of the offenses listed in subparagraphs (i)—(v).

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

(viii) An equivalent crime in another jurisdiction.

(c) The Board retains the discretion to determine that, due to the nature of the criminal conduct that led to the conviction, the licensure, certification, permitting or registration of an individual with a criminal conviction for an offense not listed in subsection (a) would pose a substantial risk to the health and safety of the individual's patients or clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(ii). The individual may rebut the Board's determination by showing evidence of rehabilitation utilizing the factors in § 43b.404(a)(3).

§ 43b.442. Schedule of criminal convictions—State Board of Osteopathic Medicine.

(a) A conviction of any of the sexual offenses set forth in § 43b.421 (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 paragraphs (1), (2) and (3) may constitute grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit issued by the Board.

(1) Each of the crimes of violence set forth in § 43b.422 (relating to crimes of violence), in accordance with § 43b.404(c).

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

(3) The following additional criminal offenses that have been deemed by the Board as directly related to the professions regulated by the Board, which shall raise a rebuttable presumption that the individual's licensure,

certification, permitting or registration poses a substantial risk to the individual's patients or clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(i):

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

(ii) 18 Pa.C.S. § 2713.1 (relating to abuse of care-dependent person).

(iii) 18 Pa.C.S. § 3212 (relating to infanticide).

(iv) 18 Pa.C.S. § 3216 (relating to fetal experimentation).

(v) 18 Pa.C.S. § 4305 (relating to dealing in infant children).

(vi) 18 Pa.C.S. § 4913 (relating to impersonating a notary public or a holder of a professional or occupational license).

(vii) 18 Pa.C.S. § 4958 (relating to intimidation, retaliation or obstruction in child abuse cases).

(viii) 23 Pa.C.S. § 6319 (relating to penalties), pertaining to failure to report suspected child abuse.

(ix) 23 Pa.C.S. § 6346 (relating to cooperation of other agencies), pertaining to willful failure to cooperate in an investigation of suspected child abuse.

(x) Section 13(a)(2), (5), (6), (12), (13), (14), (17), (21), (25), (26), (27), (28), (30), (35), (36) and (37) of The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. § 780-113(a)(2), (5), (6), (12), (13), (14), (17), (21), (25), (26), (27), (28), (30), (35), (36) and (37)), pertaining to certain violations of The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. §§ 780-101—780-144).

(xi) Section 1407 of the Human Services Code (62 P.S. § 1407), pertaining to Medicaid fraud.

(xii) 18 U.S.C.A. § 1035, regarding false statements relating to health care matters.

(xiii) 18 U.S.C.A. § 1347, regarding health care fraud.

(xiv) Section 11(a) or (b) of the Osteopathic Medical Practice Act (63 P.S. § 271.11(a) or (b)), pertaining to criminal offenses under the Osteopathic Medical Practice Act (63 P.S. §§ 271.1—271.18).

(xv) Section 8 of the Pharmacy Act (63 P.S. § 390-8), pertaining to criminal offenses under the Pharmacy Act (63 P.S. §§ 390-1—390-13).

(xvi) Section 39(a) of the Medical Practice Act of 1985 (63 P.S. § 422.39(a)), pertaining to criminal offenses under the Medical Practice Act of 1985 (63 P.S. §§ 422.1—422.53).

(xvii) Criminal attempt, criminal conspiracy or criminal solicitation to commit any of the offenses listed in subparagraphs (i)—(xvi).

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

(xix) An equivalent crime in another jurisdiction.

(c) The Board retains the discretion to determine that, due to the nature of the criminal conduct that led to the conviction, the licensure, certification, permitting or registration of an individual with a criminal conviction for an offense not listed in subsection (a) would pose a substantial risk to the health and safety of the individual's patients or clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(ii). The individual may rebut the Board's

determination by showing evidence of rehabilitation utilizing the factors in § 43b.404(a)(3).

§ 43b.443. Schedule of criminal convictions—State Board of Pharmacy.

(a) A conviction of any of the sexual offenses set forth in § 43b.421 (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 paragraphs (1), (2) and (3) may constitute grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit issued by the Board.

(1) Each of the crimes of violence set forth in § 43b.422 (relating to crimes of violence), in accordance with § 43b.404(c).

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

(3) The following additional criminal offenses that have been deemed by the Board as directly related to the pharmacy profession, which shall raise a rebuttable presumption that the individual's licensure, certification, permitting or registration poses a substantial risk to the individual's patients or clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(i):

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

(ii) 18 Pa.C.S. § 3929.3 (relating to organized retail theft).

(iii) 18 Pa.C.S. § 4913 (relating to impersonating a notary public or holder of a professional or occupational license).

(iv) 23 Pa.C.S. § 6319 (relating to penalties), pertaining to failure to report suspected child abuse.

(v) Section 13(a)(2), (5), (6), (12), (13), (14), (17), (21), (25), (26), (27), (28), (30), (35), (36) and (37) of The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. § 780-113(a)(2), (5), (6), (12), (13), (14), (17), (21), (25), (26), (27), (28), (30), (35), (36) and (37)), pertaining to certain violations of The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. §§ 780-101—780-144).

(vi) Section 1302 of the Medical Marijuana Act (35 P.S. § 10231.1302), regarding criminal diversion of medical marijuana.

(vii) Section 1306 of the Medical Marijuana Act (35 P.S. § 10231.1306), regarding adulteration of medical marijuana.

(viii) Section 1407 of the Human Services Code (62 P.S. § 1407), pertaining to Medicaid fraud.

(ix) 18 U.S.C.A. § 1035, regarding false statements relating to health care matters.

(x) 18 U.S.C.A. § 1347, regarding health care fraud.

(xi) Section 8 of the Pharmacy Act (63 P.S. § 390-8), pertaining to criminal offenses under the Pharmacy Act (63 P.S. §§ 390-1—390-13).

(xii) Criminal attempt, criminal conspiracy or criminal solicitation to commit any of the offenses listed in subparagraphs (i)—(xi).

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

(xiv) An equivalent crime in another jurisdiction.

(c) The Board retains the discretion to determine that, due to the nature of the criminal conduct that led to the conviction, the licensure, certification, permitting or registration of an individual with a criminal conviction for an offense not listed in subsection (a) would pose a substantial risk to the health and safety of the individual's patients or clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(ii). The individual may rebut the Board's determination by showing evidence of rehabilitation utilizing the factors in § 43b.404(a)(3).

§ 43b.444. Schedule of criminal convictions—State Board of Physical Therapy.

(a) A conviction of any of the sexual offenses set forth in § 43b.421 (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 paragraphs (1), (2) and (3) may constitute grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit issued by the Board.

(1) Each of the crimes of violence set forth in § 43b.422 (relating to crimes of violence), in accordance with § 43b.404(c).

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

(3) The following additional criminal offenses that have been deemed by the Board as directly related to the physical therapy profession, which shall raise a rebuttable presumption that the individual's licensure, certification, permitting or registration poses a substantial risk to the individual's patients or clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(i):

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

(ii) 18 Pa.C.S. § 2713.1 (relating to abuse of care-dependent person).

(iii) 23 Pa.C.S. § 6319 (relating to penalties), pertaining to failure to report suspected child abuse.

(iv) Section 1407 of the Human Services Code (62 P.S. § 1407), pertaining to Medicaid fraud.

(v) 18 U.S.C.A. § 1035, regarding false statements relating to health care matters.

(vi) 18 U.S.C.A. § 1347, regarding health care fraud.

(vii) Section 12(a) of the Physical Therapy Practice Act (63 P.S. § 1312(a)) regarding penalties; injunctive relief, pertaining to criminal offenses under the Physical Therapy Practice Act (63 P.S. §§ 1301—1313).

(viii) Criminal attempt, criminal conspiracy or criminal solicitation to commit any of the offenses listed in subparagraphs (i)—(vii).

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

(x) An equivalent crime in another jurisdiction.

(c) The Board retains the discretion to determine that, due to the nature of the criminal conduct that led to the conviction, the licensure, certification, permitting or registration of an individual with a criminal conviction for an offense not listed in subsection (a) would pose a substantial risk to the health and safety of the individual's patients or clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(ii). The individual may rebut the Board's determination by showing evidence of rehabilitation utilizing the factors in § 43b.404(a)(3).

§ 43b.445. Schedule of criminal convictions—State Board of Podiatry.

(a) A conviction of any of the sexual offenses set forth in § 43b.421 (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 paragraphs (1), (2) and (3) may constitute grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit issued by the Board.

(1) Each of the crimes of violence set forth in § 43b.422 (relating to crimes of violence), in accordance with § 43b.404(c).

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

(3) The following additional criminal offenses that have been deemed by the Board as directly related to the podiatry profession, which shall raise a rebuttable presumption that the individual's licensure, certification, permitting or registration poses a substantial risk to the individual's patients or clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(i):

(i) 23 Pa.C.S. § 6319 (relating to penalties), pertaining to failure to report suspected child abuse.

(ii) Section 13(a)(2), (5), (6), (12), (13), (14), (17), (21), (25), (26), (27), (28), (30), (35), (36) and (37) of The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. § 780-113(a)(2), (5), (6), (12), (13), (14), (17), (21), (25), (26), (27), (28), (30), (35), (36) and (37)), pertaining to certain violations of The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. §§ 780-101—780-144).

(iii) Section 1407 of the Human Services Code (62 P.S. § 1407), pertaining to Medicaid fraud.

(iv) 18 U.S.C.A. § 1035, regarding false statements relating to health care matters.

(v) 18 U.S.C.A. § 1347, regarding health care fraud.

(vi) Section 13 of the Podiatry Practice Act (63 P.S. § 42.13), pertaining to criminal offenses under the Podiatry Practice Act (63 P.S. §§ 42.1—42.21c).

(vii) Section 8 of the Pharmacy Act (63 P.S. § 390-8), pertaining to criminal offenses under the Pharmacy Act (63 P.S. §§ 390-1—390-13).

(viii) Criminal attempt, criminal conspiracy or criminal solicitation to commit any of the offenses listed in subparagraphs (i)—(vii).

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

(x) An equivalent crime in another jurisdiction.

(c) The Board retains the discretion to determine that, due to the nature of the criminal conduct that led to the conviction, the licensure, certification, permitting or registration of an individual with a criminal conviction for an offense not listed in subsection (a) would pose a substantial risk to the health and safety of the individual's patients or clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(ii). The individual may rebut the Board's determination by showing evidence of rehabilitation utilizing the factors in § 43b.404(a)(3).

§ 43b.446. Schedule of criminal convictions—State Board of Psychology.

(a) A conviction of any of the sexual offenses set forth in § 43b.421 (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 paragraphs (1), (2) and (3) may constitute grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit issued by the Board.

(1) Each of the crimes of violence set forth in § 43b.422 (relating to crimes of violence), in accordance with § 43b.404(c).

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

(3) The following additional criminal offenses that have been deemed by the Board as directly related to the psychology profession, which shall raise a rebuttable presumption that the individual's licensure, certification, permitting or registration poses a substantial risk to the individual's patients or clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(i):

(i) 18 Pa.C.S. § 2505 (relating to causing or aiding suicide).

(ii) 18 Pa.C.S. § 4906.1 (relating to false reports of child abuse).

(iii) 18 Pa.C.S. § 4958 (relating to intimidation, retaliation or obstruction in child abuse cases).

(iv) 23 Pa.C.S. § 6319 (relating to penalties), pertaining to failure to report suspected child abuse.

(v) Section 1407 of the Human Services Code (62 P.S. § 1407), pertaining to Medicaid fraud.

(vi) 18 U.S.C.A. § 1035, regarding false statements relating to health care matters.

(vii) 18 U.S.C.A. § 1347, regarding health care fraud.

(viii) Section 11 of the Professional Psychologists Practice Act (63 P.S. § 1211), pertaining to criminal offenses under the Professional Psychologists Practice Act (63 P.S. §§ 1201—1218).

(ix) Criminal attempt, criminal conspiracy or criminal solicitation to commit any of the offenses listed in subparagraphs (i)—(viii).

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

(xi) An equivalent crime in another jurisdiction.

(c) The Board retains the discretion to determine that, due to the nature of the criminal conduct that led to the conviction, the licensure, certification, permitting or registration of an individual with a criminal conviction for an offense not listed in subsection (a) would pose a substantial risk to the health and safety of the individual's patients or clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(ii). The individual may rebut the Board's determination by showing evidence of rehabilitation utilizing the factors in § 43b.404(a)(3).

§ 43b.447. Schedule of criminal convictions—State Real Estate Commission.

(a) A conviction of any of the criminal offenses in paragraphs (1) and (2) may constitute grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit issued by the State Real Estate Commission (Commission).

(1) Each of the crimes of violence set forth in § 43b.422 (relating to crimes of violence), in accordance with § 43b.404(c) (relating to consideration of criminal convictions).

(2) The following additional criminal offenses that have been deemed by the Commission as directly related to the real estate profession, which shall raise a rebuttable presumption that the individual's licensure, certification, permitting or registration poses a substantial risk to the individual's clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(i):

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

(ii) 18 Pa.C.S. § 3932 (relating to theft of leased property).

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

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

(v) 18 Pa.C.S. § 4104(a) (relating to tampering with records or identification), when graded as a misdemeanor.

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

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

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

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

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

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

(xii) 18 Pa.C.S. § 4913 (relating to impersonating a notary public or holder of a professional or occupational license).

(xiii) 18 Pa.C.S. § 7310 (relating to furnishing free insurance as inducement for purchases).

(xiv) 18 Pa.C.S. § 7331 (relating to unlicensed mortgage loan business).

(xv) Criminal attempt, criminal conspiracy or criminal solicitation to commit any of the offenses listed in subparagraphs (i)—(xiv).

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

(xvii) An equivalent crime in another jurisdiction.

(b) The Commission retains the discretion to determine that, due to the nature of the criminal conduct that led to the conviction, the licensure, certification, permitting or registration of an individual with a criminal conviction for an offense not listed in subsection (a) would pose a substantial risk to the health and safety of the individual's clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(ii). The individual may rebut the Commission's determination by showing evidence of rehabilitation utilizing the factors in § 43b.404(a)(3).

§ 43b.448. 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.421 (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 paragraphs (1) and (2) may constitute grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit issued by the Board.

(1) Each of the crimes of violence set forth in § 43b.422 (relating to crimes of violence), in accordance with § 43b.404(c).

(2) The following criminal offenses that have been deemed by the Board as directly related to the professions regulated by the Board, which shall raise a rebuttable presumption that the individual's licensure, certification, permitting or registration poses a substantial risk to the individual's patients or clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(i):

(i) 18 Pa.C.S. § 2505 (relating to causing or aiding suicide).

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

(iii) 18 Pa.C.S. § 2713.1 (relating to abuse of care-dependent person).

(iv) 18 Pa.C.S. § 4303 (relating to concealing death of child).

(v) 18 Pa.C.S. § 4958 (relating to intimidation, retaliation or obstruction in child abuse cases).

(vi) 23 Pa.C.S. § 6319 (relating to penalties), pertaining to failure to report suspected child abuse.

(vii) 23 Pa.C.S. § 6346 (relating to cooperation of other agencies), pertaining to willful failure to cooperate in investigation of child abuse.

(viii) Section 1407 of the Human Services Code (62 P.S. § 1407), pertaining to Medicaid fraud.

(ix) Criminal attempt, criminal conspiracy or criminal solicitation to commit any of the offenses listed in subparagraphs (i)—(viii).

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

(xi) An equivalent crime in another jurisdiction.

(c) The Board retains the discretion to determine that, due to the nature of the criminal conduct that led to the conviction, the licensure, certification, permitting or registration of an individual with a criminal conviction for an offense not listed in subsection (a) would pose a substantial risk to the health and safety of the individual's patients or clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(ii). The individual may rebut the Board's determination by showing evidence of rehabilitation utilizing the factors in § 43b.404(a)(3).

§ 43b.449. Schedule of criminal convictions—State Board of Examiners in Speech-Language Pathology and Audiology.

(a) A conviction of any of the sexual offenses set forth in § 43b.421 (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 Examiners in 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 paragraphs (1) and (2) may constitute grounds to refuse to issue, suspend or revoke a license, certificate, registration or permit issued by the Board.

(1) Each of the crimes of violence set forth in § 43b.422 (relating to crimes of violence), in accordance with § 43b.404(c).

(2) The following additional criminal offenses that have been deemed by the Board as directly related to the professions regulated by the Board, which shall raise a rebuttable presumption that the individual's licensure, certification, permitting or registration poses a substantial risk to the individual's patients or clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(i):

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

(ii) 18 Pa.C.S. § 4913 (relating to impersonating a notary public or a holder of a professional or occupational license).

(iii) 23 Pa.C.S. § 6319 (relating to penalties), pertaining to failure to report suspected child abuse.

(iv) Section 1407 of the Human Services Code (62 P.S. § 1407), pertaining to Medicaid fraud.

(v) Section 18(a) of the Speech-Language Pathologists and Audiologists Licensure Act (63 P.S. § 1718(a)), pertaining to criminal offenses under the Speech-Language Pathologists and Audiologists Licensure Act (63 P.S. §§ 1701—1719).

(vi) Section 1102 of the Workers' Compensation Act (77 P.S. § 1039.2), pertaining to insurance fraud under the Workers' Compensation Act (77 P.S. §§ 1—2710).

(vii) 18 U.S.C.A. § 1035, regarding false statements relating to health care matters.

(viii) 18 U.S.C.A. § 1347, regarding health care fraud.

(ix) Criminal attempt, criminal conspiracy or criminal solicitation to commit any of the offenses listed in subparagraphs (i)—(viii).

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

(xi) An equivalent crime in another jurisdiction.

(c) The Board retains the discretion to determine that, due to the nature of the criminal conduct that led to the conviction, the licensure, certification, permitting or registration of an individual with a criminal conviction for an offense not listed in subsection (a) would pose a substantial risk to the health and safety of the individual's patients or clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(ii). The individual may rebut the Board's determination by showing evidence of rehabilitation utilizing the factors in § 43b.404(a)(3).

§ 43b.450. Schedule of criminal convictions—State Board of Vehicle Manufacturers, Dealers and Salespersons.

(a) A conviction of any of the criminal offenses in paragraphs (1) and (2) 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).

(1) Each of the crimes of violence set forth in § 43b.422 (relating to crimes of violence), in accordance with § 43b.404(c) (relating to consideration of criminal convictions).

(2) The following additional criminal offenses that have been deemed by the Board as directly related to the vehicle profession, which shall raise a rebuttable presumption that the individual's licensure, certification, permitting or registration poses a substantial risk to the individual's clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(i):

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

(ii) 18 Pa.C.S. § 4104(a) (relating to tampering with records or identification), when graded as a misdemeanor.

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

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

(v) 18 Pa.C.S. § 4118 (relating to washing vehicle titles).

(vi) 18 Pa.C.S. § 4913 (relating to impersonating a notary public or a holder of a professional or occupational license).

(vii) 75 Pa.C.S. § 7122 (relating to altered, forged or counterfeit documents and plates).

(viii) 75 Pa.C.S. § 7132 (relating to prohibited activities relating to odometers).

(ix) Criminal attempt, criminal conspiracy or criminal solicitation to commit any of the offenses listed in subparagraphs (i)—(viii).

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

(xi) An equivalent crime in another jurisdiction.

(b) The Board retains the discretion to determine that, due to the nature of the criminal conduct that led to the conviction, the licensure, certification, permitting or registration of an individual with a criminal conviction for an

offense not listed in subsection (a) would pose a substantial risk to the health and safety of the individual's clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(ii). The individual may rebut the Board's determination by showing evidence of rehabilitation utilizing the factors in § 43b.404(a)(3).

§ 43b.451. Schedule of criminal convictions—State Board of Veterinary Medicine.

(a) A conviction of any of the criminal offenses in paragraphs (1), (2) and (3) 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).

(1) Each of the crimes of violence set forth in § 43b.422 (relating to crimes of violence), in accordance with § 43b.404(c) (relating to consideration of criminal convictions).

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

(3) The following additional criminal offenses that have been deemed by the Board as directly related to the veterinary medical profession, which shall raise a rebuttable presumption that the individual's licensure, certification, permitting or registration poses a substantial risk to the individual's patients or clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(i):

(i) 18 Pa.C.S. § 3129 (relating to sexual intercourse with animal).

(ii) 18 Pa.C.S. § 5532 (relating to neglect of animal).

(iii) 18 Pa.C.S. § 5533 (relating to cruelty to animal).

(iv) 18 Pa.C.S. § 5534 (relating to aggravated cruelty to animal).

(v) 18 Pa.C.S. § 5535 (relating to attack of service, guide or support dog).

(vi) 18 Pa.C.S. § 5536 (relating to tethering of unattended dog).

(vii) 18 Pa.C.S. § 5537 (relating to selling or using disabled horse).

(viii) 18 Pa.C.S. § 5538 (relating to transporting animals in cruel manner).

(ix) 18 Pa.C.S. § 5539 (relating to transporting equine animals in cruel manner).

(x) 18 Pa.C.S. § 5540 (relating to hours of labor of animals).

(xi) 18 Pa.C.S. § 5541 (relating to cruelty to cow to enhance appearance of udder).

(xii) 18 Pa.C.S. § 5542 (relating to animal mutilation and related offenses).

(xiii) 18 Pa.C.S. § 5543 (relating to animal fighting).

(xiv) 18 Pa.C.S. § 5544 (relating to possession of animal fighting paraphernalia).

(xv) 18 Pa.C.S. § 5545 (relating to killing homing pigeons).

(xvi) 18 Pa.C.S. § 5546 (relating to skinning of and selling or buying pelts of dogs and cats).

(xvii) 18 Pa.C.S. § 5547 (relating to live animals as prizes prohibited).

(xviii) 18 Pa.C.S. § 5548 (relating to police animals).

(xix) 18 Pa.C.S. § 5549 (relating to assault with a biological agent on animal, fowl or honey bees).

(xx) Criminal attempt, criminal conspiracy or criminal solicitation to commit any of the offenses listed in subparagraphs (i)—(xix).

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

(xxii) An equivalent crime in another jurisdiction.

(b) The Board retains the discretion to determine that, due to the nature of the criminal conduct that led to the conviction, the licensure, certification, permitting or registration of an individual with a criminal conviction for an offense not listed in subsection (a) would pose a substantial risk to the health and safety of the individual's patients or clients or to the public or a substantial risk of further criminal convictions in accordance with § 43b.404(a)(2)(ii). The individual may rebut the Board's determination by showing evidence of rehabilitation utilizing the factors in § 43b.404(a)(3).

§ 43b.452. Time limits.

For purposes of conducting the assessment required in § 43b.404 (relating to consideration of criminal convictions), a conviction of an offense identified by the relevant licensing board or commission as directly related to a profession or occupation in §§ 43b.423—43b.451 will no longer be considered directly related to the profession or occupation if at least 5 years have passed since the individual's conviction of that offense.

[Pa.B. Doc. No. 24-1493. Filed for public inspection October 18, 2024, 9:00 a.m.]

Title 58—RECREATION

PENNSYLVANIA GAMING CONTROL BOARD

[58 PA. CODE CHS. 617b, 633b AND 651b]

Roulette Side Wagers and Variations; Blackjack Side Wagers and Variations; Casino War Side Wagers and Variations; Temporary Regulations

The Pennsylvania Gaming Control Board (board), under the general authority in 4 Pa.C.S. § 1202(b)(30) (relating to general and specific powers) and the specific authority in 4 Pa.C.S. § 13A02(1) and (2) (relating to regulatory authority) and § 13A03 (relating to temporary table game regulations), amends the temporary regulations in § 617b.5 (relating to Roulette X) and adopts the temporary regulations in §§ 617b.6, 617b.7, 633b.22 and 651b.2 to read as set forth in Annex A. The board's temporary regulations will be added to Part VII (relating to Gaming Control Board) as part of Subpart K (relating to table games).

Purpose

This temporary rulemaking adds new side wagers and variations to existing games available for play in this Commonwealth.

Explanation

The amendment of § 617b.5 and additions of §§ 617b.6 and 617b.7 (relating to Lightning Roulette—additional allowances; and Mega Fire Blaze Roulette) to Chapter 617b (relating to Roulette side wagers and variations—temporary regulations) add Paytable C as an additional payable option to Roulette X, the option to offer Light-

ning Roulette on a double zero wheel and an additional payout configuration option for Lightning Roulette. Additionally, Mega Fire Blaze Roulette, a variant of Roulette with the potential for increased payouts on certain wagers, is added.

The addition of § 633b.22 (relating to Lucky Ladies progressive) to Chapter 633b (relating to Blackjack side wagers and variations—temporary regulations) adds the option to offer the Lucky Ladies side wager with a progressive payout format.

Finally, the addition of § 651b.2 (relating to Casino War—additional tie wager payout odds options) to Chapter 651b (relating to Casino War side wagers and variations—temporary regulations) adds additional payout options for the tie wager.

Fiscal Impact

Commonwealth. The board does not expect that this temporary rulemaking will have a fiscal impact on the board or other Commonwealth agencies. Updates to Rules Submission forms and internal control procedures will be reviewed by existing board staff.

Political subdivisions. This temporary rulemaking will have no fiscal impact on political subdivisions of this Commonwealth.

Private sector. This temporary rulemaking will provide certificate holders with additional table game options. If a certificate holder decides to offer any of the side wagers or variations, or both, authorized under this temporary rulemaking within the licensed facility, the certificate holder will be required to train their dealers on the rules of play and purchase new equipment—specifically table layouts corresponding to the game and wagers offered. Costs incurred to train employees or purchase/lease equipment should be offset by the proceeds of gaming.

General public. This temporary rulemaking will have no fiscal impact on the general public.

Paperwork Requirements

If a certificate holder seeks to offer any of the side wagers or variations contained in these temporary regulations, the certificate holder will be required to submit a Rules Submission form reflecting the choices in how the game will be offered and with the selected side wagers and variations identified. These forms are available on the board’s public web site and submitted to board staff electronically.

Effective Date

This temporary rulemaking will become effective upon publication in the *Pennsylvania Bulletin* and will expire 2 years from the date of publication.

Public Comments

While this temporary rulemaking will be effective upon publication, the board is seeking comments from the public and affected parties as to how this temporary rulemaking might be improved. Interested persons are invited to submit written comments, suggestions or objections regarding this temporary rulemaking within 30 days after the date of publication in the *Pennsylvania Bulletin* to Robert Wood, Assistant Chief Counsel, Attention: Regulation # 125-251 Public Comment, Pennsylvania Gaming Control Board, 303 Walnut Street, 5th Floor, Harrisburg, PA 17101, or submitted by way of e-mail, subject: Regulation # 125-251 to PGCBregs@pa.gov.

Contact Person

The contact person for questions about this temporary rulemaking is Robert Wood, Assistant Chief Counsel, (717) 346-8300.

Regulatory Review

Under 4 Pa.C.S. § 13A03, the board is authorized to adopt temporary regulations which are not subject to the provisions of sections 201—205 of the act of July 31, 1968 (P.L. 769, No. 240), referred to as the Commonwealth Documents Law (CDL) (45 P.S. §§ 1201—1205); the Regulatory Review Act (RRA) (71 P.S. §§ 745.1—745.14); and sections 204(b) and 301(10) of the Commonwealth Attorneys Act (CAA) (71 P.S. §§ 732-204(b) and 732-301(10)). These temporary regulations expire 2 years after publication in the *Pennsylvania Bulletin*.

Findings

The board finds that:

(1) Under 4 Pa.C.S. § 13A03, the temporary regulations are exempt from the requirements of the RRA, sections 201—205 of the CDL and sections 204(b) and 301(10) of the CAA.

(2) The adoption of the temporary regulations is necessary and appropriate for the administration and enforcement of 4 Pa.C.S. Part II (relating to gaming).

Order

The board, acting under 4 Pa.C.S. Part II, orders that:

(1) The regulations of the board, 58 Pa. Code Chapters 617b, 633b and 651b are amended by amending § 617b.5 and adding §§ 617b.6, 617b.7, 633b.22 and 651b.2 to read as set forth in Annex A.

(2) The temporary regulations are effective October 19, 2024.

(3) The temporary regulations will be posted on the board’s web site and published in the *Pennsylvania Bulletin*.

(4) The temporary regulations shall be subject to amendment as deemed necessary by the board.

(5) The chairperson of the board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

DENISE J. SMYLER,
Chairperson

Fiscal Note: 125-251. No fiscal impact; recommends adoption.

Annex A

TITLE 58. RECREATION

PART VII. GAMING CONTROL BOARD

Subpart K. TABLE GAMES

CHAPTER 617b. ROULETTE SIDE WAGERS AND VARIATIONS—TEMPORARY REGULATIONS

§ 617b.5. Roulette X.

(a) A certificate holder may offer to players a game entitled Roulette X, a variation on Lightning Roulette. Unless otherwise provided under this section, Roulette X shall follow the rules and procedures of Lightning Roulette under § 617c.3 (relating to Lightning Roulette).

(b) The layout for a Roulette X table shall be submitted to the Bureau of Gaming Operations for approval in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment). A Roulette X

table shall have in place a board-approved Roulette random number generator that determines the multiplier and also determines the specific payout that will be paid for a winning straight wager placed on a multiplier.

(c) Roulette X may be played on either a single zero or double zero Roulette wheel.

(d) After all wagers have been placed, the random number generator shall be initiated and will select between two and five numbers on the layout that are the multipliers. The multipliers will be illuminated and will indicate what the increased payout will be for a winning straight wager placed on that multiplier.

(e) If the Roulette ball comes to rest in one of the numbers that has been illuminated as a multiplier and a

player has placed a straight wager on that number, the player's straight wager shall win and be paid based upon the increased payout displayed on the layout.

(f) Notwithstanding the provisions of § 617a.4 (relating to payout odds), if a player's straight wager wins but the number the player wagered on is not selected as a multiplier by the random number generator, the player shall be paid at odds corresponding to the certificate holder's selected payable under subsection (g).

(g) Roulette X wagers shall be settled according to one of the following paytables, which shall be included in the certificate holder's Rules Submission form filed in accordance with § 601a.2 (relating to table games Rules Submissions):

	<i>Paytable A</i>	<i>Paytable B</i>	<i>Paytable C</i>
Roulette wheels authorized	Single zero/double zero wheels	Double zero wheel	Single zero/double zero wheels
Straight wager payout odds	28 to 1	30 to 1	26 to 1
Multipliers	50 to 1	50 to 1	50 to 1
	100 to 1	100 to 1	100 to 1
	250 to 1	175 to 1	250 to 1
	500 to 1	250 to 1	1,000 to 1

§ 617b.6. Lightning Roulette—additional allowances.

(a) A certificate holder may offer Lightning Roulette with any of the alternative configurations provided for in this section.

(b) Lightning Roulette may be offered for play with either a single zero wheel or a double zero wheel.

(c) Lightning Roulette may be offered with the possible payouts outlined in § 617c.3(g) (relating to Lightning Roulette) or any of the following:

- (i) 999 to 1.
- (ii) 499 to 1.
- (iii) 399 to 1.
- (iv) 349 to 1.
- (v) 299 to 1.
- (vi) 249 to 1.
- (vii) 199 to 1.
- (viii) 149 to 1.
- (ix) 99 to 1.
- (x) 49 to 1.

(d) Other aspects of the game of Lightning Roulette shall be governed by § 617c.3.

§ 617b.7. Mega Fire Blaze Roulette.

(a) A certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer to players a game variation entitled Mega Fire Blaze Roulette, where each player who places and wins a straight up, split, street, corner or basket, or line wager has the ability to win an increased payout based upon the results of a random number generator. If the certificate holder is offering Mega Fire Blaze Roulette, it must be played on a single zero Roulette wheel as described in § 617a.1(d) (relating to Roulette ball; Rou-

lette wheel and table; physical characteristics; double zero Roulette wheel used as a single zero Roulette wheel).

(b) The layout for a Mega Fire Blaze Roulette table shall be submitted to the Bureau of Gaming Operations for approval in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment). A Mega Fire Blaze Roulette table shall have in place a board-approved Roulette random number generator that determines the Fire Numbers and the Mega Fire Blaze bonus game outcome.

(c) Unless otherwise noted, Mega Fire Blaze Roulette shall follow the rules and procedures of Roulette, as outlined in Chapter 617a (relating to Roulette).

(d) A player may place any of the following wagers before each Roulette spin at any time before the croupier calls, "no more bets" in accordance with § 617a.3 (relating to placement of wagers) or before any betting time has expired:

- (i) Straight up, which is the Straight wager under § 617a.3(e)(1).
- (ii) Split bet, which is the Split wager under § 617a.3(e)(2).
- (iii) Street bet, which is the Three Numbers wager under § 617a.3(e)(3).
- (iv) Corner bet or Basket bet, which is the Four Numbers wager under § 617a.3(e)(4).
- (v) Line bet, which is the Six Numbers wager under § 617a.3(e)(6).
- (vi) Column wager under § 617a.3(e)(7).
- (vii) Dozen wager under § 617a.3(e)(8).
- (viii) Red wager under § 617a.3(e)(9).
- (ix) Black wager under § 617a.3(e)(10).
- (x) Odd wager under § 617a.3(e)(11).
- (xi) Even wager under § 617a.3(e)(12).

(xi) Low wager, which is the 1—18 wager under § 617a.3(e)(13).

(xii) High wager, which is the 19—36 wager under § 617a.3(e)(14).

(e) After all wagers have been placed, the random number generator shall be initiated and will select 1, 2, 3, 4, 5 or 10 numbers on the layout that are the Fire Numbers. The Fire Numbers will be illuminated.

(f) If the Roulette ball comes to rest in one of the Fire Numbers and a player has placed a straight up, split, street, corner or basket, or line wager on that number, the Mega Fire Blaze bonus game shall be played to determine the winning wager’s payout.

(g) The Mega Fire Blaze bonus game shall be a random number generator-based game which determines payout odds for qualifying winning wagers. The following apply:

(1) The Mega Fire Blaze bonus game shall consist of a grid comprised of 36 cells divided into 6 segments comprised of 6 cells.

(2) Each six-cell segment shall be designated with a special segment multiplier or a jackpot.

(3) The Mega Fire Blaze bonus game shall begin by applying an equal number of random multipliers as there were Fire Numbers in the base game. For example, if there were five Fire Numbers in the base game, then five cells shall be filled with random multipliers.

(4) The random number generator shall then determine which cells shall be filled with a random multiplier.

(5) The following shall apply when all six cells of a segment are filled with random multipliers:

(i) If the segment has a special segment multiplier, all of the random multipliers shall be increased by the special segment multiplier. For example, if the special segment multiplier is a 2, the cell with a 3 random multiplier would become a 6.

(ii) If the segment has a jackpot, a random number generator shall determine whether the jackpot is a Mini (20×), Minor (100×), Major (500×) or Grand (2,000×). The jackpot value shall not increase the values of the segment cells.

(6) At the conclusion of the Mega Fire Blaze bonus game, the random multipliers shall be totaled, including any winning jackpot values, to determine the payout for the winning base game wager.

(7) Potential random multipliers are 1, 2, 3, 4, 5, 10, 15 or 50.

(8) Potential special segment multipliers are 2, 3 or 5.

(9) The potential payout ranges for the winning base game wagers are as follows:

<i>Bet</i>	<i>Payout Range</i>
Straight up	29—5,999 to 1
Split	29—2,999 to 1
Street	29—1,999 to 1
Corner or Basket	29—1,499 to 1
Line	29—999 to 1

(h) Winning wagers that are not subject to the Mega Fire Blaze bonus game shall be paid according to the following payable:

<i>Bet</i>	<i>Payout</i>
Straight up	29 to 1
Split	14 to 1
Street	9 to 1
Corner or Basket	13 to 2
Line	4 to 1
Dozen	2 to 1
Column	2 to 1
Red	1 to 1
Black	1 to 1
Even	1 to 1
Odd	1 to 1
Low (1—18)	1 to 1
High (19—36)	1 to 1

CHAPTER 633b. BLACKJACK SIDE WAGERS AND VARIATIONS—TEMPORARY REGULATIONS

§ 633b.22. Lucky Ladies progressive.

(a) A certificate holder may offer players the option to place a Lucky Ladies progressive side wager, which is a progressive variation of the Lucky Ladies Twenty Point bonus wager authorized under § 633a.6(e)(1) (relating to wagers).

(b) The Lucky Ladies progressive side wager shall win if the player’s initial two cards have a total point count of 20.

(c) The layout for a Blackjack table shall be submitted to the Bureau of Gaming Operations and approved in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment) and if the certificate holder offers the Lucky Ladies progressive wager, in addition to the requirements in § 633a.2 (relating to Blackjack table; card reader device; physical characteristics; inspections), the layout shall contain a separate area for each player designated for the placement of the Lucky Ladies progressive wager.

(d) If the certificate holder is offering the Lucky Ladies progressive wager, the Blackjack table must have a progressive table game system, in accordance with § 605a.7 (relating to progressive table games), for the placement of the Lucky Ladies progressive wager. If the certificate holder is offering a progressive payout wager on multiple linked tables or games in the same licensed facility, the progressive table game system must comply with the requirements in § 605a.8 (relating to linked progressive table games). The progressive table game system must include all of the following:

(1) A wagering device at each betting position that acknowledges or accepts the placement of the Lucky Ladies progressive wager.

(2) A device that controls or monitors the placement of Lucky Ladies progressive wagers at the gaming table, including a mechanism, such as a lock-out button, that prevents the recognition of any progressive wager that a player attempts to place after the dealer has announced “no more bets.”

(e) If specified in its Rules Submission form required under § 601a.2 (relating to table games Rules Submissions), a certificate holder may offer to each player who placed a Blackjack wager in accordance with § 633a.6(d) the option of placing a Lucky Ladies progressive wager.

(f) After placing a Blackjack wager as required in § 633a.6(d) and any optional wagers including the Lucky Ladies progressive wager, the dealer shall announce “no more bets” and, if the Lucky Ladies progressive wager is being offered, use the progressive table game system to prevent the placement of any additional progressive wagers. If any progressive wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of progressive wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

(g) The dealer shall then deal the cards in accordance with § 633a.7(a)—(g) (relating to procedure for dealing the cards; completion of each round of play). Immediately after the second card is dealt to each player and the dealer, but prior to any additional cards being dealt or before a card reader device is utilized, the dealer shall, starting with the player farthest to the dealer’s right and continuing around the table in a counterclockwise direction, settle the player’s optional wagers by collecting all losing wagers and paying all winning wagers. The following apply:

(1) If a player placed a Lucky Ladies progressive wager and the player’s initial two cards do not have a point count total of 20, the Lucky Ladies progressive wager is lost and shall be collected.

(2) If a player placed a Lucky Ladies progressive wager and the player’s initial two cards have a point count total of 20, the dealer shall pay the winning Lucky Ladies progressive wager in accordance with subsection (i).

(h) If a player has won a Lucky Ladies progressive payout, the dealer shall do all of the following:

(1) Verify that the hand is a winning hand.

(2) Verify that the appropriate light on the progressive table game system has been illuminated.

(3) Have a floorperson or above validate the progressive payout in accordance with the certificate holder’s approved internal control procedures.

(4) Pay the winning Lucky Ladies progressive wager in accordance with the payout odds in subsection (i). If a player has won a progressive payout that is a percentage of the jackpot amount on the progressive meter, the progressive payout may not be paid from the table inventory container. If a player has won a progressive payout that is not being paid from the table inventory container, the cards of that player must remain on the table until the necessary documentation has been completed.

(i) The certificate holder shall pay out winning Lucky Ladies progressive wagers at the odds in one of the following payout tables selected by the certificate holder in its Rules Submission form filed in accordance with § 601a.2:

<i>Hand Combination</i>	<i>Paytable 1</i>	<i>Paytable 2</i>	<i>Paytable 3</i>
Queen of hearts pair with dealer Blackjack (hearts)	100% of meter	100% of meter	100% of meter
Queen of hearts pair with dealer Blackjack (suited)	100% of meter	100% of meter	100% of meter
Queen of hearts pair with dealer Blackjack (non-suited)	100% of meter	100% of meter	25% of meter
Queen of hearts pair	200 for 1	200 for 1	250 for 1
Matched 20	25 for 1	20 for 1	50 for 1
Suited 20	10 for 1	10 for 1	10 for 1
Any 20	2 for 1	3 for 1	2 for 1

<i>Hand Combination</i>	<i>Paytable 4</i>	<i>Paytable 5</i>	<i>Paytable 6</i>
Queen of hearts pair with dealer Blackjack (hearts)	100% of meter	100% of meter	100% of meter
Queen of hearts pair with dealer Blackjack (suited)	100% of meter	100% of meter	100% of meter
Queen of hearts pair with dealer Blackjack (non-suited)	1,000 for 1	100% of meter	100% of meter
Queen of hearts pair	200 for 1	250 for 1	150 for 1
Matched 20	50 for 1	30 for 1	20 for 1
Suited 20	10 for 1	10 for 1	10 for 1
Any 20	2 for 1	2 for 1	3 for 1

<i>Hand Combination</i>	<i>Paytable 7</i>	<i>Paytable 8</i>	<i>Paytable 9</i>
Queen of hearts pair with dealer Blackjack (hearts)	100% of meter	100% of meter	100% of meter
Queen of hearts pair with dealer Blackjack (suited)	100% of meter	100% of meter	25% of meter
Queen of hearts pair with dealer Blackjack (non-suited)	25% of meter	750 for 1	10% of meter
Queen of hearts pair	200 for 1	150 for 1	250 for 1
Matched 20	25 for 1	25 for 1	25 for 1
Suited 20	10 for 1	10 for 1	10 for 1
Any 20	2 for 1	2 for 1	2 for 1

<i>Hand Combination</i>	<i>Paytable 10</i>
Queen of hearts pair with dealer Blackjack (hearts)	100% of meter
Queen of hearts pair with dealer Blackjack (suited)	3,000 for 1
Queen of hearts pair with dealer Blackjack (non-suited)	1,000 for 1
Queen of hearts pair	150 for 1
Matched 20	25 for 1
Suited 20	10 for 1
Any 20	2 for 1

(j) The initial seed and reseed amounts, increment rate and reserve rate listed in the following chart shall correspond with the payable selected under subsection (i) and shall be included by the certificate holder in its Rules Submission form filed in accordance with § 601a.2:

<i>Paytable</i>	<i>Initial Seed (multiple of wager)</i>	<i>Incrementation Rate</i>	<i>Reserve Rate</i>
Paytable 1	2,000×	17%	4%
Paytable 2	2,000×	17%	4%
Paytable 3	5,000×	16%	4%
Paytable 4	5,000×	16%	4%
Paytable 5	2,000×	17%	N/A reseeded with initial seed amount
Paytable 6	2,000×	17%	N/A reseeded with initial seed amount
Paytable 7	5,000×	18%	5%
Paytable 8	5,000×	18%	5%
Paytable 9	5,000×	18%	2%
Paytable 10	10,000×	18%	4%

(k) The paytables outlined under subsection (i) may only be offered in conjunction with Blackjack games which utilize the following number of decks of cards:

<i>Paytable</i>	<i>Number of Decks</i>
Paytable 1	2, 4, 5, 6 or 8
Paytable 2	2
Paytable 3	2
Paytable 4	2
Paytable 5	4, 5, 6 or 8
Paytable 6	4, 5, 6 or 8
Paytable 7	4, 5, 6 or 8
Paytable 8	4, 5, 6 or 8

<i>Paytable</i>	<i>Number of Decks</i>
Paytable 9	4, 5, 6 or 8
Paytable 10	4, 5, 6 or 8

(l) If in the same round of play two or more players have won the same progressive jackpot amount on the progressive meter, the jackpot amount shall be split equally between the winning players.

(m) After settling the Lucky Ladies progressive wagers, the dealer shall continue the hand in accordance with § 633a.7(i)–(t).

CHAPTER 651b. CASINO WAR SIDE WAGERS AND VARIATIONS—TEMPORARY REGULATIONS

§ 651b.2. Casino War—additional tie wager payout odds options.

(a) If a certificate holder offers the game of Casino War under Chapter 651a (relating to Casino War), if specified in their Rules Submission, they may elect to offer the tie wagers with one of the following payout odds:

- (i) 11 to 1.
- (ii) 12 to 1.

(b) Except as provided under subsection (a), all aspects of the game shall be governed by the rules and procedures of Chapter 651a.

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