

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

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**Subchapter A. SCHEDULE OF CIVIL PENALTIES, GUIDELINES FOR
IMPOSITION OF CIVIL PENALTIES AND PROCEDURES
FOR APPEAL**

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Authority

The provisions of this Chapter 43b issued under section 5(a) of the act of July 2, 1993 (P.L. 345, No. 48) (63 P.S. § 2205(a)), unless otherwise noted.

Source

The provisions of this Chapter 43b adopted December 12, 1997, effective December 13, 1997, 27 Pa.B. 6467, unless otherwise noted.

Cross References

This chapter cited in 49 Pa. Code § 13.253 (relating to inspections—statement of policy).

§ 43b.1. Purpose.

The purpose of this chapter is to adopt a schedule of civil penalties, procedures for their imposition and procedures for appeal for persons operating without a current, registered, unsuspended and unrevoked license, registration, certificate or permit. The schedule of civil penalties also includes penalties imposed for violating provisions of statutes and regulations of the licensing boards and relating to the conduct or operation of a business or facility as licensed by a licensing board in the Bureau.

§ 43b.2. Definitions.

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

Act—The act of July 2, 1993 (P.L. 345, No. 48) (63 P.S. §§ 2201—2207).

Authorized agent—An individual authorized by the Bureau to issue citations in accordance with the act.

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

Commissioner—The Commissioner of Professional and Occupational Affairs.

Formal action—Written charges initiated by the filing of an order to show cause as provided for under 1 Pa. Code § 35.14 (relating to orders to show cause).

§ 43b.3. Procedures.

(a) *Inspections/investigations.* Authorized agents may conduct inspections and investigations for the purpose of ascertaining compliance with statutory provisions and regulations of licensing boards and commissions relating to required licensure and the conduct or operation of a business or facility.

(b) *Citations.*

(1) If an inspection reveals a violation of a statute or a regulation for which a civil penalty has been established under the schedules in this chapter, the authorized agent may prepare a citation indicating the violations found and the penalties imposed. A copy of the citation will be provided to the respondent.

(2) The citation shall be made on a form approved by the Bureau.

(3) Within 10 days of the date of the issuance of the citation, the respondent shall enter one of the following:

(i) A plea to admit to the violation and remit payment of the civil penalty to the Bureau.

(ii) A plea to deny the violation and request a hearing to contest the imposition of a civil penalty.

(4) Failure to respond to the citation in the manner specified in paragraph (3) within 10 days will result in the entry of a default judgment against the respondent for the full amount of the civil penalty and may result in additional disciplinary action.

(5) The civil penalties shall be paid by certified check or cashier's check or money order and made payable to the "Commonwealth of Pennsylvania," and mailed to: Commonwealth of Pennsylvania, Department of State, Complaints Office—Citations, Post Office Box 2649, Harrisburg, Pennsylvania 17105-2649.

(c) *Citation hearings.*

(1) Citation hearings shall be conducted by a hearing examiner in compliance with 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law).

(2) If a violation is found, the hearing examiner shall impose the full amount of the civil penalty as charged in the citation and as authorized by the schedules in this chapter.

(d) *Appeals.* A decision by a hearing examiner may be appealed by any party by filing an application for review with the appropriate licensing Board within 20 days of the mailing date of the order. An application for review shall set forth with specificity the grounds for appeal. The Board will review the record established before the hearing examiner and in its discretion receive additional evidence.

(e) *Miscellaneous.* This section supplements 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedures).

Source

The provisions of this § 43b.3 amended March 2, 2001, effective March 3, 2001, 31 Pa.B. 1227; amended December 22, 2006, effective December 23, 2006, 36 Pa.B. 7833. Immediately preceding text appears at serial pages (307368) to (307369) and (274975).

§ 43b.4. Schedule of civil penalties—barbers and barber shops.

STATE BOARD OF BARBER EXAMINERS

Violation under

35 P.S.

Title/Description

Civil Penalty

Section

637.6(a)(1)

Failure of licensed barber shop or school to post a sign as required under section 4 of the Clean Indoor Air Act (35 P.S. § 637.4)

1st offense—\$250
2nd offense (within 1 year of 1st offense)—\$500
3rd offense (within 1 year of 2nd offense)—\$1,000
Subsequent offenses (within 1 year of previous offense)—\$1,000

**Violation
under
35 P.S.**

	Title/Description	Civil Penalty
Section 637.6(a)(2)	Barber shop permitting smoking in the barber shop or barber school permitting smoking in the barber school in violation of the Clean Indoor Air Act (35 P.S. §§ 637.1— 637.11)	1st offense—\$250 2nd offense (within 1 year of 1st offense)—\$500 3rd offense (within 1 year of 2nd offense)—\$1,000 Subsequent offenses (within 1 year of previous offense)—\$1,000
Section 637.6(a)(3)	Licensee of the Board smoking in a barber shop or in a barber school in violation of the Clean Indoor Air Act	1st offense—\$250 2nd offense (within 1 year of 1st offense)—\$500 3rd offense (within 1 year of 2nd offense)—\$1,000 Subsequent offenses (within 1 year of previous offense)—\$1,000

Violation under 63 P.S.	Violation under 49 Pa. Code Chapter 3	Title/Description	Civil Penalty
Section 551	N/A	Practicing without a license	1st offense—\$500 2nd offense—Formal action
Section 557	Section 3.13(a)	Availability of current license on premises	1st offense—\$150 2nd offense—\$500
N/A	Section 3.15(a)	Practicing on a lapsed or expired (unregistered) license	1st offense—Up to 90 days—Warning; 90 days to 1 year—\$250; 1 year to 2 years—\$500; over 2 years—\$1,000 2nd offense—Formal action

Violation under 63 P.S.	Violation under 49 Pa. Code Chapter 3	Title/Description	Civil Penalty
N/A	Section 3.15(a)	Operating a shop or school on a lapsed or expired (unregistered) license	1st offense—Up to 90 days—Warning; 90 days to 1 year—\$250; from 1 year to 2 years—\$500; over 2 years—\$1,000 2nd offense—Formal action
Section 559(a)(6)	Section 3.14(a)	Failure to employ licensed persons	1st offense—\$500 for each individual unlicensed barber 2nd offense—Formal action
Section 560	Section 3.51(a)	Opening shop for business before shop inspected and approved	1st offense—\$200 2nd offense—Formal action
Section 560	Section 3.51(a)	Failure to file application when taking over as owner of an existing shop	1st offense—\$500 2nd offense—Formal action
Section 562	N/A	Operating a shop without supervision of designated manager barber or other designated licensee	1st offense—\$250 2nd offense—Formal action
Section 562(a)(1)	N/A	Operating a shop or school without a license	1st offense—\$500 2nd offense—Formal action
Section 560	Section 3.51(a)	Failure to obtain a new shop license when shop moves	1st offense—\$500 2nd offense—Formal action
Section 563(a)	Section 3.14(b)	Licensee practicing in place other than licensed shop	1st offense—\$500 2nd offense—Formal action
N/A	Section 3.51(b)	Failure to register trade name	1st offense—\$100 2nd offense—Formal action
N/A	Section 3.54	Failure to meet minimum equipment requirements	1st offense—\$100 2nd offense—Formal action

Violation under 63 P.S.	Violation under 49 Pa. Code Chapter 3	Title/Description	Civil Penalty
N/A	Section 3.55	Failure to meet minimum maintenance and sanitation requirements	1st offense—\$100 2nd offense—Formal action
N/A	Section 3.85	School equipment does not meet requirements	1st offense—\$100 2nd offense—Formal action
N/A	Section 3.86	School maintenance and sanitation requirements not met	1st offense—\$250 2nd offense—Formal action
N/A	Section 3.89	School advertising requirements not met	1st offense—\$250 2nd offense—Formal action

Authority

The provisions of this § 43b.4 amended under section 5 of the act of July 2, 1993 (P.L. 345, No. 48) (63 P.S. § 2205).

Source

The provisions of this § 43b.4 amended December 22, 2006, effective December 23, 2006, 36 Pa.B. 7833; amended December 21, 2012, effective December 22, 2012, 42 Pa.B. 7673; corrected January 31, 2014, effective December 23, 2006, 44 Pa.B. 597; amended March 6, 2020, effective March 7, 2020, 50 Pa.B. 1354. Immediately preceding text appears at serial pages (370273) to (370276).

§ 43b.5. Schedule of civil penalties—cosmetologists, nail technicians, estheticians, natural hair braiders, salons.

STATE BOARD OF COSMETOLOGY

Violation under 35 P. S.	Title/Description	Civil Penalty
Section 637.6(a)(1)	Failure of licensed cosmetology salon, limited practice salon or cosmetology school to post a sign as required under section 4 of the Clean Indoor Air Act (35 P. S. § 637.4)	1st offense—\$250 2nd offense (within 1 year of 1st offense)—\$500 3rd offense (within 1 year of 2nd offense)—\$1,000 Subsequent offenses (within 1 year of previous offense)—\$1,000

**Violation under
35 P. S.**

	Title/Description	Civil Penalty
Section 637.6(a)(2)	Licensed cosmetology or limited practice salon permitting smoking in the salon or licensed cosmetology school permitting smoking in the school in violation of the Clean Indoor Air Act (35 P. S. §§ 637.1—637.11)	1st offense—\$250 2nd offense (within 1 year of 1st offense)—\$500 3rd offense (within 1 year of 2nd offense)—\$1,000 Subsequent offenses (within 1 year of previous offense)—\$1,000
Section 637.6(a)(3)	Licensee of the Board smoking in a cosmetology salon, limited practice salon, or cosmetology school in violation of the Clean Indoor Air Act	1st offense—\$250 2nd offense (within 1 year of 1st offense)—\$500 3rd offense (within 1 year of 2nd offense)—\$1,000 Subsequent offenses (within 1 year of previous offense)—\$1,000

**Violation under
63 P. S.**

	Title/Description	Civil Penalty
Section 508	Practicing without a license	1st offense—\$500 2nd offense—Formal action
Section 508	Maintaining an unlicensed shop	1st offense—\$500 2nd offense—Formal action
Section 514	Practice in place other than licensed shop	1st offense—\$500 2nd offense—Formal action
Section 519(a)	Owner employing unlicensed employees	1st offense—\$500 for each unlicensed individual 2nd offense—Formal action
Section 524	Availability of current licenses and permits on the premises	1st offense—\$100 2nd offense—\$250

**Violation under
49 Pa. Code**

Chapter 7	Title/Description	Civil Penalty
Section 7.43	Practice on lapsed license	1st offense—Up to 90 days—Warning; 90 days or more—\$250 2nd offense—Formal action

**Violation under
49 Pa. Code
Chapter 7**

	Title/Description	Civil Penalty
Section 7.62	Operating without manager	1st offense—\$100 2nd offense—\$250
Sections 7.64(a)	Manager employing unlicensed persons	1st offense—\$500 for each unlicensed individual 2nd offense—Formal action
Sections 7.71—7.79	Physical requirements for beauty shop	1st offense—\$50 for each violation 2nd offense—\$100 for each violation
Section 7.82	Failure to maintain record of services rendered outside a shop	1st offense—\$50 2nd offense—\$250
Section 7.92	Failure to sterilize equipment	1st offense—\$100 2nd offense—\$250
Section 7.93	Unsanitary use of towels	1st offense—\$100 2nd offense—\$250
Section 7.94	Unsanitary use of supplies	1st offense—\$100 2nd offense—\$250
Section 7.101	Electrical appliances not properly installed/grounded	1st offense—\$50 2nd offense—\$250
Section 7.114	School equipment and supplies not sufficient for student enrollment	\$50/each item missing
Section 7.117	Failure to employ supervisor	1st offense—\$500 2nd offense—Formal action
Section 7.118(a)	Unlicensed teachers	1st offense—\$500 2nd offense—Formal action
Section 7.118(b)	Availability of instructor license on the premises	1st offense—\$100 2nd offense—\$250
Section 7.118(c)	Failure to employ at least one full time instructor	1st offense—\$100 2nd offense—\$250
Section 7.118(d)	Allowing student-teacher ratio to exceed 25:1	1st offense—\$100 2nd offense—\$250
Section 7.119	Failure to maintain student records	1st offense—\$250 2nd offense—Formal action
Section 7.119a	Failure to obtain notarized transcript; failure to obtain verification from other state	1st offense—\$50 2nd offense—\$250

**Violation under
49 Pa. Code
Chapter 7**

	Title/Description	Civil Penalty
Section 7.120	Work done by students on public; failure to post notices; failure to post sign	1st offense—\$100 2nd offense—\$250
Section 7.121	Failure to advertise licensee name or student work	1st offense—\$100 2nd offense—\$250
Section 7.134	Apprentice reports—failure to submit to board	1st offense—\$100 2nd offense—\$250

Authority

The provisions of this § 43b.5 amended under the act of July 2, 1993 (P. L. 345, No. 48).

Source

The provisions of this § 43b.5 amended December 21, 2012, effective December 22, 2012, 42 Pa.B. 7673. Immediately preceding text appears at serial pages (325185) to (325187).

§ 43b.6. Schedule of civil penalties—funeral directors and funeral establishments.

STATE BOARD OF FUNERAL DIRECTORS

**Violation under
35 P. S.**

	Title/Description	Civil Penalty
Section 637.6(a)(1)	Failure of funeral establishment to post a sign as required under section 4 of the Clean Indoor Air Act (35 P. S. § 637.4)	1st offense—\$250 2nd offense (within 1 year of 1st offense)—\$500 3rd offense (within 1 year of 2nd offense)—\$1,000 Subsequent offenses (within 1 year of previous offense)—\$1,000
Section 637.6(a)(2)	Funeral establishment permitting smoking in the funeral establishment in violation of the Clean Indoor Air Act (35 P. S. §§ 637.1—637.11)	1st offense—\$250 2nd offense (within 1 year of 1st offense)—\$500 3rd offense (within 1 year of 2nd offense)—\$1,000 Subsequent offenses (within 1 year of previous offense)—\$1,000

**Violation under
35 P. S.**

	Title/Description	Civil Penalty
Section 637.6(a)(3)	Licensee of the Board smoking in a funeral establishment in violation of the Clean Indoor Air Act	1st offense—\$250 2nd offense (within 1 year of 1st offense)—\$500 3rd offense (within 1 year of 2nd offense)—\$1,000 Subsequent offenses (within 1 year of previous offense)—\$1,000

**Violation under
63 P. S.**

	Title/Description	Civil Penalty
Section 479.6	Failure to display licenses conspicuously	1st offense—\$50 2nd offense—\$250
Section 479.13	Practice without license	Any offense—\$1,000

**Violation under
49 Pa. Code**

Chapter 13	Title/Description	Civil Penalty
Section 13.83	Requirements for advertising of name of licensee	1st offense—\$100
Section 13.84		2nd offense—\$250
Section 13.194	Operating funeral establishment without Board approval	Any offense—\$1,000
Section 13.91		
Section 13.171	Use of preparation room for purposes other than embalming or caring for remains	1st offense—\$100
		2nd offense—Formal action
Section 13.174	Preparation room facility and equipment requirements	1st offense—\$100 per violation
		2nd offense—\$250 per violation
Section 13.182	Improper disposal of waste products including biohazardous waste	1st offense—\$100
		2nd offense—\$500
Section 13.193	Advertising name of permanent supervisor	1st offense—\$100
		2nd offense—\$250
Section 13.224	Failure to comply with reporting requirements for prepaid burial contracts	1st offense—\$100
		2nd offense—Formal action

**Violation under
49 Pa. Code**

Chapter 13	Title/Description	Civil Penalty
Section 13.225	Failure to file affidavit for prepaid burial account	1st offense—\$100 2nd offense—Formal action
Section 13.231	Practicing on a lapsed license	Up to 60 days—1st offense—Warning 60 days or more—\$500 2nd offense—Formal action

Authority

The provisions of this § 43b.6 amended under the act of July 2, 1993 (P.L. 345, No. 48).

Source

The provisions of this § 43b.6 amended December 21, 2012, effective December 22, 2012, 42 Pa.B. 7673. Immediately preceding text appears at serial page (325188).

§ 43b.7. Schedule of civil penalties—pharmacists and pharmacies.**STATE BOARD OF PHARMACY****Violation under
35 P. S.**

Title/Description	Civil Penalty
Section 637.6(a)(1) Failure of a pharmacy permit holder to post a sign as required under section 4 of the Clean Indoor Air Act (35 P. S. § 637.4)	1st offense—\$250 2nd offense (within 1 year of 1st offense)—\$500 3rd offense (within 1 year of 2nd offense)—\$1,000 Subsequent offenses (within 1 year of previous offense)—\$1,000
Section 637.6(a)(2) Pharmacy permit holder permitting smoking in the pharmacy in violation of the Clean Indoor Air Act (35 P. S. §§ 637.1—637.11)	1st offense—\$250 2nd offense (within 1 year of 1st offense)—\$500 3rd offense (within 1 year of 2nd offense)—\$1,000 Subsequent offenses (within 1 year of previous offense)—\$1,000

**Violation under
35 P. S.**

	Title/Description	Civil Penalty
Section 637.6(a)(3)	Licensee of the Board smoking in a pharmacy in violation of the Clean Indoor Air Act	1st offense—\$250 2nd offense (within 1 year of 1st offense)—\$500 3rd offense (within 1 year of 2nd offense)—\$1,000 Subsequent offenses (within 1 year of previous offense)—\$1,000

**Violation under
49 Pa. Code
Chapter 27**

	Title/Description	Civil Penalty
Section 27.11	Pharmacy Permit— (a) Lack of permit showing accurate and current information as to name and address of pharmacy and name of pharmacist manager (b) Display, advertise or use a name other than registered name (g) Failure to notify Board of change in pharmacist manager or operation of pharmacy without pharmacist manager.	\$100 1st offense—\$100 2nd offense—\$100 1st offense—\$50 per month or part of month; Formal action if no compliance within 60 days after receiving citation 2nd offense—same as 1st offense
Section 27.14	Supplies— (b) Expired drugs (c) Failure to maintain equipment and miscellaneous supplies	1st offense—Under 1 year old—\$250 1st offense—Over 1 year old—\$500 2nd offense—\$1,000 \$100 each
Section 27.15	Sanitary standards	

**Violation under
49 Pa. Code
Chapter 27**

	Title/Description	Civil Penalty
	(a) Pharmacy not in good repair or not in clean and orderly condition.	\$250
	(b) Violation of health and sanitation statutes of the Commonwealth and of the municipality and county where pharmacy is located.	\$250
	(c) Waste disposal violations	\$250
	(d) Prescription area not dry, well ventilated and well lighted; not free from rodents or insects	\$250
	(e) Plumbing not functional	\$250
	(f) Unauthorized items in prescription area	\$250
Section 27.16	Construction requirements—	
	(b)(4) Lack of telephone	\$250
	(5) Lack of required sanitary facilities	\$250
	(7) Television set in prescription area not intended for pharmacy instructional use	\$500
	(8) Drugs accessible to unauthorized persons; animals unrelated to pharmacy security in prescription area	\$250
Section 27.18	Standards of practice—	
	(a) Unsuitable containers	\$100
	(b) Lack of required information on prescriptions	\$100
	(d) Lack of required information on container labels	\$100

**Violation under
49 Pa. Code
Chapter 27**

	Title/Description	Civil Penalty
Section 27.31	Biennial renewal— (c) practicing on a lapsed license or permit	0-4 months—\$50 per month; over 4 months—8 months—\$100 per month; over 9 months—12 months—\$200 per month; over 1 year—formal action

**Violation under
28 Pa. Code
Chapter 25**

	Title/Description	Civil Penalty
Section 25.55(d)	Improper generic substitution	
	Five to nine	\$250
	10 or more	\$500
Section 25.55(e)	Failure to refill prescription with the identical product without authorization from prescriber and patient	\$100
Section 25.56(a)	Improper filing of Schedule II prescriptions	\$100
Section 25.56(b)	Improper filing of Schedule III, IV, V prescriptions	\$100
Section 25.63(b)	Inadequate security for controlled substances	\$250
Section 25.92	Lack of lot numbers required on stock items	\$100
Section 25.94	Lack of expiration date on label of dispensed drugs of less than 1 year's potency.	\$100

Authority

The provisions of this § 43b.7 amended under the act of July 2, 1993 (P.L. 345, No. 48).

Source

The provisions of this § 43b.7 amended March 2, 2001, effective March 3, 2001, 31 Pa.B. 1227; amended December 21, 2012, effective December 22, 2012, 42 Pa.B. 7673. Immediately preceding text appears at serial pages (325189) to (325191).

**§ 43b.7a. Schedule of civil penalties—pharmacists and pharmacies—
statement of policy.**

STATE BOARD OF PHARMACY

**Violation
under
49 Pa. Code
Chapter 27**

	Title/Description	Civil Penalty
Section 27.31	Biennial renewal—(c) Practicing on a lapsed license or permit	0-4 months—\$50 per month; over 4 months-8 months—\$100 per month; Over 9 months-12 months—\$200 per month; Over 1 year—formal action

Source

The provisions of this § 43b.7a adopted November 27, 1998, effective November 28, 1998, 28 Pa.B. 5883.

**§ 43b.8. Schedule of civil penalties—real estate and cemetery brokers, real
estate education providers.**

STATE REAL ESTATE COMMISSION

**Violation
under
35 P.S.**

	Title/Description	Civil Penalty
Section 637.6(a)(1)	Failure of broker or cemetery broker to post a sign in a real estate office or cemetery office or real estate education provider to post a sign in a real estate school as required under section 4 of the Clean Indoor Air Act (35 P.S. § 637.4)	1st offense—\$250 2nd offense (within 1 year of 1st offense)—\$500 3rd offense (within 1 year of 2nd offense)—\$1,000 Subsequent offenses (within 1 year of previous offense— \$1,000

**Violation
under
35 P.S.**

	Title/Description	Civil Penalty
Section 637.6(a)(2)	Broker or cemetery broker permitting smoking in a real estate or cemetery office or real estate education provider permitting smoking in a real estate school in violation of the Clean Indoor Air Act (35 P.S. §§ 637.1—637.11)	1st offense—\$250 2nd offense (within 1 year of 1st offense)—\$500 3rd offense (within 1 year of 2nd offense)—\$1,000 Subsequent offenses (within 1 year of previous offense)—\$1,000
Section 637.6(a)(3)	Licensee of the Commission smoking in a real estate office, cemetery office or real estate school in violation of the Clean Indoor Air Act	1st offense—\$250 2nd offense (within 1 year of 1st offense)—\$500 3rd offense (within 1 year of 2nd offense)—\$1,000 Subsequent offenses (within 1 year of previous offense)—\$1,000

**Violation
under
63 P.S.**

	Title/Description	Civil Penalty
Section 455.301	Acting in capacity of cemetery broker or cemetery salesperson without a license	1st offense—\$250 per violation 2nd offense—\$500 per violation
Section 455.601(a)	Failure of licensee to notify Commission of change of location of office of broker or cemetery broker within 10 days	1st offense—\$125 2nd offense—\$250
Section 455.601(a)	Failure of broker or cemetery broker to maintain sign with licensed name outside office	1st offense—\$250 2nd offense—\$500
Section 455.603	Failure of licensee to notify Commission of change of employing broker within 10 days	1st offense—\$125 2nd offense—\$250

**Violation
under
63 P.S.**

Title/Description	Civil Penalty
Section 455.604(a)(4) Use of any trade name or insignia or membership in any real estate association or organization of which the licensee is not a member	1st offense—\$250 2nd offense—\$500
Section 455.604(a)(8) Placing a “for sale” or “for rent” sign or advertising property without the written consent of the owner	1st offense—\$250 2nd offense—\$500
Section 455.604(a)(16) Failure to exercise adequate supervision of licensed salesperson or associate broker (when subordinate violates § 455.601(a), § 455.603 or § 455.604(a)(21))	Same as penalty for underlying offense by subordinate
Section 455.604(a)(21) Failure of licensee to have current license when performing licensed activity	1st offense—\$250 per month up to \$1,000 2nd offense—Formal action
Section 455.609(b) Failure to include right-of-cancellation information in a time share or campground membership	1st offense—\$500 2nd offense—\$1,000
Section 2205(b)(2) Aiding and abetting cemetery or real estate sales activities by unlicensed individuals	1st offense—\$250 per individual 2nd offense—\$500 per individual

**Violation
under
49 Pa. Code
Chapter 35**

Title/Description	Civil Penalty
Section 35.242(a) Failure of broker or cemetery broker to devote office to transaction of real estate business in privacy	1st offense—\$125 2nd offense—\$250

**Violation
under
49 Pa. Code
Chapter 35**

	Title/Description	Civil Penalty
Section 35.242(b)	Failure of broker or cemetery broker to maintain separate entrance to office located in private residence	1st offense—\$125 2nd offense—\$250
Section 35.242(c)	Failure of broker or cemetery broker to display business name prominently and in permanent fashion outside office	1st offense—\$250 2nd offense—\$500
Section 35.243(a)	Failure of broker or cemetery broker to obtain license before opening branch office	1st offense—\$250 2nd offense—\$500
Section 35.245(a)	Failure of broker, cemetery broker or rental listing referral agent to maintain the current license of employed or affiliated licensees at main office	1st offense—\$125 2nd offense—\$250
Section 35.245(b)	Failure of broker or cemetery broker to maintain a list of licensees employed or affiliated with the broker or cemetery broker at the branch office out of which each licensee works	1st offense—\$125 2nd offense—\$250
Section 35.285	Failure to provide Commission or its representative with information regarding a franchisor, network or other parent real estate company with which the licensee is or may become affiliated	1st offense—\$250 2nd offense—\$500

**Violation
under
49 Pa. Code
Chapter 35**

	Title/Description	Civil Penalty
Section 35.286(a)	Failure of broker to retain a copy of the written estimate of reasonably foreseeable expenses required under 49 Pa. Code § 35.334 (relating to statements of estimated cost and return)	1st offense—\$250 2nd offense—\$500
Section 35.286(a)(1)	Failure of broker, associate broker or salesperson to retain a copy of the acknowledgement portion of the Consumer Notice	1st offense—\$250 2nd offense—\$500
Section 35.286(b)	Failure of a licensed entity other than an individual to produce its corporate, partnership or association records for examination by the Commission or its authorized representative	1st offense—\$250 2nd offense—\$500
Section 35.290(b)	Failure of a licensee to notify the Commission of disciplinary action taken against the licensee by the real estate licensing authority of another jurisdiction within 30 days of receiving notice of the disciplinary action	1st offense—\$500 2nd offense—\$1,000
Section 35.292(a)(6)	Failure of broker, associate broker or salesperson to provide a copy of the Consumer Notice as required under 63 P.S. § 455.608 (relating to information to be given at initial interview)	1st offense—\$250 2nd offense—\$500

**Violation
under
49 Pa. Code
Chapter 35**

	Title/Description	Civil Penalty
Section 35.301(a)	Advertising the sale or lease of real estate without the authority of the seller or lessor or its agent	1st offense—\$250 2nd offense—\$500
Section 35.301(b)	Publishing information about a rental property if the lessor or property manager expressly stated that the property was not to be included in lists prepared by rental listing referral agents	1st offense—\$250 2nd offense—\$500
Section 35.304	Failure of a licensee who sells or leases his own real estate to disclose in ads for the property that he is a licensee	1st offense—\$250 2nd offense—\$500
Section 35.305(a)	Failure of broker, cemetery broker or rental listing referral agent to advertise or hold himself out to public under business name designated on license	1st offense—\$250 2nd offense—\$500
Section 35.305(b)	Advertising or using a nickname that has not been registered with the Commission	1st offense—\$250 2nd offense—\$500
Section 35.305(c)	Failure of salesperson or associate broker to include the business name and telephone number of the broker in at least equal size as the salesperson's or associate broker's name and telephone number on an advertisement	1st offense—\$250 2nd offense—\$500
Section 35.334	Failure of broker to provide a written estimate of reasonably foreseeable expenses	1st offense—\$250 2nd offense—\$500

**Violation
under
49 Pa. Code
Chapter 35**

	Title/Description	Civil Penalty
Section 35.361(a)	Failure of real estate education provider to prominently display certificate of approval at main location	1st offense—\$125 2nd offense—\$250
Section 35.361(b)	Failure of real estate education provider to prominently display approved name at each location where courses are taught	1st offense—\$250 2nd offense—\$500

Authority

The provisions of this § 43b.8 amended under the act of July 2, 1993 (P.L. 345, No. 48).

Source

The provisions of this § 43b.8 amended December 22, 2006, effective December 23, 2006, 36 Pa.B. 7833; amended December 21, 2012, effective December 22, 2012, 42 Pa.B. 7673; amended March 6, 2020, effective March 7, 2020, 50 Pa.B. 1354. Immediately preceding text appears at serial pages (365031) to (365036).

§ 43b.9. Schedule of civil penalties—vehicle manufacturers, dealers and salespersons.

**STATE BOARD OF VEHICLE MANUFACTURERS, DEALERS
AND SALESPERSONS**

**Violation
under
35 P.S.**

	Title/Description	Civil Penalty
Section 637.6(a)(1)	Failure of vehicle dealer, branch lot, public or retain vehicle auction, or wholesale vehicle auction to post a sign as required under section 4 of the Clean Indoor Air Act.	1st offense—\$250 2nd offense (within 1 year of 1st offense)—\$500 3rd offense (within 1 year of 2nd offense)—\$1,000 Subsequent offenses (within 1 year of previous offense)—\$1,000

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**Violation
under
35 P.S.**

	Title/Description	Civil Penalty
Section 637.6(a)(2)	Vehicle dealership, branch lot, public or retail vehicle auction, or wholesale vehicle auction permitting smoking in an area where smoking is prohibited by the Clean Indoor Air Act (35 P.S. §§ 637.1—637.11)	1st offense—\$250 2nd offense (within 1 year of 1st offense)—\$500 3rd offense (within 1 year of 2nd offense)—\$1,000 Subsequent offenses (within 1 year of previous offense)—\$1,000
Section 637.6(a)(3)	Licensee of the Board smoking in an area of the vehicle dealership, branch lot, public or retail vehicle auction or wholesale vehicle auction where smoking is prohibited by the Clean Indoor Air Act	1st offense—\$250 2nd offense (within 1 year of 1st offense)—\$500 3rd offense (within 1 year of 2nd offense)—\$1,000 Subsequent offenses (within 1 year of previous offense)—\$1,000

**Violation
under
63 P.S.**

	Title/Description	Civil Penalty
Section 818.303(a)	Person or entity engaging in business of vehicle dealer, auction, manufacturer or distributor without license or acting as broker	Each offense—\$1,000
Section 818.303(a)	Person engaging in business as a factory representative or distributor representative without a license	1st offense—\$100 2nd offense—\$500 3rd offense—\$1,000
Section 818.303(a)	Individual working as unlicensed salesperson for dealership	1st offense—\$100 2nd offense—\$500 3rd offense—Formal action
Section 818.303(c)	Licensed salesperson working as salesperson for dealership other than for whom salesperson is licensed	1st offense—\$100 2nd offense—\$500 3rd offense—Formal action

Violation under 63 P.S.	Title/Description	Civil Penalty
Section 818.303(d)	Failure to display license in principal office	1st offense—\$100 2nd offense—\$500 3rd offense—Formal action
Section 818.303(h)	Vehicle auction not posting list of revoked/suspended licensees	1st offense—\$250 2nd offense—\$500 3rd offense—Formal action
Section 818.318(15)	Licensed dealer employing unlicensed salesperson	1st offense—\$500 2nd offense—\$1,000 3rd offense—Formal action
Section 818.318(29)	Wholesale auction permitting unlicensed or revoked or currently suspended dealer or vehicle business to buy, sell or represent vehicle at auction	1st offense—\$250 2nd offense—\$500 3rd offense—\$1,000 Subsequent offense— Formal action
Section 818.318(30)	Dealer permitting revoked or currently suspended sales- person to sell, represent or purchase vehicle at auction	1st offense—\$500 2nd offense—\$1000 3rd offense—Formal action
Sections 818.303(a) and 818.318(27)	Licensed dealer operating an unlicensed branch lot	1st offense—\$1,000 2nd offense—Formal action
Sections 818.303(f)(5) and (g)(1) and 818.318(38)	Person with revoked or currently suspended dealer or salesperson license physically present during auctioning of vehicles	Each offense \$1,000
Section 818.318(34)	Licensed dealer conducting its business under any name other than its licensed name	1st offense—\$250 2nd offense—\$500 3rd offense—Formal action
Section 818.318(37)	Licensed dealer failing to produce records to an authorized agent of the Board	1st offense—\$500 2nd offense—\$1,000 3rd offense—Formal action

**Violations
under
49 Pa. Code
Chapter 19**

	Title/Description	Civil Penalty
Section 19.17	Broker or dealer business identity combined with other businesses	1st offense—\$100 2nd offense—\$500
Section 19.18(1)	Dealer does not have permanent enclosed building	1st offense—\$100 2nd offense—\$500
Section 19.18(2)	Dealership does not have private office	1st offense—\$100 2nd offense—\$500
Section 19.18(3)(i)(A)	Dealer display area for five vehicles or 5,000 square feet	1st offense—\$100 2nd offense—\$500
Section 19.18(3)(ii)	Display lot not graded and surfaced with required material	1st offense—\$100 2nd offense—\$500
Section 19.18(3)(iii)	Display area separated from adjacent parking area	1st offense—\$100 2nd offense—\$500
Section 19.18(3)(iv)	Display area lighted if open evenings	1st offense—\$100 2nd offense—\$500
Section 19.18(5)	Dealer fails to maintain separate telephone line	1st offense—\$100 2nd offense—\$500
Section 19.18(6)	Business sign not permanent or visible to the public	1st offense—\$100 2nd offense—\$500
Section 19.18(7)	Dealership in violation of land use ordinances	1st offense—\$100 2nd offense—\$500
Section 19.18(9)	Failure to post business hours	1st offense—\$100 2nd offense—\$500

Authority

The provisions of this § 43b.9 amended under the act of July 2, 1993 (P.L. 345, No. 48).

Source

The provisions of this § 43b.9 amended December 22, 2006, effective December 23, 2006, 36 Pa.B. 7833; amended December 21, 2012, effective December 22, 2012, 42 Pa.B. 7673; amended March 6, 2020, effective March 7, 2020, 50 Pa.B. 1354. Immediately preceding text appears at serial pages (365036) to (365039).

§ 43b.10. [Reserved].**Source**

The provisions of this § 43b.10 adopted November 27, 1998, effective November 28, 1998, 28 Pa.B. 5883; reserved March 2, 2001, effective March 3, 2001, 31 Pa.B. 1227. Immediately preceding text appears at serial pages (250712) to (250714).

§ 43b.10a. Schedule of civil penalties—accountants.**STATE BOARD OF ACCOUNTANCY***Violation under**63 P.S.**Title/Description**Civil Penalty*

Section 9.8b(b)	Failure to complete 80 hours of acceptable continuing professional education during reporting period	1st offense—1 to 20 hour deficiency—\$300; 21 to 40 hour deficiency—\$600; 41 to 60 hour deficiency—\$800; 61 to 80 hour deficiency—\$1,000 ² 2nd or subsequent offense—formal action
Section 9.12(a)	Unlawful use of “certified public accountant,” “CPA” or similar representation by person who has not received a CPA certificate or whose certificate is revoked or suspended	1st offense—\$1,000 ¹ 2nd or subsequent offense—formal action
Section 9.12(c)	Unlawful use of “certified public accountant,” “public accountant,” “CPA,” “PA” or similar representation by a firm never licensed	1st offense—\$1,000 ¹ 2nd or subsequent offense—formal action
Section 9.12(j)	Unlawful use of “public accountant,” “PA” or similar representation by person who has not received a PA registration or CPA certificate	1st offense—\$1,000 ¹ 2nd or subsequent offense—formal action
Section 9.12(o)	Unlawful representation of membership in professional society, association or organization of CPAs or PAs by person not credentialed as CPA or PA or firm not licensed	1st offense—\$250 ¹ 2nd or subsequent offense—formal action

*Violation under**63 P.S.**Title/Description**Civil Penalty*

Section 9.12(q)	Engaging in the practice of public accounting in this Commonwealth when the individual's license is expired	1st offense—less than 6 months—\$500; 6 months or more— formal action 2nd or subsequent offense—formal action
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*Violation under**49 Pa. Code**Chapter 11*

Section 11.62(b)	Failure to complete 20 hours of acceptable continuing professional education during each year of reporting period	1st offense—\$300 2nd or subsequent offense—formal action
Section 11.63(a)(1)	Failure to complete 24 hours of acceptable continuing professional education in accounting and attest subjects during reporting period, if required	1st offense—\$50 per hour deficient, not to exceed \$1,000 ² 2nd or subsequent offense—formal action
Section 11.63(a)(7)	Failure to complete 4 hours of acceptable continuing professional education in professional ethics during reporting period	1st offense—\$300 ² 2nd or subsequent offense—formal action
Section 11.67(b)	Failure to timely submit documentation of continuing professional education during Board audit (assumes no other continuing education violation)	1st offense—\$500 2nd or subsequent offense—formal action

¹ The first offense provision does not apply to a situation involving multiple occurrences or a pattern or practice of misconduct.

² When there are violations of both 63 P.S. § 9.8b(b) and 49 Pa. Code § 11.63(a)(1) or (7) (relating to CPE subject areas; relevance to professional competence), a combined civil penalty will not be assessed for both sets of violations. The highest civil penalty will be assessed whether for the violation of 63 P.S. § 9.8b(b) or 49 Pa. Code § 11.63(a)(1) or (7).

Authority

The provisions of this § 43b.10a amended under section 5(a) of the act of July 2, 1993 (P.L. 345, No. 48) (63 P.S. § 2205(a)).

Source

The provisions of this § 43b.10a adopted March 2, 2001, effective March 3, 2001, 31 Pa.B. 1227; amended November 30, 2012, effective December 1, 2012, 42 Pa.B. 7275; amended September 22, 2017, effective January 1, 2018, 47 Pa.B. 5948. Immediately preceding text appears at serial pages (364449) to (364451).

Cross References

This section cited in 49 Pa. Code § 11.68a (relating to disciplinary action for failure to comply with CPE requirements).

§ 43b.11. [Reserved].**Source**

The provisions of this § 43b.11 adopted November 27, 1998, effective November 28, 1998, 28 Pa.B. 5883; reserved March 2, 2001, effective March 3, 2001, 31 Pa.B. 1227. Immediately preceding text appears at serial pages (250714) to (250715).

§ 43b.11a. Schedule of civil penalties—architects.**STATE ARCHITECTS LICENSURE BOARD**

Violation under 63 P. S. Chapter 9	Violation under 49 Pa. Code Chapter 9	Title/Description	Civil Penalty
Section 34.12	N/A	Anyone impressing an architect's seal or knowingly permitting it to be impressed on drawings, specifications or other design documents after the architect's license has been revoked, annulled or suspended.	1st offense— \$1,000 2nd offense— Formal action
Section 34.12	§ 9.142(a)	An architect whose license has expired impressing the architect's seal or knowingly permitting the architect's seal to be impressed on drawings, specifications or other design documents after lapse or expiration of the license.	0 to 6 months' lapse—Warning 6 to 12 months' lapse—\$500 12 to 24 months' lapse—\$1,000 24 months' or greater lapse— Formal action

Violation under 63 P. S. Chapter 9	Violation under 49 Pa. Code Chapter 9	Title/Description	Civil Penalty
Section 34.13(j)	§ 9.163	Engaging in the practice of architecture as a professional association, partnership, professional corporation, limited liability company, limited liability partnership or business corporation without first receiving the written approval of the Board.	0 to 6 months— Warning 6 to 12 months—\$500 12 to 24 months— \$1,000 Over 24 months— Formal action
Section 34.18(a)	§ 9.171	An individual engaging in the practice of architecture or offering to engage in the practice of architecture in this Commonwealth, or using any title, sign, card or device implying that the individual is competent to engage in the practice of architecture without ever having obtained a license to practice architecture in this Commonwealth.	1st offense— \$1,000 2nd offense— Formal action
Section 34.18(a)	§ 9.103	An individual engaging in the practice of architecture or offering to engage in the practice of architecture in this Commonwealth, or using any title, sign, card or device implying that the individual is competent to engage in the practice of architecture during a period when the individual's license issued by the Board is lapsed or expired.	0 to 6 months' lapse—Warning 6 to 12 months' lapse—\$500 12 to 48 months' lapse—\$1,000 48 months' or greater lapse— Formal action

Source

The provisions of this § 43b.11a adopted March 2, 2001, effective March 3, 2001, 31 Pa.B. 1227; amended December 22, 2006, effective December 23, 2006, 36 Pa.B. 7833. Immediately preceding text appears at serial pages (274991) to (274992).

§ 43b.12. [Reserved].**Source**

The provisions of this § 43b.12 adopted November 27, 1998, effective November 28, 1998, 28 Pa.B. 5883; reserved March 2, 2001, effective March 3, 2001, 31 Pa.B. 1227. Immediately preceding text appears at serial pages (250715) to (250718).

§ 43b.12a. Schedule of civil penalties—auctioneers, apprentice auctioneers and auction companies.**STATE BOARD OF AUCTIONEER EXAMINERS**

Violation Under 63 P.S.	Violations Under Title 49 Chapter 1	Description of Violation	Penalties
Sections 734.3(a), 734.5(e) and 734.20(a)(9)	N/A	Auctioneer or apprentice auctioneer operating on a lapsed license in this Commonwealth.	1st offense—\$500 2nd offense—\$1,000 3rd offense—formal action
Sections 734.3(a) and 734.20(a)(9)	N/A	Engaging in unlicensed auctioneering activities in this Commonwealth.	1st offense—\$1,000 2nd offense—formal action
Sections 734.3(a) and 734.20(a)(9)	N/A	Operating as an unlicensed auction company in this Commonwealth.	1st offense—\$500 2nd offense—\$1,000 3rd offense—formal action
Sections 734.3(a)(1), 734.5(e) and 734.20(a)(9)	N/A	Operating an auction company on a lapsed license in this Commonwealth.	1st offense—\$500 2nd offense—\$1,000 3rd offense—formal action

Violation Under 63 P.S.	Violations Under Title 49 Chapter 1	Description of Violation	Penalties
Section 734.20(a)(12)	N/A	Failure of an auctioneer to establish or maintain an escrow account.	1st offense—\$500 2nd offense—\$1,000 3rd offense—formal action
Sections 734.21 and 734.20(a)(9)	N/A	Failure of an auctioneer to immediately deposit gross auction sale proceeds into an escrow account.	1st offense—\$500 2nd offense—\$1,000 3rd offense—formal action
Sections 734.15.1 and 734.20(a)(9)	N/A	Failure of an auctioneer to enter into a written contract with the owner or consignor of the property to be sold at auction prior to the auction sale.	1st offense—\$500 2nd offense—\$1,000 3rd offense—formal action
Sections 734.15.1 and 734.20(a)(9)	N/A	Failure of an auctioneer to keep contracts on file in the office of the auctioneer.	1st offense—\$500 2nd offense—\$1,000 3rd offense—formal action
Sections 734.16(b) and 734.20(a)(9)	N/A	Failure or refusal of an auctioneer to permit inspection of auction sale records at all reasonable times by BEI inspectors or investigators.	1st offense—\$500 2nd offense—\$1,000 3rd offense—formal action
Sections 734.18(a) and 734.20(a)(9)	N/A	Failure of an auctioneer to display auctioneer license in the auctioneer's office.	1st offense—\$250 2nd offense—\$500 3rd offense—formal action

Violation Under 63 P.S.	Violations Under Title 49 Chapter 1	Description of Violation	Penalties
Sections 734.18(b) and 734.20(a)(9)	N/A	Failure of an apprentice auctioneer to display the apprentice auctioneer license in the apprentice auctioneer's office.	1st offense—\$250 2nd offense—\$500 3rd offense— formal action
Section 734.20(a)(10)	§ 131(c) and (d)	Failure of a sponsor to either directly supervise the apprentice while the apprentice is conducting an auction or to provide for appropriate substitute supervision of the apprentice by a qualified auctioneer.	1st offense—\$500 2nd offense— \$1,000 3rd offense— formal action
Section 734.20(a)(10)	§ 1.31(c) and (e)	Apprentice auctioneer conducting an auction sale without direct supervision by either the sponsor or an authorized substitute sponsor.	1st offense—\$500 2nd offense— \$1,000 3rd offense— formal action

Authority

The provisions of this § 43b.12a amended under section 5(a) of the act of July 2, 1993 (P.L. 345, No. 48) (63 P.S. § 2205(a)).

Source

The provisions of this § 43b.12a adopted March 2, 2001, effective March 3, 2001, 31 Pa.B. 1227; amended March 6, 2020, effective March 7, 2020, 50 Pa.B. 1354. Immediately preceding text appears at serial pages (325203) to (325204) and (363523) to (363524).

§ 43b.13. [Reserved].

Source

The provisions of this § 43b.13 adopted November 27, 1998, effective November 28, 1998, 28 Pa.B. 5883; reserved March 2, 2001, effective March 3, 2001, 31 Pa.B. 1227. Immediately preceding text appears at serial page (250719).

§ 43b.13a. Schedule of civil penalties—engineers, land surveyors and geologists.

STATE REGISTRATION BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS AND GEOLOGISTS

Violation Under

63 P.S.	Title/Description	Penalties
Section 150(a)	Offering to practice engineering, land surveying or geology in this Commonwealth by representing oneself as an engineer, land surveyor or geologist on sign, advertisement, letterhead or card, as construed by 63 P.S. § 150(b), without being licensed or registered	1st offense—\$1,000 2nd offense—formal action
Section 151.5(b) and (c)	Failure to complete the required amount of continuing education	First offense—\$50 per hour of deficiency, not to exceed \$1,000 Subsequent offense—formal action

Violation Under

49 Pa. Code

Chapter 37	Title/Description	Penalties
Section 37.111(f)	Failure to respond to continuing education audit request within 30 days or other time period in audit request	First offense—\$100 Second offense—\$250 Third offense—\$500 Subsequent offense—formal action
Section 37.18(3)	Practicing engineering, land surveying or geology in this Commonwealth after license and registration have lapsed (while in compliance with continuing education requirements)	One renewal cycle or less—\$50 per month lapsed, not to exceed \$1,000 More than one renewal cycle—formal action

Authority

The provisions of this § 43b.13a amended under section 5(a) of the act of July 2, 1993 (P.L. 345, No. 48) (63 P.S. § 2205(a)).

Source

The provisions of this § 43b.13a adopted March 2, 2001, effective March 3, 2001, 31 Pa.B. 1227; amended June 3, 2011, effective June 4, 2011, 41 Pa.B. 2853; amended August 24, 2012, effective August 25, 2012, 42 Pa.B. 5493; amended March 6, 2020, effective March 7, 2020, 50 Pa.B. 1354. Immediately preceding text appears at serial pages (363524) to (363525).

Cross References

This section cited in 49 Pa. Code § 37.111 (relating to continuing education).

§ 43b.14. [Reserved].**Source**

The provisions of this § 43b.14 adopted November 27, 1998, effective November 28, 1998, 28 Pa.B. 5883; reserved March 2, 2001, effective March 3, 2001, 31 Pa.B. 1227. Immediately preceding text appears at serial page (250720).

§ 43b.14a. Schedule of civil penalties—dentists, dental hygienists and expanded function dental assistants.**STATE BOARD OF DENTISTRY****Violation under****49 Pa. Code****Title/Description****Civil penalty**

§ 33.105(c)

Practicing on a lapsed license/
certificate1st offense—
Dentists—\$100/month
Dental hygienists—
\$50/month
Expanded function
dental assistants—
\$25/month
2nd offense—formal
action**Authority**

The provisions of this § 43b.14a amended under section 5(a) of the act of July 2, 1993 (P.L. 345, No. 48) (63 P.S. § 2205(a)).

Source

The provisions of this § 43b.14a adopted March 2, 2001, effective March 3, 2001, 31 Pa.B. 1227; amended March 6, 2020, effective March 7, 2020, 50 Pa.B. 1354. Immediately preceding text appears at serial page (363526).

**§ 43b.15. Schedule of civil penalties—certified real estate appraisers—
statement of policy.**

STATE BOARD OF CERTIFIED REAL ESTATE APPRAISERS

Violation under

63 P. S.

Title/Description

Civil Penalty

Section 457.3	Holding oneself out as a State-certified real estate appraiser without current, valid appraiser certification	1st offense—\$500 2nd offense—formal action
Section 457.3	Performing real estate appraisal without current, valid appraiser certification	1st offense—\$500 2nd offense—formal action
Section 457.13	Failing to report multiple certifications on biennial renewal application	1st offense—\$100 2nd offense—\$250
Section 457.13	Failing to report disciplinary action taken by another jurisdiction on the biennial renewal application or within 90 days of disposition, whichever is sooner	1st offense—\$500 2nd offense—\$1,000
Section 458.8	Performing valuation of real property for ad valorem tax purposes without current, valid Certified Pennsylvania Evaluator (CPE) certification	1st offense—\$500 2nd offense—formal action

**Violation Under
49 Pa. Code**

Chapter 36	Title/Description	Civil Penalty
Section 36.13(a)(3)(iii)	Failing to ensure that appraiser assistant signs appraisal document as assistant to certified real estate appraiser	1st offense—\$250 2nd offense—\$500
Section 36.51	Failing to retain workfile for period required under Uniform Standards of Professional Appraisal Practice (USPAP) Ethics Rule on recordkeeping	1st offense—\$250 2nd offense—\$500
Section 36.51	Failing to identify type of appraisal report under USPAP Standards Rule 2-2	1st offense—\$250 2nd offense—\$500
Section 36.52	Failing to place name, signature, title and appraiser certification number on appraisal report or appraisal agreement	1st offense—\$125 2nd offense—\$250
Section 36.91(c)	Practicing on an expired appraiser certification	1st offense 0—5 mos.—\$250 6—12 mos.—\$500 Over 12 mos.—formal action 2nd offense—formal action
Section 36.265	Failing to place name, signature, title and CPE certification number on appraisal report	1st offense—\$125 2nd offense—\$250
Section 36.271(c)	Practicing on expired CPE certification	1st offense 0—5 mos.—\$250 6—12 mos.—\$500 Over 12 mos.—formal action 2nd offense—formal action

Source

The provisions of this § 43b.15 amended October 22, 2004, effective October 23, 2004, 34 Pa.B. 5809.

§ 43b.16. [Reserved].**Source**

The provisions of this § 43b.16 adopted October 22, 2004, effective October 23, 2004, 34 Pa.B. 5809; reserved November 19, 2010, effective November 20, 2010, 40 Pa.B. 6663. Immediately preceding text appears at serial page (325210).

§ 43b.16a. Schedule of civil penalties—audiologists and speech-language pathologists.

**STATE BOARD OF EXAMINERS IN SPEECH-LANGUAGE
PATHOLOGY AND AUDIOLOGY**

Violation under	Title/Description	Civil Penalty
63 P. S. § 1706	Practicing as an audiologist or speech-language pathologist on a lapsed license	0—12 months—\$50 per month Over 12 months— formal action 2nd offense—formal action
49 Pa. Code § 45.501	Failure to complete 20 hours of approved continuing education during a biennial renewal period	1st offense—\$100 per clock hour 2nd offense—formal action

Authority

The provisions of this § 43b.16a amended under section 5 of the act of July 2, 1993 (P.L. 345, No. 48) (63 P.S. § 2205).

Source

The provisions of this § 43b.16a adopted November 19, 2010, effective November 20, 2010, 40 Pa.B. 6663; amended July 14, 2017, effective July 15, 2017, 47 Pa.B. 3814. Immediately preceding text appears at serial page (375002).

Cross References

This section cited in 49 Pa. Code § 45.507 (relating to disciplinary action authorized).

§ 43b.17. Schedule of civil penalties—nursing home administrators—statement of policy.

**STATE BOARD OF EXAMINERS OF NURSING HOME
ADMINISTRATORS**

Violation under	Title/Description	Civil Penalty
63 P. S. Section 1114.1	Practicing nursing home administration on a lapsed license	0 to 12 months—\$80 per month Over 12 months— formal action 2nd offense—formal action

Source

The provisions of this § 43b.17 adopted October 22, 2004, effective October 23, 2004, 34 Pa.B. 5809.

§ 43b.18. [Reserved].**Source**

The provisions of this § 43b.18 adopted October 22, 2004, effective October 23, 2004, 34 Pa.B. 5809; reserved July 3, 2008, effective July 5, 2008, 38 Pa.B. 3654. Immediately preceding text appears at serial page (325211).

§ 43b.18a. Schedule of civil penalties—nurses.**STATE BOARD OF NURSING**

Violation under 63 P. S.	Title/Description	Civil Penalty
Section 225.4	Practicing professional nursing on a lapsed license	1st offense— 0—12 mos.— \$100 per month up to \$1,000 Over 12 months— Formal action 2nd offense— Formal action
Section 664(4)	Practicing practical nursing on a lapsed license	1st offense— 0—12 mos.— \$75 per month; Over 12 months— Formal action 2nd offense— Formal action
Section 225.4	Holding oneself out as a licensed dietitian-nutritionist on a lapsed license	1st offense— 0—12 months— \$100 per month up to \$1,000 Over 12 months— Formal action 2nd offense— Formal action

Violation under 63 P. S. Section 222(b)	Title/Description	Civil Penalty
	Failure to complete 30 hours of approved continuing education	1st offense— Deficiency of 1—10 hours—\$250 Deficiency of 11—20 hours—\$500 Deficiency of 21—30 hours— \$1,000 2nd offense— Formal action

Source

The provisions of this § 43b.18a adopted July 3, 2008, effective July 5, 2008, 38 Pa.B. 3654.

Cross References

This section cited in 49 Pa. Code § 21.131 (relating to continuing education); and 49 Pa. Code § 21.823 (relating to CNS-level continuing education; waiver; sanctions).

§ 43b.19. Schedule of civil penalties—occupational therapists and occupational therapy assistants—statement of policy.

**STATE BOARD OF OCCUPATIONAL THERAPY EDUCATION AND
LICENSURE**

Violation under 63 P. S.	Title/Description	Civil Penalty
Section 1506(a)	License Required—Practicing or indicating the ability to practice occupational therapy by person never licensed	0 to 4 months—\$50 per month over 4 months to 8 months—\$100 per month 9 months and over— \$200 per month, up to total of \$1,000
Section 1513(b)	Use of title occupational therapist or licensed occupational therapist or the letters O.T./L., O.T.R./L., L./O.T. or L./O.T.R. by person never licensed or not holding a current license	1st offense—\$500 2nd offense—\$1,000

**Violation under
63 P. S.**

Section 1513(c)

Title/Description

Use of words occupational therapy assistant or licensed occupational therapy assistant or the letters C.O.T.A./L., O.T.A./L., L./C.O.T.A. or L./O.T.A. by person never licensed or not holding a current license.

Civil Penalty

1st offense—\$500
2nd offense—\$1,000

Section 1515(a)

Renewal of license—Practicing on a lapsed license

0 to 4 months—\$50 per month
over 4 months to 8 months—\$100 per month
9 months and over—\$200 per month, up to total of \$1,000

Source

The provisions of this § 43b.19 adopted October 22, 2004, effective October 23, 2004, 34 Pa.B. 5809.

§ 43b.20. Schedule of civil penalties—physicians and other board regulated practitioners—statement of policy.

STATE BOARD OF MEDICINE**Violation under
40 P. S.**

1303.903(1)

Title/Description

Failure of physician to report to the Board within 60 days of the occurrence of any of those events enumerated in Section 903(1) of the Medical Care Availability and Reduction of Error (Mcare) Act.

Civil Penalty

Each offense—\$1,000

Source

The provisions of this § 43b.20 adopted October 22, 2004, effective October 23, 2004, 34 Pa.B. 5809.

§ 43b.21. [Reserved].

Source

The provisions of this § 43b.21 adopted June 8, 2007, effective June 9, 2007, 37 Pa.B. 2608; reserved November 19, 2010, effective November 20, 2010, 40 Pa.B. 6664. Immediately preceding text appears at serial page (352834).

§ 43b.21a. Schedule of civil penalties—veterinarians and certified veterinary technicians.

STATE BOARD OF VETERINARY MEDICINE

<i>Violation under 63 P. S.</i>	<i>Violation under 49 Pa. Code Chapter 31</i>	<i>Title/Description</i>	<i>Civil Penalty</i>
Sections 485.17 and 485.21(3)	N/A	Failure to display current license.	Each offense—\$100
Section 485.21(1)	§ 31.21 Principle 5(c)	Improper advertising of emergency services.	First offense—\$250 Second offense—\$1,000 Subsequent offense—formal action
Sections 485.9(a) and 485.21(1)	§ 31.13	Practicing veterinary medicine on an expired license.	0—6 months—warning 7—12 months—\$500 13—24 months—\$750 25—30 months—\$1,000 More than 30 months—formal action
Section 485.21(1)	§ 31.36	Practicing veterinary technology on an expired certificate.	0—6 months—warning 7—12 months—\$250 13—24 months—\$500 25—30 months—\$750 More than 30 months—formal action

<i>Violation under 63 P. S.</i>	<i>Violation under 49 Pa. Code Chapter 31</i>	<i>Title/Description</i>	<i>Civil Penalty</i>
Section 485.18	§ 31.15	Failure of veterinarian to complete required continuing education during the preceding biennial renewal period, which is corrected within 6 months.	First offense—\$150 per credit hour Second offense—formal action
Section 485.18	§ 31.36(a)	Failure of certified veterinary technician to complete required continuing education during the preceding biennial renewal period, which is corrected within 6 months.	First offense—\$25 per credit hour Second offense—formal action
Section 485.21(1)	§ 31.21 Principle 8(d)	Improper labeling of dispensed drugs.	First offense—\$500 Second offense—\$1,000 Subsequent offense—formal action
Section 485.21(1)	§ 31.21 Principle 8(c)	Improper packaging of dispensed drugs.	First offense—\$500 Second offense—\$1,000 Subsequent offense—formal action

Source

The provisions of this § 43b.21a adopted November 19, 2010, effective November 20, 2010, 40 Pa.B. 6664.

§ 43b.22. Schedule of civil penalties—chiropractors.**STATE BOARD OF CHIROPRACTIC***Violation Under**63 P. S.**Title/Description**Penalties*

Section 625.507(a)

Failure to timely complete the required amount of continuing education

First offense—\$50 per hour of deficiency, not to exceed \$1,000
Subsequent offense—formal action*Violation Under**49 Pa. Code**Chapter 5**Title/Description**Penalties*

Section 5.17(g)

Practice on a lapsed license in compliance with continuing education and malpractice insurance requirements—first offense

Less than 6 months—\$250
6 months to 12 months—\$500
12 months to 24 months—\$1,000**Source**

The provisions of this § 43b.22 adopted June 3, 2011, effective June 4, 2011, 41 Pa.B. 2856.

Cross References

This section cited in 49 Pa. Code § 5.77 (relating to failure to meet continuing education requirements).

§ 43b.23. [Reserved].**Source**

The provisions of this § 43b.23 adopted September 24, 2010, effective September 25, 2010, 40 Pa.B. 5478; reserved November 18, 2016, effective November 19, 2016, 46 Pa.B. 7274. Immediately preceding text appears at serial pages (356928) and (369755) to (369756).

§ 43b.23a. Schedule of civil penalties—massage therapists.**STATE BOARD OF MASSAGE THERAPY**

<i>Violation under 63 P.S.</i>	<i>Violation under 49 Pa. Code</i>	<i>Title/Description</i>	<i>Civil Penalty</i>
	Section 20.42(a)(14)	Failure to display current license or wallet card.	1st offense—\$250 2nd and subsequent offenses—\$500
	Section 20.42(a)(15)	Failure to include massage therapy license number in advertisements.	1st offense—\$250 2nd and subsequent offenses—\$500
	Section 20.42(a)(16)	Failure to display name and title.	1st offense—\$250 2nd and subsequent offenses—\$500
Section 627.6(b)(1)(i)		Failure to hold current certification to administer CPR.	1st offense—\$250 2nd offense—\$500 Subsequent offense—formal action
Sections 627.6(b)(1)(ii) and 627.4(6)	Section 20.32(a)	Failure to complete 24 hours of continuing education courses approved by the Board during the 24 months preceding license renewal.	1st offense—\$100 per credit hour up to 10 credit hours More than 10 credit hours—formal action 2nd and subsequent offenses—formal action
Section 627.14(a)		Holding oneself out as a massage therapist or practicing massage therapy while unlicensed.	1st offense—\$1,000 2nd and subsequent offenses—formal action
Section 627.14(c)		Employing an individual in massage therapy who is not licensed.	1st offense—\$1,000 2nd and subsequent offenses—formal action

<i>Violation under 63 P.S.</i>	<i>Violation under 49 Pa. Code</i>	<i>Title/Description</i>	<i>Civil Penalty</i>
Section 627.14(d)		A business utilizing the words massage, massage therapist, massage practitioner, masseur, masseuse, myotherapist or any derivative of these terms or abbreviations, unless the services of the business are provided by licensees.	1st offense—\$500 2nd and subsequent offenses—formal action
Section 627.14(e)	Section 20.31(b) and (i)	Practicing massage therapy on an expired or inactive license.	1st offense—12 months or less—\$250 More than 12 months but no more than 18 months—\$500 More than 18 months but no more than 24 months—\$1,000 More than 24 months—formal action 2nd offense—12 months or less—\$500 More than 12 months but no more than 18 months—\$1,000 More than 18 months—formal action Subsequent offenses—formal action

Source

The provisions of this § 43b.23a adopted November 18, 2016, effective November 19, 2016, 46 Pa.B. 7274.

Cross References

This section cited in 49 Pa. Code § 20.34 (relating to penalty for failure to complete continuing education).

§ 43b.24. Schedule of civil penalties—social workers, marriage and family therapists and professional counselors.**STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY
THERAPISTS AND
PROFESSIONAL COUNSELORS**

<i>Violation under 63 P. S.</i>	<i>Title/Description</i>	<i>Penalties</i>
Sections 1904 and 1916	Holding oneself out as a licensed social worker, using the letters L.S.W. in connection with one's name or using words or symbols indicating or tending to indicate that one is a licensed social worker without first having obtained a license from the Board	1st offense—\$500 2nd and subsequent offenses—formal action
Sections 1904 and 1916.1	Holding oneself out as a licensed clinical social worker, using the letters L.C.S.W. in connection with one's name or using words or symbols indicating or tending to indicate that one is a licensed clinical social worker without first having obtained a license from the Board	1st offense—\$500 2nd and subsequent offenses—formal action
Sections 1904 and 1916.2	Holding oneself out as a licensed marriage and family therapist, using the letters L.M.F.T. in connection with one's name or using words or symbols indicating or tending to indicate that one is a licensed marriage and family therapist without first having obtained a license from the Board	1st offense—\$500 2nd and subsequent offenses—formal action

<i>Violation under 63 P. S.</i>	<i>Title/Description</i>	<i>Penalties</i>
Sections 1904 and 1916.3	Holding oneself out as a licensed professional counselor, using the letters L.P.C. in connection with one's name or using words or symbols indicating or tending to indicate that one is a licensed professional counselor without first having obtained a license from the Board	1st offense—\$500 2nd and subsequent offenses—formal action
Section 1920(a)	Holding oneself out as a licensed social worker, licensed clinical social worker, licensed marriage and family therapist or licensed professional counselor on a lapsed or expired license	1st offense—0 to 12 months—\$100 per month up to \$1,000; over 12 months—formal action 2nd and subsequent offense—formal action
Section 1920(a.1)	Holding oneself out as a social worker, using the title of “social worker” or using the abbreviation “S.W.” without meeting the criteria in the definition of “social worker” in 63 P. S. § 1903	1st offense—\$500 2nd and subsequent offenses—formal action
<i>Violation under 49 Pa. Code</i>	<i>Title/Description</i>	<i>Penalties</i>
Section 47.32(a)	Failure of a licensed social worker to complete 30 clock hours of continuing education in acceptable courses and programs in social work offered by approved providers during the preceding biennium as a condition of renewal, including at least 3 clock hours in ethical issues	1st offense—less than 3 hours deficient—warning; 3 to 10 hours deficient—\$100 per hour; over 10 hours deficient—formal action 2nd and subsequent offenses—formal action

*Violation**under 49 Pa. Code**Title/Description**Penalties*

Section 47.32(b)	Failure of a licensed clinical social worker to complete 30 clock hours of continuing education in acceptable courses and programs in social work offered by approved providers during the preceding biennium as a condition of renewal, including at least 3 clock hours in ethical issues	1st offense—less than 3 hours deficient—warning; 3 to 10 hours deficient—\$100 per hour; over 10 hours deficient—formal action 2nd and subsequent offenses—formal action
Section 48.32	Failure of a licensed marriage and family therapist to complete 30 clock hours of continuing education in acceptable courses and programs offered by approved providers during the preceding biennium as a condition of renewal, including at least 3 clock hours in ethical issues	1st offense—less than 3 hours deficient—warning; 3 to 10 hours deficient—\$100 per hour; over 10 hours deficient—formal action 2nd and subsequent offenses—formal action
Section 49.32	Failure of a licensed professional counselor to complete 30 clock hours of continuing education in acceptable courses and programs offered by approved providers during the preceding biennium as a condition of renewal, including at least 3 clock hours in ethical issues	1st offense—less than 3 hours deficient—warning; 3 to 10 hours deficient—\$100 per hour; over 10 hours deficient—formal action 2nd and subsequent offenses—formal action

Source

The provisions of this § 43b.24 adopted December 13, 2013, effective December 14, 2013, 43 Pa.B. 7279.

Cross References

This section cited in 49 Pa. Code § 23.82 (relating to continuing education hour requirements; continuing education reporting; audit and enforcement).

§ 43b.25. Schedule of civil penalties—optometrists.**STATE BOARD OF OPTOMETRY***Violation under**63 P. S.**Title/Description**Civil Penalty*

Section 244.8(d)

Practicing or offering to practice optometry by person whose license is expired.

1st offense—less than 5 months—\$250; 5 months to 8 months—\$500; over 8 months to 12 months—\$1,000; over 12 months—formal action

2nd offense—less than 6 months—\$500; 6 months to 12 months—\$1,000; over 12 months—formal action

3rd or subsequent offense—formal action

*Violation under**49 Pa. Code**Title/Description**Civil Penalty*

§ 23.82(a)

Failure to complete required hours of continuing education during the 2 years preceding renewal or reactivation.

1st offense—20 or fewer hours of deficiency—\$50 per hour; more than 20 hours of deficiency—formal action

2nd offense—10 or fewer hours of deficiency—\$100 per hour; more than 10 hours of deficiency—formal action

3rd or subsequent offense—formal action

Source

The provisions of this § 43b.25 adopted June 26, 2015, effective June 27, 2015, 45 Pa.B. 3360.

§ 43b.26. Schedule of civil penalties—physical therapists and physical therapist assistants.

STATE BOARD OF PHYSICAL THERAPY

Violation under

49 Pa. Code

Title/Description

Penalties

Section 40.20(b)	Practicing physical therapy after failing to renew but before reactivation of license (in compliance with continuing education requirements)	One biennial renewal cycle or less—\$50 per month lapsed, not to exceed \$1,000 More than one biennial renewal cycle—formal action
Section 40.67(a)	Failure of licensed physical therapist to complete the required amount of continuing education	1st offense—\$25 per hour of deficiency, not to exceed \$1,000 2nd offense—deficient 20 hours or less—\$50 per hour of deficiency not to exceed \$1,000 2nd offense—deficient more than 20 hours—formal action 3rd offense—deficient 10 hours or less—\$100 per hour of deficiency not to exceed \$1,000 3rd offense—deficient more than 10 hours—formal action Subsequent offenses—formal action

<i>Violation under 49 Pa. Code</i>	<i>Title/Description</i>	<i>Penalties</i>
Section 40.67(b)(3)	Failure of licensed physical therapist to respond to continuing education audit request within 30 days, or other time period set forth in audit request that notifies the licensee that failure to respond is subject to discipline	1st offense—\$100 2nd offense—\$250 3rd offense—\$500 Subsequent offenses—formal action
Section 40.191(j)	Providing services as a physical therapist assistant after failing to renew but before reactivation of certification (in compliance with continuing education requirements)	One biennial renewal cycle or less—\$50 per month lapsed, not to exceed \$1,000 More than one biennial renewal cycle—formal action
Section 40.192(a)	Failure of certified physical therapist assistant to complete the required amount of continuing education	1st offense—\$25 per hour of deficiency, not to exceed \$1,000 2nd offense—deficient 20 hours or less—\$50 per hour of deficiency, not to exceed \$1,000 2nd offense—deficient more than 20 hours—formal action 3rd offense—deficient 10 hours or less—\$100 per hour of deficiency, not to exceed \$1,000 3rd offense—deficient more than 10 hours—formal action Subsequent offenses—formal action

*Violation under
49 Pa. Code*

	<i>Title/Description</i>	<i>Penalties</i>
Section	Failure of certified	1st offense—\$100
40.192(b)(3)	physical therapist	2nd offense—\$250
	assistant to respond	3rd offense—\$500
	to continuing	Subsequent offenses—formal action
	education audit request	
	within 30 days, or	
	other time period set	
	forth in audit request	
	that notifies the	
	physical therapist	
	assistant that failure	
	to respond is subject to	
	discipline	

Source

The provisions of this § 43b.26 adopted October 21, 2016, effective October 22, 2016, 46 Pa.B. 6643.

Cross References

This section cited in 49 Pa. Code § 40.67 (relating to continuing education for licensed physical therapist); and 49 Pa. Code § 40.192 (relating to continuing education for certified physical therapist assistant).

§ 43b.27. Schedule of civil penalties—podiatrists.**STATE BOARD OF PODIATRY***Violation**Under*

63 P.S.

Violation Under

49 Pa. Code

*Title/Description**Civil Penalty*

Section

42.12

Section

29.14(a)

Practicing or offering
to practice podiatry by
a person whose license
is expired

1st offense—\$50 per
month, or portion of
a month, not to
exceed \$1,000; over
20 months—formal
action

2nd offense—\$100 per
month, or portion of
a month, not to
exceed \$1,000; over
10 months—formal
action

Subsequent offenses—
formal action

Section

42.9a

Section

29.61(a)

Failure to complete
required hours of
continuing education
during the 2 years
preceding renewal

1st offense—\$50 per
hour of deficiency,
not to exceed \$1,000;
over 20 hours—
formal action

2nd offense—\$100 per
hour of deficiency,
not to exceed \$1,000;
over 10 hours—
formal action

Subsequent offenses—
formal action

Source

The provisions of this § 43b.27 adopted September 29, 2017, effective September 30, 2017, 47 Pa.B. 6051.

§ 43b.28. Schedule of civil penalties—crane operators.**STATE BOARD OF CRANE OPERATORS**

<i>Violation under 63 P.S.</i>	<i>Violation under 49 Pa. Code</i>	<i>Title/Description</i>	<i>Penalties</i>
Section 2400.501(a)	§ 6.41(a)	Operating a crane without a license, provided that no bodily injury or property damage was involved.	1st Offense—\$750 Subsequent offenses— formal action
Section 2400.501(b)	§ 6.43(a)	Employing, allowing, directing, retaining or hiring an unlicensed individual or independent contractor to operate a crane, provided that no bodily injury or property damage was involved.	1st Offense—\$1,000 Subsequent offenses— formal action
Section 2400.501(e)	§ 6.41(a)	Holding oneself out as being able to operate a crane or using the title “licensed crane operator” or the abbreviation “L.C.O.” without a license or after a crane operator’s license has lapsed or expired.	1st Offense—\$500 2nd Offense—\$750 Subsequent offenses— formal action

<i>Violation under 63 P.S.</i>	<i>Violation under 49 Pa. Code</i>	<i>Title/Description</i>	<i>Penalties</i>
	§ 6.31(a)	Operating a crane on a lapsed or expired (unregistered) license, provided that no bodily injury or property damage was involved.	1st Offense—Up to 24 months, \$50 per month not to exceed \$1,000; over 24 months—formal action 2nd Offense—Up to 12 months, \$100 per month not to exceed \$1,000; over 12 months—formal action Subsequent offenses—formal action
	§ 6.42(f)	Failing to notify the Board in writing within 10 days of the institution of criminal proceedings in a court case against the crane operator.	1st Offense—\$750 Subsequent offenses—formal action
Section 2400.502(b)	§ 6.32(a)(2)	Failing to maintain certification or to submit evidence of renewal of certification before the expiration date of certification.	1st offense—\$1,000 Subsequent offenses—formal action

Authority

The provisions of this § 43b.28 added under 63 Pa.C.S. § 3108(a)(1).

Source

The provisions of this § 43b.28 added December 3, 2021, effective December 4, 2021, 51 Pa.B. 7465.

Subchapter B. EXPUNGEMENT

Sec.

43b.101. Definitions.

43b.102. Expungement of disciplinary records.

43b.103. Application for expungement.

Authority

The provisions of this Subchapter B issued under the act of February 15, 2018 (P.L. 14, No. 6); and sections 506 and 810(a)(7) of The Administrative Code of 1929 (71 P.S. §§ 186 and 279.1(a)(7)), unless otherwise noted.

Source

The provisions of this Subchapter B adopted September 27, 2019, effective September 28, 2019, 49 Pa.B. 5572, unless otherwise noted.

§ 43b.101. Definitions.

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

Expunge or expungement—Removal of a disciplinary record from a licensee's record accomplished by (1) permanently sealing the affected record from public access; (2) deeming the disciplinary proceedings to which the affected record refers as not having occurred; and (3) except with respect to any subsequent application for expungement, affording the licensee the right to represent that no record exists regarding the subject matter of the affected record.

Licensee—Any person holding a license, registration, certificate or permit issued by a licensing board or commission under the Bureau.

§ 43b.102. Expungement of disciplinary records.

(a) *Eligibility*. The following disciplinary records are eligible for expungement:

(1) Discipline imposed for a violation involving failure to complete continuing education requirements.

(2) Discipline imposed for a violation involving practicing for 6 months or less on a lapsed or expired license, registration, certificate or permit.

(b) *Prohibition*. The Commissioner will not expunge disciplinary records for any violation other than those listed in subsection (a).

(c) *Criteria for expungement of an eligible disciplinary record*. The Commissioner will expunge an eligible disciplinary record if the following criteria are met:

(1) The disciplinary record must be the licensee's only disciplinary record with a licensing board or commission under the Commissioner's jurisdiction.

(2) The licensee may not be the subject of an active investigation related to professional or occupational conduct.

(3) The licensee may not be in a current disciplinary status, such as revoked, suspended or on probation.

(4) Any fees or fines, including civil penalties and costs imposed in a disciplinary proceeding, assessed against the licensee must be paid in full.

(5) The licensee may not have had a disciplinary record previously expunged by the Commissioner.

§ 43b.103. Application for expungement.

(a) A licensee may apply for expungement in accordance with this subchapter in the manner and format prescribed by the Commissioner.

(b) A licensee may apply for expungement not earlier than 4 years from the final disposition of the disciplinary record.

(c) A licensee applying for expungement shall pay the fee set forth in § 43b.201 (relating to fees for services) for expungement of a disciplinary record.

Subchapter C. FEES

Sec.

43b.201. Fees for services.

Authority

The provisions of this Subchapter C issued under the act of February 15, 2018 (P.L. 14, No. 6; and sections 506 and 810(a)(7) of The Administrative Code of 1929 (71 P.S. §§ 186 and 279.1(a)(7)), unless otherwise noted.

Source

The provisions of this Subchapter C adopted September 27, 2019, effective September 28, 2019, 49 Pa.B. 5572, unless otherwise noted.

§ 43b.201. Fees for services.

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

Expungement of a disciplinary record \$155

Cross References

This section cited in 49 Pa. Code § 43b.103 (relating to application for expungement).

Subchapter D. PRACTICE AND PROCEDURE

Sec.

43b.301. Applicability of general rules of practice and procedure.

43b.302. Representation in formal proceedings.

Authority

The provisions of this Subchapter D added under 63 Pa.C.S. § 3105(b), unless otherwise noted.

Source

The provisions of this Subchapter D added December 24, 2021, effective December 25, 2021, 51 Pa.B. 7984, unless otherwise noted.

§ 43b.301. Applicability of general rules of practice and procedure.

(a) Under 1 Pa. Code § 31.1 (relating to scope of part), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) is applicable to the activities of and formal proceedings before the licensing boards and commissions under the Bureau insofar as it is not inconsistent with this chapter.

(b) Subsection (a) supplements 1 Pa. Code § 31.1.

§ 43b.302. Representation in formal proceedings.

(a) *General rule.* In formal proceedings before the licensing boards and commissions under the Bureau, an individual may appear on their own behalf or may be represented by an attorney as provided under 1 Pa. Code § 31.22 (relating to appearance by attorney). A partnership, corporation, limited liability company, trust, association, agency or political subdivision may be represented in formal proceedings by an attorney as provided by 1 Pa. Code § 31.22 or may be represented in formal proceedings by a non-attorney as provided in subsection (b).

(b) *Non-attorney representation authorized.* Non-attorney representation of partnerships, corporations, limited liability companies, trusts, associations, agencies or political subdivisions in formal proceedings before the licensing boards and commissions is permitted as follows:

(1) A general partner of a partnership may represent the partnership.

(2) A bona fide officer or director of a for profit or not-for-profit corporation may represent the corporation.

(3) A manager of a manager-managed limited liability company or a member of a member-managed limited liability company may represent the limited liability company.

(4) A trustee of a trust may represent the trust.

(5) A member or other authorized representative of any other type of association may represent the association.

(6) An officer or employee of an agency or political subdivision may represent the agency or political subdivision, provided the rules and policies of that agency or subdivision allow the representation.

(c) *Applicability of the General Rules of Administrative Practice and Procedure.* Subsections (a) and (b) supersede 1 Pa. Code §§ 31.21 and 31.23 (relating to appearance in person; and other representation prohibited at hearings) regarding representation of partnerships, corporations, limited liability companies, trusts, associations, agencies or political subdivisions in formal proceedings before the licensing boards and commissions under the Bureau.

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