

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
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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 individualized 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.

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