

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 158 Session of
2003

INTRODUCED BY MICOZZIE, DeLUCA, HENNESSEY, MANDERINO, PIPPY,
SATHER, TANGRETTI, VANCE, WALKO, BISHOP, BROWNE, DAILEY,
J. EVANS, FREEMAN, LEVDANSKY, MUNDY, STABACK, STEIL, SURRA,
E. Z. TAYLOR, TIGUE, WASHINGTON AND YOUNGBLOOD,
FEBRUARY 26, 2003

REFERRED TO COMMITTEE ON INSURANCE, FEBRUARY 26, 2003

AN ACT

1 Amending the act of March 20, 2002 (P.L.154, No.13), entitled
2 "An act reforming the law on medical professional liability;
3 providing for patient safety and reporting; establishing the
4 Patient Safety Authority and the Patient Safety Trust Fund;
5 abrogating regulations; providing for medical professional
6 liability informed consent, damages, expert qualifications,
7 limitations of actions and medical records; establishing the
8 Interbranch Commission on Venue; providing for medical
9 professional liability insurance; establishing the Medical
10 Care Availability and Reduction of Error Fund; providing for
11 medical professional liability claims; establishing the Joint
12 Underwriting Association; regulating medical professional
13 liability insurance; providing for medical licensure
14 regulation; providing for administration; imposing penalties;
15 and making repeals," providing for public disclosure of
16 information concerning physicians.

17 The General Assembly of the Commonwealth of Pennsylvania
18 hereby enacts as follows:

19 Section 1. The act of March 20, 2002 (P.L.154, No.13), known
20 as the Medical Care Availability and Reduction of Error (Mcare)
21 Act, is amended by adding a section to read:

22 Section 911. Public disclosure.

23 (a) Data repository established.--There shall be jointly

1 established between the State Board of Medicine and the State
2 Osteopathic Board of Medicine a data repository which shall
3 annually collect information to create individual profiles on
4 each physician licensed in the Commonwealth. The information
5 shall be collected on a form prescribed by the licensing board
6 and shall be made available to the general public on the
7 Department of State's publicly accessible World Wide Web site.

8 (b) Required information.--By July 1, 2003, and every year
9 thereafter, each physician shall submit to the licensing board
10 on the prescribed form the following:

11 (1) Information regarding the sentencing of a physician
12 for an offense as provided in section 15 of the act of
13 October 5, 1978 (P.L.1109, No.261), known as the Osteopathic
14 Medical Practice Act, or section 41 of the act of December
15 20, 1985 (P.L.457, No.112), known as the Medical Practice Act
16 of 1985.

17 (2) Information regarding the arrest of a physician for
18 any of the following offenses in this Commonwealth or another
19 state:

20 (i) 18 Pa.C.S. Ch. 25 (relating to criminal
21 homicide).

22 (ii) 18 Pa.C.S. § 2702 (relating to aggravated
23 assault).

24 (iii) 18 Pa.C.S. Ch. 31 (relating to sexual
25 offenses).

26 (iv) A violation of the act of April 14, 1972
27 (P.L.233, No.64), known as The Controlled Substance,
28 Drug, Device and Cosmetic Act.

29 (3) A description of any charges to which a physician
30 pleads nolo contendere or where sufficient facts of guilt were

1 found and the matter was continued without a finding of a
2 court of competent jurisdiction.

3 (4) A description of any final disciplinary actions
4 taken against a physician by the licensing board in the
5 Commonwealth or a health care licensing authority in another
6 state within the ten most recent years.

7 (5) A description of any revocation or involuntary
8 restriction of hospital privileges for reasons related to
9 competency or character taken by a hospital's governing body
10 or any other official of a hospital after procedural due
11 process has been afforded, or the resignation from or
12 nonrenewal of medical staff membership or the resignation of
13 privileges at a hospital in lieu of or in settlement of a
14 pending disciplinary case related to competence or character
15 of the physician in that hospital in the ten most recent
16 years.

17 (6) All medical malpractice judgments or settlements in
18 which a payment is awarded to a complaining party within the
19 ten most recent years. Disposition of paid claims shall be
20 reported in a minimum of three graduated categories
21 indicating the level of significance of the judgment or
22 settlement. Information involving paid malpractice claims
23 shall be put in context by the repository by showing a
24 comparison between a physician's judgment awards and
25 settlements to the experience of other physicians within the
26 same specialty classification. Information concerning all
27 settlements shall be accompanied by the following statement:

28 Settlement of a malpractice claim may occur for a
29 variety of reasons which do not necessarily reflect
30 negatively on the professional competence or conduct of a

1 physician. A payment in settlement of a malpractice claim
2 should not be construed as creating a presumption that
3 medical malpractice has occurred.

4 Nothing herein shall be construed to limit or prevent the
5 licensing board from providing further information about the
6 significance of categories in which settlements are reported.

7 (7) Names of medical schools attended, graduate medical
8 education obtained and dates of graduation.

9 (8) Specialty board certification.

10 (9) Number of years in practice.

11 (10) Names of hospitals at which privileges are
12 attained.

13 (11) Appointments to medical school faculties.

14 (12) Information on published articles in peer review
15 literature.

16 (13) The location and telephone number of the
17 physician's primary practice setting.

18 (14) An indication as to whether the physician
19 participates in the Medicare or State medical assistance
20 program.

21 (c) Explanation.--Physicians may provide an explanation of
22 any information disclosed pursuant to subsection (b) which shall
23 be included by the licensing board in the profile.

24 (d) Initial profile.--The licensing board shall provide
25 physicians with a copy of their initial profile prior to its
26 release to the general public. Physicians shall have no more
27 than 30 days from the date of receipt of this profile to correct
28 any factual inaccuracies that appear in the profile and return
29 it to the licensing board at which time the initial profile
30 shall be published.

1 (e) Revision or correction.--The licensing board shall
2 establish a process through which each physician may revise or
3 correct any information contained in the profile, provided
4 however, that revisions to information disclosed under
5 subsection (b)(1), (2), (3), (4), (5) and (6) shall be made
6 within 60 days of any arrest, sentencing or other final action
7 taken against a physician.

8 (f) Penalties.--In addition to any other penalty provided
9 for in this act, the licensing board shall impose a civil
10 penalty for any violations of the provisions of this section in
11 the following manner: \$1,000 for a first offense, \$2,500 for any
12 second offense; and \$5,000 for any third or subsequent offenses.

13 Section 2. This act shall take effect immediately.