

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 501 Session of  
2005

INTRODUCED BY GANNON, CALTAGIRONE, SCAVELLO, BENNINGHOFF,  
CAPPELLI, HARRIS, T. STEVENSON, HERSHEY, GINGRICH, CLYMER,  
STERN, DALLY, CREIGHTON AND E. Z. TAYLOR, FEBRUARY 14, 2005

REFERRED TO COMMITTEE ON INSURANCE, FEBRUARY 14, 2005

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," further providing for medical  
16 professional liability insurance.

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

19 Section 1. Section 711(a) of the act of March 20, 2002  
20 (P.L.154, No.13), known as the Medical Care Availability and  
21 Reduction of Error (Mcare) Act, is amended and the section is  
22 amended by adding subsections to read:

23 Section 711. Medical professional liability insurance.

24 (a) Requirement.--[A] Except as set forth in subsection

1 (d.1), a health care provider providing health care services in  
2 this Commonwealth shall:

3 (1) purchase medical professional liability insurance  
4 from an insurer which is licensed or approved by the  
5 department; or

6 (2) provide self-insurance.

7 \* \* \*

8 (d.1) Option.--For calendar year 2005, and each year  
9 thereafter, a health care provider, other than a hospital, that  
10 would otherwise be required to annually insure or self-insure  
11 its professional liability in the amount mandated by this  
12 section may elect not to be insured or self-insured in the  
13 mandated amount if the health care provider has so indicated in  
14 writing to the board that licenses the health care provider. The  
15 licensing board may develop a form for this purpose.

16 (d.2) Prohibited requirements.--Upon the effective date of  
17 this subsection, no person, other than a patient of a health  
18 care provider, may directly or indirectly require a health care  
19 provider to insure or self-insure its professional liability in  
20 any amount. Requirements prohibited by this subsection include:

21 (1) A requirement by a hospital that a physician  
22 maintain professional liability insurance or self-insurance  
23 as a condition of medical staff membership or clinical  
24 privileges.

25 (2) A requirement by a health insurance plan that a  
26 physician maintain professional liability insurance or self-  
27 insurance as a condition of participating in the health  
28 plan's provider network.

29 (3) A requirement by a health insurance plan that an  
30 enrollee use a health care provider that maintains

1     professional liability insurance or self-insurance as a  
2     condition of coverage.

3     \* \* \*

4     Section 2. This act shall take effect immediately.