THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1174 Session of 2009

INTRODUCED BY RAFFERTY, TARTAGLIONE, GREENLEAF, FARNESE, McILHINNEY, O'PAKE, ARGALL, BROWNE, YAW AND WARD, DECEMBER 23, 2009

REFERRED TO BANKING AND INSURANCE, DECEMBER 23, 2009

AN ACT

- Amending the act of March 20, 2002 (P.L.154, No.13), entitled "An act reforming the law on medical professional liability; 2 providing for patient safety and reporting; establishing the 3 Patient Safety Authority and the Patient Safety Trust Fund; abrogating regulations; providing for medical professional liability informed consent, damages, expert qualifications, 6 limitations of actions and medical records; establishing the 7 Interbranch Commission on Venue; providing for medical 8 professional liability insurance; establishing the Medical 9 Care Availability and Reduction of Error Fund; providing for 10 medical professional liability claims; establishing the Joint 11 Underwriting Association; regulating medical professional 12 liability insurance; providing for medical licensure 13 regulation; providing for administration; imposing penalties; 14 15 and making repeals," establishing the Mcare Commission. 16 The General Assembly of the Commonwealth of Pennsylvania 17 hereby enacts as follows: 18 Section 1. The act of March 20, 2002 (P.L.154, No.13), known as the Medical Care Availability and Reduction of Error (Mcare) 19 20 Act, is amended by adding a section to read: 21 Section 5103.2. Mcare Commission. 22 (a) Establishment. -- There is established the Mcare
- 24 (b) Composition. -- The Mcare Commission shall consist of the

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Commission.

- 1 following members:
- 2 (1) One member appointed by the Governor.
- 3 (2) One member appointed by the President pro tempore of
- 4 <u>the Senate.</u>
- 5 (3) One member appointed by the Minority Leader of the
- 6 <u>Senate.</u>
- 7 (4) One member appointed by the Speaker of the House of
- 8 <u>Representatives.</u>
- 9 (5) One member appointed by the Minority Leader of the
- 10 <u>House of Representatives.</u>
- 11 (6) Three members of the medical community in this
- 12 <u>Commonwealth, appointed by the Governor from individuals</u>
- formally recommended by the Pennsylvania Medical Society.
- 14 (7) Two members who are hospital administrators in this
- 15 Commonwealth, appointed by the Governor from individuals
- 16 recommended by the Hospital and Healthsystem Association of
- 17 Pennsylvania.
- 18 (8) One Pennsylvania student from an accredited
- 19 Pennsylvania Medical College.
- 20 (c) Powers and duties. -- Notwithstanding this act or any
- 21 other law and on and after the effective date of this section,
- 22 the commission shall review all funding which emanates from the
- 23 Medical Care Availability and Reduction of Error (Mcare) Fund.
- 24 No funding shall emanate from the fund unless approved by a
- 25 majority of the commission.
- 26 Section 2. This act shall take effect in 60 days.