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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1620 Session of  
2011

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INTRODUCED BY GRELL, AUMENT, BENNINGHOFF, BLOOM, BOYD, CUTLER,  
DENLINGER, GINGRICH, GROVE, KAUFFMAN, KILLION, REICHLEY,  
SIMMONS, TALLMAN, TURZAI, VULAKOVICH, ROSS, MUSTIO AND  
O'NEILL, JUNE 6, 2011

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REFERRED TO COMMITTEE ON JUDICIARY, JUNE 6, 2011

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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 defining "health care provider";  
16 and further providing for punitive damages.

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

19 Section 1. The definition of "health care provider" in  
20 section 503 of the act of March 20, 2002 (P.L.154, No.13), known  
21 as the Medical Care Availability and Reduction of Error (Mcare)  
22 Act, is amended to read:

23 Section 503. Definitions.

24 The following words and phrases when used in this chapter

1 shall have the meanings given to them in this section unless the  
2 context clearly indicates otherwise:

3 \* \* \*

4 "Health care provider." A primary health care center, a  
5 personal care home or assisted living residence licensed by the  
6 Department of Public Welfare pursuant to the act of June 13,  
7 1967 (P.L.31, No.21), known as the Public Welfare Code, a home  
8 health care agency licensed by the Department of Health pursuant  
9 to the act of July 19, 1979 (P.L.130, No.48), known as the  
10 Health Care Facilities Act, or a person, including a  
11 corporation, university or other educational institution  
12 licensed or approved by the Commonwealth to provide health care  
13 or professional medical services as a physician, a certified  
14 nurse midwife, a podiatrist, hospital, nursing home, birth  
15 center, and an officer, employee or agent of any of them acting  
16 in the course and scope of employment.

17 \* \* \*

18 Section 2. Section 505(d) of the act is amended to read:  
19 Section 505. Punitive damages.

20 \* \* \*

21 (d) Total amount of damages.--Except in cases alleging  
22 intentional misconduct, punitive damages against [an individual  
23 physician] a health care provider shall not exceed 200% of the  
24 compensatory damages awarded. Punitive damages, when awarded,  
25 shall not be less than \$100,000 unless a lower verdict amount is  
26 returned by the trier of fact.

27 \* \* \*

28 Section 3. This act shall take effect in 60 days.