

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

SENATE BILL

No. 23 Session of  
2011

---

INTRODUCED BY GREENLEAF, ORIE, RAFFERTY, BOSCOLA, WAUGH AND  
MENSCH, JANUARY 14, 2011

---

REFERRED TO BANKING AND INSURANCE, JANUARY 14, 2011

---

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," in insurance, further providing for  
16 medical professional liability insurance.

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

19 Section 1. Section 711 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 by adding a  
22 subsection to read:

23 Section 711. Medical professional liability insurance.

24 \* \* \*

25 (d.1) Election of coverage.--

1           (1) For the calendar year 2012, and each year  
2           thereafter, a health care provider, other than a hospital,  
3           that would otherwise be required to annually insure or self-  
4           insure its professional liability in the amount mandated by  
5           this section may elect to be insured or self-insured below  
6           the mandated amount. A health care provider who elects to be  
7           insured or self-insured below the mandated amount must  
8           provide annual written notice to the department of the  
9           election and is not required to comply with subsections (b)  
10          and (c). The notice shall be on a form approved by the  
11          department and shall include the amount of liability coverage  
12          the health care provider maintains.

13          (2) A health care provider who elects to be insured or  
14          self-insured below the mandated amount shall provide notice  
15          to the health care provider's patients of the amount of  
16          medical professional liability coverage the health care  
17          provider maintains. The notice shall be printed on any  
18          consent form that patients sign for a medical procedure.

19          \* \* \*

20          Section 2. This act shall take effect in 60 days.