

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1538 Session of 2012

INTRODUCED BY D. WHITE, FERLO, ALLOWAY, RAFFERTY, WAUGH AND
SCARNATI, MAY 31, 2012

REFERRED TO BANKING AND INSURANCE, MAY 31, 2012

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 punitive damages study;
16 and imposing duties on the Insurance Commissioner.

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 chapter to read:

CHAPTER 13

PUNITIVE DAMAGES STUDY

24 Section 1301. Duty of commissioner.

25 The commissioner shall study the amount of punitive damages

1 paid by physicians practicing in this Commonwealth since March
2 20, 2002.

3 Section 1302. Completion of study and updates.

4 The commissioner must complete the study one year after this
5 chapter takes effect, and the study must be updated every two
6 years thereafter.

7 Section 1303. Submission.

8 The study must be submitted to the following:

9 (1) The chairman and minority chairman of the Banking
10 and Insurance Committee of the Senate.

11 (2) The chairman and minority chairman of the Insurance
12 Committee of the House of Representatives.

13 Section 2. This act shall take effect immediately.