
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1301 Session of
2013

INTRODUCED BY CUTLER, BARRAR, SONNEY, METCALFE, CAUSER, PICKETT,
MILLARD, HESS, AUMENT, KAUFFMAN, ROCK, GRELL, TURZAI, SAYLOR,
MILLER, GINGRICH, HICKERNELL, QUINN, FLECK, M. K. KELLER,
CLYMER, WATSON, DENLINGER, ROSS, GILLEN, GROVE, MILNE AND
GABLER, MAY 1, 2013

REFERRED TO COMMITTEE ON JUDICIARY, MAY 1, 2013

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, providing for
3 certificates of merit in professional liability actions.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Title 42 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 7104. Certificate of merit.

9 (a) General rule.--No cause of action asserting a
10 professional liability claim may be filed with the court unless
11 a certificate of merit is included as provided under subsection

12 (b).

13 (b) Certificate of merit.--

14 (1) In filing a professional liability action with the
15 court under subsection (a), the plaintiff shall include with
16 the complaint a certificate of merit containing a written and
17 signed statement from an appropriate licensed professional,

1 identified by name and professional designation, that one of
2 the following applies:

3 (i) Based on the facts and circumstances contained
4 in the complaint and for the reasons stated as applied to
5 those facts, there exists a reasonable probability that
6 the care, skill or knowledge exercised or exhibited in
7 the treatment, practice or work that is the subject of
8 each allegation in the complaint fell outside the
9 acceptable professional standards and that the conduct
10 was a cause in bringing about the harm.

11 (ii) The claim that the defendant deviated from an
12 acceptable professional standard is based solely on
13 allegations that the other licensed professionals for
14 whom the defendant is responsible deviated from an
15 acceptable professional standard.

16 (iii) Expert testimony of an appropriate licensed
17 professional is unnecessary for prosecution of the claim.

18 (2) No person may be competent to execute a certificate
19 of merit or offer an expert opinion in a professional
20 liability action unless that person does all of the
21 following:

22 (i) Affirms that the person has read the complaint.

23 (ii) Possesses sufficient education, training,
24 knowledge and experience to provide credible, competent
25 testimony.

26 (iii) Provides a resume or curriculum vitae
27 attesting to the person's credentials for inclusion with
28 the complaint.

29 (3) A separate certificate of merit shall be filed as to
30 each licensed professional against whom a claim is asserted.

1 (4) (i) A defendant who files a counterclaim asserting
2 a claim for professional liability shall file a
3 certificate of merit as required under this section.

4 (ii) A defendant or an additional defendant who has
5 joined a licensed professional as an additional defendant
6 need not file a certificate of merit unless the joinder
7 is based on acts of negligence that are unrelated to the
8 acts of negligence that are the basis for the claim
9 against the joining party.

10 (5) The court, upon good cause shown, may extend the
11 time for filing a certificate of merit for a period of not
12 more than 60 days.

13 Section 2. The addition of 42 Pa.C.S. § 7104 shall apply to
14 a cause of action asserting a professional liability claim on or
15 after the effective date of this section.

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