
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 40

Session of
2001

INTRODUCED BY BELL, COSTA, BOSCOLA, RHOADES, BODACK AND LOGAN,
JANUARY 22, 2001

REFERRED TO JUDICIARY, JANUARY 22, 2001

AN ACT

1 Authorizing suit against providers of employer-sponsored health
2 insurance plans in certain cases.

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

5 Section 1. Short title.

6 This act shall be known and may be cited as the HMO Medical
7 Malpractice Liability Act.

8 Section 2. Suit authorized.

9 Notwithstanding any other provision of Federal or State law,
10 including, but not limited to, the Employee Retirement Income
11 Security Act of 1974 (Public Law 93-406, 88 Stat. 829), a
12 Pennsylvania resident may file suit for damages against an HMO,
13 a PPO or any other type of provider of an employer-sponsored
14 health insurance plan for medical malpractice if payment for a
15 course of treatment prescribed as medically necessary by the
16 person's treating physician is denied by the health insurance
17 plan and the patient thereby consequentially suffers injury,

1 aggravation of an existing condition or death as a result of the
2 denial.

3 Section 3. Effective date.

4 This act shall take effect in 60 days.