

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 159 Session of
2003

INTRODUCED BY MICOZZIE, DeLUCA, FICHTER, HENNESSEY, MANDERINO,
PIPPY, SATHER, TANGRETTI, VANCE, WALKO, BISHOP, BROWNE,
J. EVANS, LEVDANSKY, MUNDY, STABACK, STEIL, SURRA,
E. Z. TAYLOR, WASHINGTON AND YOUNGBLOOD, FEBRUARY 26, 2003

REFERRED TO COMMITTEE ON INSURANCE, FEBRUARY 26, 2003

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 providing for reporting and for
16 commencement of investigation and action.

17 The General Assembly of the Commonwealth of Pennsylvania

18 hereby enacts as follows:

19 Section 1. Sections 903 and 904 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, are amended to read:

22 Section 903. Reporting.

23 (a) Duty of physician.--A physician shall report to the
24 State Board of Medicine or the State Board of Osteopathic

1 Medicine, as appropriate, within 60 days of the occurrence of
2 any of the following:

3 (1) Notice of a complaint in a medical professional
4 liability action that is filed against the physician. The
5 physician shall provide the docket number of the case, where
6 the case is filed and a description of the allegations in the
7 complaint.

8 (2) Information regarding disciplinary action taken
9 against the physician by a health care licensing authority of
10 another state.

11 (3) Information regarding sentencing of the physician
12 for an offense as provided in section 15 of the act of
13 October 5, 1978 (P.L.1109, No.261), known as the Osteopathic
14 Medical Practice Act, or section 41 of the act of December
15 20, 1985 (P.L.457, No.112), known as the Medical Practice Act
16 of 1985.

17 (4) Information regarding an arrest of the physician for
18 any of the following offenses in this Commonwealth or another
19 state:

20 (i) 18 Pa.C.S. Ch. 25 (relating to criminal
21 homicide);

22 (ii) 18 Pa.C.S. § 2702 (relating to aggravated
23 assault); or

24 (iii) 18 Pa.C.S. Ch. 31 (relating to sexual
25 offenses).

26 (iv) A violation of the act of April 14, 1972
27 (P.L.233, No.64), known as The Controlled Substance,
28 Drug, Device and Cosmetic Act.

29 (b) Duty of prothonotary.--The prothonotary in any county in
30 which a complaint in a medical professional liability action is

filed against a physician shall report the filing to the State Board of Medicine or the State Board of Osteopathic Medicine within 60 days of the filing. The report shall include the docket number of the case, where the case is filed and a description of the allegations in the complaint.

Section 904. Commencement of investigation and action.

(a) Investigations by licensure board.--With regard to notices of complaints received pursuant to section [903(1)] 903(a)(1) or (b) or a complaint filed with the licensure board, the licensure board shall develop criteria and standards for review based on the frequency and severity of complaints filed against a physician. Any investigation of a physician based upon a complaint must be commenced no more than four years from the date notice of the complaint is received [under section 903(1)].

(a.1) Mandatory immediate investigations.--Notwithstanding subsection (a), with regard to notices of complaints received under section 903(a)(1) and (b), the licensure board shall initiate an immediate investigation of a physician when the complaint received is the third such complaint against a physician in any seven-year period.

(b) Action by licensure board.--Unless an investigation has already been initiated pursuant to subsection (a) or (a.1), an action against a physician must be commenced by the licensure board no more than four years from the time the licensure board receives the earliest of any of the following:

(1) Notice that a payment against the physician has been reported to the National Practitioner Data Bank.

(2) Notice that a payment in a medical professional liability action against the physician has been reported to the licensure board by an insurer.

1 (3) Notice of a report made pursuant to section [903(2)]
2 903(a)(2), (3) or (4).
3 (c) Laches.--The defense of laches is unavailable if the
4 licensure board complies with this section.
5 (d) Applicability.--This section shall apply to actions
6 against a physician initiated on or after the effective date of
7 this chapter.
8 Section 2. This act shall take effect in 60 days.