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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# HOUSE RESOLUTION

No. 256      Session of  
2005

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INTRODUCED BY SCHRODER, ARGALL, BALDWIN, BARRAR, BENNINGHOFF,  
CALTAGIRONE, CAPPELLI, CAUSER, CLYMER, DALLY, DENLINGER,  
FAIRCHILD, FICHTER, FLEAGLE, GEORGE, GINGRICH, GODSHALL,  
GRELL, HARRIS, HERMAN, HERSHEY, JAMES, KILLION, McILHATTAN,  
MELIO, NAILOR, PHILLIPS, PYLE, READSHAW, REED, REICHLEY,  
ROHRER, RUBLEY, SATHER, SAYLOR, SCAVELLO, SHAPIRO, B. SMITH,  
STEIL, STERN, E. Z. TAYLOR, TIGUE, WALKO, WATSON, WHEATLEY  
AND WILT, APRIL 14, 2005

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REFERRED TO COMMITTEE ON JUDICIARY, APRIL 14, 2005

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## A RESOLUTION

1 Directing the Legislative Budget and Finance Committee to study  
2 the impact of recent medical liability reforms, including  
3 actions by the General Assembly and the Supreme Court on  
4 improving the availability and affordability of medical  
5 liability insurance coverage for health care providers in  
6 this Commonwealth.

7 WHEREAS, The General Assembly has enacted reforms to the  
8 medical liability system, including patient safety reporting  
9 analysis, modification of joint and several liability,  
10 limitations on venue shopping and on punitive damages, revisions  
11 of the expert witness rules, periodic payments collateral source  
12 and remittitur concepts and establishment of the Health Care  
13 Provider Retention Program; and

14 WHEREAS, The Supreme Court has approved official rules  
15 limiting venue shopping and frivolous lawsuits and requiring  
16 certifications of merit in medical professional liability cases  
17 and has provided for new rules regarding excessive awards;

1   therefore be it

2       RESOLVED, That the House of Representatives direct the  
3   Legislative Budget and Finance Committee to conduct a study to:

4       (1)   Determine how recent reforms adopted by the General  
5       Assembly have impacted the number of claims filed and the  
6       jurisdictions in which those claims are filed.

7       (2)   Identify changes in the frequency and severity of  
8       medical liability claims and payouts.

9       (3)   Determine the impact of recent legislation on the  
10      retention and recruitment of physicians to provide medical  
11      care to the residents of this Commonwealth.

12      (4)   Make recommendations for extending the Health Care  
13      Provider Retention Program for the purpose of paying off the  
14      unfunded liability of the Medical Care Availability and  
15      Reduction of Error (Mcare) Fund as an aid in recruiting new  
16      physicians.

17      (5)   Make recommendations to address any current and  
18      future physician shortages and distribution issues.

19      (6)   Determine the availability of medical professional  
20      liability insurance coverage and how this industry has  
21      changed since enactment of recent legislation and  
22      implementation of other recent reforms to Pennsylvania's  
23      medical liability system.

24      (7)   Determine how the cost of medical professional  
25      liability insurance to physicians has changed since  
26      establishment of the Health Care Provider Retention Program.

27      (8)   Make an inventory of the information currently  
28      available through the various Commonwealth agencies,  
29      including the Health Care Cost Containment Council, the  
30      Department of Health, the Insurance Department, the Patient

1 Safety Authority, the Office of Medical Care Availability and  
2 Reduction of Error Fund and the Administrative Office of  
3 Pennsylvania Courts, to assess the impact of the General  
4 Assembly's recent reforms to the medical liability system.

5 (9) Determine any additional information that the  
6 Commonwealth may need to collect in assessing the impact of  
7 the General Assembly's recent reforms to the medical  
8 liability system;

9 and be it further

10 RESOLVED, That the Legislative Budget and Finance Committee  
11 report its findings and recommendations to the House of  
12 Representatives no later than September 30, 2005.