
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 78

Session of
2005

INTRODUCED BY GREENLEAF, O'PAKE, EARLL, ORIE, ERICKSON AND
BOSCOLA, JANUARY 31, 2005

REFERRED TO JUDICIARY, JANUARY 31, 2005

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," defining "serious injury"; and providing
16 for medical professional liability action.

17 The General Assembly of the Commonwealth of Pennsylvania
18 hereby enacts as follows:

19 Section 1. Section 503 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, is amended by adding a
22 definition to read:

23 Section 503. Definitions.

24 The following words and phrases when used in this chapter

shall have the meanings given to them in this section unless the context clearly indicates otherwise:

* * *

"Serious injury." A personal injury resulting in death, serious impairment of body function or permanent serious disfigurement.

Section 2. The act is amended by adding a section to read:
Section 517. Medical professional liability action.

(a) Serious injury required.--

(1) No cause of action asserting a medical professional liability claim may be filed with the court to seek recovery for pain or suffering or other nonmonetary damages unless a serious injury is alleged as provided in subsection (b).

(2) This subsection shall not be construed to preclude recovery for all medical and other out-of-pocket expenses.

(b) Certificate of merit.--In filing a medical professional liability action with the court as provided for in subsection (a), the plaintiff must include with the complaint a certificate of merit as prescribed by the Pennsylvania Rules of Civil Procedure. The certificate of merit shall include a statement that the plaintiff suffers from a serious injury.

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