

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 311 Session of  
2007

INTRODUCED BY LEACH, CREIGHTON, GEORGE, GOODMAN, GRELL,  
HORNAMAN, JOSEPHS, KORTZ, MANDERINO, MELIO, PALLONE, ROSS,  
SAYLOR AND YOUNGBLOOD, FEBRUARY 7, 2007

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 7, 2007

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, providing for benevolent  
3 gesture or admission by health care provider.

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 § 6145. Benevolent gesture or admission by health care  
9 provider.

10 (a) General rule.--In any medical professional liability  
11 action, any benevolent gesture or admission of fault made by a  
12 health care provider to a patient, or the patient's relative or  
13 representative, regarding the patient's discomfort, pain,  
14 suffering, injury or death resulting from a medical treatment or  
15 procedure shall be inadmissible as evidence of liability if the  
16 gesture or admission was made prior to the commencement of the  
17 medical professional liability action.

18 (b) Definitions.--As used in this section, the following

1 words and phrases shall have the meanings given to them in this  
2 subsection:

3 "Benevolent gesture." Any action that conveys a sense of  
4 compassion or commiseration emanating from humane impulses.

5 "Health care provider." As defined by section 103 of the act  
6 of March 20, 2002 (P.L.154, No.13), known as the Medical Care  
7 Availability and Reduction of Error (Mcare) Act.

8 "Medical professional liability action." As defined by  
9 section 103 of the act of March 20, 2002 (P.L.154, No.13), known  
10 as the Medical Care Availability and Reduction of Error (Mcare)  
11 Act.

12 "Relative." A spouse, parent, stepparent, grandparent,  
13 child, stepchild, grandchild, brother, sister, half-brother,  
14 half-sister, spouse's parents or any person who has a family-  
15 type relationship with a victim.

16 "Representative." A legal guardian, an agent designated to  
17 make medical decisions under a power of attorney over health  
18 care matters or a surrogate designated in an advance directive  
19 for health care.

20 Section 2. This act shall take effect in 60 days.