
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1037 Session of
2017

INTRODUCED BY KAMPF, GROVE, KEEFER, GODSHALL, PICKETT, KAUFFMAN,
B. MILLER, ROE, MILNE, LAWRENCE, BAKER, MUSTIO, EVERETT,
CUTLER, OBERLANDER, KNOWLES, SAYLOR, MASSER, ZIMMERMAN,
PHILLIPS-HILL, CORBIN, TURZAI, JOZWIAK, HELM, MARSICO,
MACKENZIE AND ROTHMAN, MARCH 31, 2017

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 31, 2017

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," in medical professional liability,
16 further providing for punitive damages.

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

19 Section 1. Section 505(d) 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 to read:

22 Section 505. Punitive damages.

23 * * *

1 (d) Total amount of damages.--

2 (1) Except as provided under paragraph (2) and in cases
3 alleging intentional misconduct, punitive damages against an
4 individual physician shall not exceed 200% of the
5 compensatory damages awarded.

6 (2) Except in cases where the trier of fact finds that
7 an officer, employee or agent of an entity under subparagraph
8 (i) or (ii) acted with intent to harm, punitive damages
9 against any of the following shall not exceed 250% of the
10 compensatory damages awarded:

11 (i) A personal care home or an assisted living
12 residence, licensed by the Department of Human Services
13 under the act of June 13, 1967 (P.L.31, No.21), known as
14 the Human Services Code.

15 (ii) A long-term care nursing facility licensed by
16 the Department of Health under the act of July 19, 1979
17 (P.L.130, No.48), known as the Health Care Facilities
18 Act.

19 (iii) An officer, employee or agent of an entity
20 under subparagraph (i) or (ii), while acting in the
21 course and scope of employment.

22 (3) Punitive damages, when awarded, shall not be less
23 than \$100,000 unless a lower verdict amount is returned by
24 the trier of fact.

25 * * *

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