

AMENDMENTS TO HOUSE BILL NO. 1466

Sponsor: REPRESENTATIVE OBERLANDER

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1 Amend Bill, page 1, line 2, by inserting after "Statutes,"
2 in original jurisdiction and venue of courts of common pleas
3 and in preliminary provisions on actions, reenacting
4 provisions relating to venue in medical professional
5 liability actions;

6 Amend Bill, page 1, lines 10 and 11, by striking out all of
7 said lines and inserting

8 Section 1. Sections 931(c) and 5101.1 of Title 42 of the
9 Pennsylvania Consolidated Statutes are reenacted to read:

10 § 931. Original jurisdiction and venue.

11 * * *

12 (c) Venue and process.--Except as provided by section 5101.1
13 (relating to venue in medical professional liability actions)
14 and Subchapter B of Chapter 85 (relating to actions against
15 Commonwealth parties), the venue of a court of common pleas
16 concerning matters over which jurisdiction is conferred by this
17 section shall be as prescribed by general rule. The process of
18 the court shall extend beyond the territorial limits of the
19 judicial district to the extent prescribed by general rule.
20 Except as otherwise prescribed by general rule, in a proceeding
21 to enforce an order of a government agency the process of the
22 court shall extend throughout this Commonwealth.

23 § 5101.1. Venue in medical professional liability actions.

24 (a) Declaration of policy.--In accordance with section
25 514(a) of the act of March 20, 2002 (P.L.154, No.13), known as
26 the Medical Care Availability and Reduction of Error (Mcare)
27 Act, and as a matter of public policy, the General Assembly
28 further declares the need to change the venue requirements for
29 medical professional liability actions.

30 (b) General rule.--Notwithstanding any other provision to
31 the contrary, a medical professional liability action may be
32 brought against a health care provider for a medical
33 professional liability claim only in the county in which the
34 cause of action arose.

35 (c) Definitions.--As used in this section, the following
36 words and phrases shall have the meanings given to them in this
37 subsection:

1 "Birth center." An entity licensed as a birth center under
2 the act of July 19, 1979 (P.L.130, No.48), known as the Health
3 Care Facilities Act.

4 "Health care provider." A primary health care center, a
5 personal care home licensed by the Department of Public Welfare
6 pursuant to the act of June 13, 1967 (P.L.31, No.21), known as
7 the Public Welfare Code, or a person, including a corporation,
8 university or other educational institution licensed or approved
9 by the Commonwealth to provide health care or professional
10 medical services as a physician, a certified nurse midwife, a
11 podiatrist, hospital, nursing home, birth center, and an
12 officer, employee or agent of any of them acting in the course
13 and scope of employment.

14 "Hospital." An entity licensed as a hospital under the act
15 of June 13, 1967 (P.L.31, No.21), known as the Public Welfare
16 Code, or the act of July 19, 1979 (P.L.130, No.48), known as the
17 Health Care Facilities Act.

18 "Medical professional liability action." Any proceeding in
19 which a medical professional liability claim is asserted,
20 including an action in a court of law or an arbitration
21 proceeding.

22 "Medical professional liability claim." Any claim seeking
23 the recovery of damages or loss from a health care provider
24 arising out of any tort or breach of contract causing injury or
25 death resulting from the furnishing of health care services
26 which were or should have been provided.

27 "Nursing home." An entity licensed as a nursing home under
28 the act of July 19, 1979 (P.L.130, No.48), known as the Health
29 Care Facilities Act.

30 "Primary health care center." A community-based nonprofit
31 corporation meeting standards prescribed by the Department of
32 Health which provides preventive, diagnostic, therapeutic and
33 basic emergency health care by licensed practitioners who are
34 employees of the corporation or under contract to the
35 corporation.

36 Section 1.1. Title 42 is amended by adding a section to
37 read: