INTRODUCED BY OBERLANDER, NESBIT, BENNINGHOFF, CUTLER, TURZAI, TOEPEL, REESE, KAUFFMAN, RYAN, PICKETT, THOMAS, MILLARD, KEEFER, CAUSER, GAYDOS, BULLOCK, JONES, GILLEN, HERSHEY, ECKER, EVERETT, HAHN, BARRAR, KLUNK, JAMES, FEE, DUSH, TOPPER, GLEIM, SAYLOR, GROVE, MENTZER, MIHALEK, RADER, SANKEY AND NELSON, MAY 13, 2019

REFERRED TO COMMITTEE ON JUDICIARY, MAY 13, 2019

AN ACT

Amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in bases of jurisdiction and interstate and international procedure, further providing for persons and providing for personal jurisdiction in medical professional liability actions.

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

Section 1. Section 5301(a) introductory paragraph and (b) of Title 42 of the Pennsylvania Consolidated Statutes are amended to read:

§ 5301. Persons.

(a) General rule.--[The] Except as further provided by section 5301.1 (relating to personal jurisdiction in medical professional liability actions), the existence of any of the following relationships between a person and this Commonwealth shall constitute a sufficient basis of jurisdiction to enable the tribunals of this Commonwealth to exercise general personal
jurisdiction over such person, or his personal representative in
the case of an individual, and to enable such tribunals to
render personal orders against such person or representative:

* * *

(b) Scope of jurisdiction.--When jurisdiction over a person
is based upon this section or section 5301.1, any cause of
action may be asserted against [him] the person, whether or not
arising from acts enumerated in this section. Discontinuance of
the acts enumerated in subsection (a)(2)(i) and (iii) and (3)(i)
and (iii) shall not affect jurisdiction with respect to any act,
transaction or omission occurring during the period such status
existed.

Section 2. Title 42 is amended by adding a section to read:
§ 5301.1. Personal jurisdiction in medical professional
liability actions.

(a) General rule.--In addition to the requirements of
section 5301 (relating to persons), the tribunals of this
Commonwealth may exercise general personal jurisdiction over a
health care provider in a medical professional liability action
for a medical professional liability claim only in the county in
which the cause of action arose.

(b) Definitions.--As used in this section, the following
words and phrases shall have the meanings given to them in this
subsection unless the context clearly indicates otherwise:

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

"Health care provider." A primary health care center, a
personal care home licensed by the Department of Human Services
under the act of June 13, 1967 (P.L.31, No.21), known as the
Human Services Code, or a person, including a corporation, university or other educational institution, licensed or approved by the Commonwealth to provide health care or professional medical services as a physician, certified nurse midwife, podiatrist, hospital, nursing home or birth center. The term includes an officer, employee or agent of the primary health care center, personal care home or person if the officer, employee or agent is acting in the course and scope of employment.

"Hospital." An entity licensed as a hospital under the Human Services Code or the Health Care Facilities Act.

"Medical professional liability action." A proceeding in which a medical professional liability claim is asserted, including an action in a court of law or an arbitration proceeding.

"Medical professional liability claim." A claim seeking the recovery of damages or loss from a health care provider arising out of a tort or breach of contract causing injury or death resulting from the furnishing of health care services that were or should have been provided.

"Nursing home." An entity licensed as a nursing home under the Health Care Facilities Act.

"Primary health care center." A community-based nonprofit corporation that meets standards prescribed by the Department of Health and provides preventive, diagnostic, therapeutic and basic emergency health care by licensed practitioners who are employees of the corporation or under contract to the corporation.

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