AN ACT

Amending the act of December 20, 1985 (P.L.457, No.112), entitled "An act relating to the right to practice medicine and surgery and the right to practice medically related acts; reestablishing the State Board of Medical Education and Licensure as the State Board of Medicine and providing for its composition, powers and duties; providing for the issuance of licenses and certificates and the suspension and revocation of licenses and certificates; providing penalties; and making repeals," further providing for definitions; and providing for certain governmental prohibitions.

It is the intent of the General Assembly to protect the health of patients under the care of a licensed health care practitioner by ensuring that the practitioner is able to communicate freely with patients and exercise his or her medical judgment, in order to provide the safest and most beneficial medical treatment to the individual patient.

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

Section 1. Section 2 of the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985, is
amended by adding definitions to read:

Section 2. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Evidence-based." The use of current best evidence in making decisions about the care of an individual patient and integrating individual clinical expertise with the best available external clinical evidence from systematic research.

"Medically accurate." In relation to information, information that is:

1. verified or supported by the weight of peer-reviewed medical research conducted in compliance with accepted scientific methods;
2. recognized as correct and objective by leading medical organizations with relevant expertise; or
3. recommended by or affirmed in the medical practice guidelines of a nationally recognized accrediting organization.

"Medically appropriate." Consistent with applicable legal, health and professional standards; the patient's clinical and other circumstances; and the patient's reasonably known wishes and beliefs.

Section 2. The act is amended by adding a section to read:

Section 14.1. Governmental prohibition.

Neither the Commonwealth nor any political subdivision may:

1. Require a licensed health care practitioner to
provide a patient with:

(i) information that is not medically accurate and medically appropriate for the patient; or

(ii) a medical service in a manner that is not evidence-based and appropriate for the patient.

(2) Prohibit a licensed health care practitioner from providing a patient with:

(i) information that is medically accurate and medically appropriate for the patient; or

(ii) a medical service in a manner that is evidence-based and appropriate for the patient.

Section 3. Nothing in this act shall be construed to alter existing professional standards of care nor abrogate the duty of a licensed health care practitioner to meet the applicable standard of care.

Section 4. This act shall take effect in 30 days.