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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**SENATE BILL**

**No. 224**      Session of  
2007

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INTRODUCED BY GREENLEAF, RAFFERTY, BOSCOLA, ORIE, WOZNIAK,  
ERICKSON, EARLL AND M. WHITE, MARCH 7, 2007

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REFERRED TO BANKING AND INSURANCE, MARCH 7, 2007

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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," further providing for medical  
16 professional liability insurance.

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

19 Section 1. Section 711 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 by adding a  
22 subsection to read:

23 Section 711. Medical professional liability insurance.

24 \* \* \*

1     (d.1) Election of coverage.--

2             (1) For the calendar year 2008, and each year  
3     thereafter, a health care provider, other than a hospital,  
4     that would otherwise be required to annually insure or self-  
5     insure its professional liability in the amount mandated by  
6     this section may elect to be insured or self-insured below  
7     the mandated amount. A health care provider who elects to be  
8     insured or self-insured below the mandated amount must  
9     provide annual written notice to the department of the  
10    election and is not required to comply with subsections (b)  
11    and (c). The notice shall be on a form approved by the  
12    department and shall include the amount of liability coverage  
13    the health care provider maintains.

14            (2) A health care provider who elects to be insured or  
15    self-insured below the mandated amount shall provide notice  
16    to the health care provider's patients of the amount of  
17    medical professional liability coverage the health care  
18    provider maintains. The notice shall be printed on any  
19    consent form that patients sign for a medical procedure.

20     \* \* \*

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