
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2763 Session of
2004

INTRODUCED BY FRANKEL, BISHOP, CORRIGAN, DeWEESE, FABRIZIO,
GERGELY, GOODMAN, HALUSKA, JOSEPHS, LaGROTTA, LEVDANSKY,
MUNDY, REICHLEY, ROEBUCK, SOLOBAY, TANGRETTI, THOMAS, TIGUE,
WHEATLEY AND CURRY, JUNE 28, 2004

REFERRED TO COMMITTEE ON HEALTH AND HUMAN SERVICES,
JUNE 28, 2004

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, providing for limitation
3 of damages.

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

6 Section 1. Title 42 of the Pennsylvania Consolidated
7 Statutes is amended by adding a chapter to read:

8 CHAPTER 84

9 LIMITATION OF DAMAGES

10 Sec.

11 8401. Medical malpractice.

12 § 8401. Medical malpractice.

13 (a) Eligibility.--Notwithstanding any other provision of
14 law, a health care provider is not eligible for limitation of
15 damages in an action based on medical malpractice involving a
16 serious event unless the health care provider does all of the
17 following, within 24 hours of discovery of the serious event by

1 the health care provider:

2 (1) Notify the affected patient of the serious event.

3 (2) Advise the affected patient on corrective action.

4 (3) Report the serious event to the administrative
5 agency which licenses or certifies the health care provider,
6 the Patient Safety Authority and the Department of Health.
7 The report under this paragraph shall include corrective
8 action to be implemented in the future to avoid reoccurrence
9 of the serious event.

10 (b) Definitions.--As used in this section, the following
11 words and phrases shall have the meanings given to them in this
12 subsection:

13 "Health care provider." As defined in section 103 of the act
14 of March 20, 2002 (P.L.154, No.13), known as the Medical Care
15 Availability and Reduction of Error (Mcare) Act.

16 "Serious event." As defined in section 302 of the act of
17 March 20, 2002 (P.L.154, No.13), known as the Medical Care
18 Availability and Reduction of Error (Mcare) Act.

19 Section 2. The addition of 42 Pa.C.S. § 8401 shall not be
20 construed to alter or supersede any provision of the act of
21 March 20, 2002 (P.L.154, No.13), known as the Medical Care
22 Availability and Reduction of Error (Mcare) Act.

23 Section 3. The addition of 42 Pa.C.S. § 8401 shall apply to
24 causes of action which arise on or after the effective date of
25 the first statutory limitation of noneconomic damages in medical
26 malpractice actions.

27 Section 4. This act shall take effect in 60 days.