

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 865 Session of
2003

INTRODUCED BY WAGNER, MELLOW, O'PAKE, HUGHES, TARTAGLIONE,
LAVALLE, COSTA, MUSTO, KASUNIC, STACK, C. WILLIAMS, SCHWARTZ,
KITCHEN AND WONDERLING, JULY 28, 2003

REFERRED TO PUBLIC HEALTH AND WELFARE, JULY 28, 2003

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 defining "medical facility" and
16 "nursing facility"; further providing for composition of the
17 Patient Safety Authority; providing for a health data
18 warehouse; and further providing for continuing medical
19 education.

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

22 Section 1. The definition of "medical facility" in section
23 302 of the act of March 20, 2002 (P.L.154, No.13), known as the
24 Medical Care Availability and Reduction of Error (Mcare) Act, is
25 amended and the section is amended by adding a definition to
26 read:

1 Section 302. Definitions.

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

5 * * *

6 "Medical facility." An ambulatory surgical facility, birth
7 center [or hospital.], hospital or nursing facility.

8 "Nursing facility." A non-Federal, nonpublic long-term care
9 nursing facility licensed by the Department of Health pursuant
10 to the act of July 19, 1979 (P.L.130, No.48), known as the
11 Health Care Facilities Act.

12 * * *

13 Section 2. Section 303(b) of the act is amended to read:

14 Section 303. Establishment of Patient Safety Authority.

15 * * *

16 (b) Composition.--The board of the authority shall consist
17 of [11] 13 members composed and appointed in accordance with the
18 following:

19 (1) The Physician General or a physician appointed by
20 the Governor if there is no appointed Physician General.

21 (2) Four residents of this Commonwealth, one of whom
22 shall be appointed by the President pro tempore of the
23 Senate, one of whom shall be appointed by the Minority Leader
24 of the Senate, one of whom shall be appointed by the Speaker
25 of the House of Representatives and one of whom shall be
26 appointed by the Minority Leader of the House of
27 Representatives, who shall serve terms coterminous with their
28 respective appointing authorities.

29 (3) A health care worker residing in this Commonwealth
30 who is a physician and is appointed by the Governor, who

1 shall serve an initial term of three years.

2 (4) A health care worker residing in this Commonwealth
3 who is licensed by the Department of State as a nurse and is
4 appointed by the Governor, who shall serve an initial term of
5 three years.

6 (5) A health care worker residing in this Commonwealth
7 who is licensed by the Department of State as a pharmacist
8 and is appointed by the Governor, who shall serve an initial
9 term of two years.

10 (6) A health care worker residing in this Commonwealth
11 who is employed by a hospital and is appointed by the
12 Governor, who shall serve an initial term of two years.

13 (7) Two residents of this Commonwealth, one of whom is a
14 health care worker and one of whom is not a health care
15 worker, appointed by the Governor, who shall each serve a
16 term of four years.

17 (8) A resident of this Commonwealth who is certified in
18 continuous quality improvement methods and is appointed by
19 the Governor.

20 (9) A resident of this Commonwealth who is an employee
21 of a not-for-profit patient safety advocacy group and is
22 appointed by the Governor.

23 * * *

24 Section 3. The act is amended by adding a section to read:

25 Section 315. Health data warehouse.

26 (a) Established.--By July 1, 2005, the department shall
27 establish a health data warehouse to which health care providers
28 and other health entities shall report data required to be
29 reported to the Commonwealth. For data collected under existing
30 subcontracts, the department shall ensure a seamless interface

1 between the contractor and the data warehouse. Further, the
2 aggregate reporting obligation shall not require more than a
3 single entry of each data element by the reporting entity. The
4 data warehouse shall include, but not be limited to:

5 (1) Data required by the department in its capacity as
6 the Commonwealth's survey agency for the Federal Department
7 of Health and Human Services.

8 (2) Disease reporting and surveillance data.

9 (3) Medical error data and other data pertaining to
10 patient safety.

11 (b) Electronic reporting.--Reporting entities shall report
12 electronically where feasible.

13 (c) Health Care Containment Council information.--The health
14 data warehouse shall be established in a manner that permits
15 easy uploading of data requested by the department from the
16 Health Care Cost Containment Council consistent with the
17 provisions of section 10 of the act of July 8, 1986 (P.L.408,
18 No.89), known as the Health Care Cost Containment Act.

19 (d) Efficiency.--In establishing the data reporting
20 elements, the department shall eliminate redundancies and take
21 other appropriate action to reduce the reporting burden on
22 reporting entities.

23 (e) Confidentiality.--The department shall develop strict
24 protocols to ensure confidentiality of reporting and shall limit
25 access to the data to those personnel authorized to receive it
26 pursuant to statutory and regulatory authority.

27 Section 4. Section 910(b) of the act is amended to read:
28 Section 910. Continuing medical education.

29 * * *

30 (b) Required completion.--Beginning with the licensure

1 period commencing January 1, 2003, and following written notice
2 to licensees by the licensure board, individuals licensed to
3 practice medicine and surgery without restriction shall be
4 required to enroll and complete [100] 112 hours of mandatory
5 continuing education during each two-year licensure period[. As
6 part of the 100-hour requirement, the licensure board shall
7 establish a minimum number of hours that must be completed in
8 improving patient safety and risk management subject areas.], 12
9 hours of which shall be in courses on continuous quality
10 improvement, patient safety and best practices of error-free
11 medicine approved by the department.

12 * * *

13 Section 5. This act shall take effect in 60 days.