

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1251 Session of
2005

INTRODUCED BY TIGUE, BLAUM, CAWLEY, MUNDY, W. KELLER, STABACK,
BARRAR, BELFANTI, BOYD, CALTAGIRONE, CORRIGAN, CRAHALLA,
DALEY, DeLUCA, DENLINGER, GOOD, HALUSKA, HENNESSEY,
LEVDANSKY, McGEEHAN, SCAVELLO, SHANER, SURRA, TANGRETTI,
THOMAS, WALKO AND WASHINGTON, MARCH 31, 2005

REFERRED TO COMMITTEE ON HEALTH AND HUMAN SERVICES,
MARCH 31, 2005

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," prohibiting certain settlement
16 agreements; and requiring settlement agreements to be subject
17 to disclosure.

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

20 Section 1. The act of March 20, 2002 (P.L.154, No.13), known
21 as the Medical Care Availability and Reduction of Error (Mcare)
22 Act, is amended by adding sections to read:

23 Section 517. Certain settlement agreements prohibited.

1 A settlement agreement of a medical professional liability
2 claim that contains a provision requiring any term or provision
3 of the agreement to be held confidential by the parties or to be
4 sealed by a court shall be void and unenforceable as against
5 public policy.

6 Section 518. Settlements to be filed with the court and open to
7 inspection.

8 A settlement agreement of a medical professional liability
9 claim, regardless of whether a medical professional liability
10 action has been filed thereon, and any judgment, court decision
11 or any other agreement to resolve any aspect of a medical
12 professional liability action shall be filed with the
13 prothonotary of the court in the county in which the claim
14 arises or the action is filed and shall be open to public
15 inspection in accordance with the local rule of court.

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