

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1010 Session of  
2007

INTRODUCED BY CAPPELLI, BENNINGHOFF, BEYER, CALTAGIRONE,  
CASORIO, CLYMER, COHEN, EVERETT, FABRIZIO, FLECK, FRANKEL,  
GEIST, GEORGE, GINGRICH, HALUSKA, HENNESSEY, HORNAMAN,  
JOSEPHS, M. KELLER, KIRKLAND, KORTZ, KULA, MANDERINO,  
MCILHATTAN, MYERS, O'NEILL, PHILLIPS, PICKETT, RAPP, SAYLOR,  
MCILVAINE SMITH, THOMAS, WATSON AND YOUNGBLOOD, APRIL 3, 2007

REFERRED TO COMMITTEE ON HEALTH AND HUMAN SERVICES,  
APRIL 3, 2007

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," providing for patients' visitation  
16 rights.

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

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

22 Section 106. Patients' visitation rights.

1     (a) Authorization.--A patient has the right to designate  
2 individuals as visitors so that these designees may accompany  
3 the patient while the patient is receiving treatment from a  
4 health care provider. This right shall extend only to the  
5 patient and may be initiated or rescinded by the patient at any  
6 time.

7     (b) Designation.--A patient choosing to designate  
8 individuals as visitors may do so verbally, in sign language, in  
9 writing or through an interpreter.

10    (c) Procedure.--The full name of each individual so  
11 designated and the individual's address, telephone number and  
12 relationship to the patient must be provided by the patient, the  
13 patient's guardian, the patient's primary care physician or a  
14 person maintaining durable power of attorney to the health care  
15 provider for recording in the patient's permanent medical  
16 record.

17    (d) Handwritten attestation.--If the patient has not had the  
18 opportunity to have the visitor designation recorded in the  
19 patient's medical records, a signed statement in the patient's  
20 own handwriting attesting to the designation of an individual  
21 for the purpose of extending visitation rights during the  
22 provision of services by a health care provider, along with  
23 pertinent information as provided under subsection (c), shall  
24 meet all the requirements of this section, provided that two  
25 individuals, neither of whom may be the designated individuals,  
26 witness the patient's signature on the signed statement.

27    (e) No statement available.--If a signed statement is not  
28 available, those designated as agents on a durable power of  
29 attorney for health care form shall be allowed visitation  
30 privileges.

1     (f) Number of visitors.--The number of individuals allowed  
2 to visit the patient at any given time shall be determined by  
3 current health care provider policy.

4     (g) Construction.--This section shall not be construed to  
5 prohibit members of the patient's family from visiting the  
6 patient if they have not been so designated under this section.

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