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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 660 Session of  
2011

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INTRODUCED BY HUGHES, TARTAGLIONE, LEACH, FONTANA, SCARNATI,  
GREENLEAF, YUDICHAK, D. WHITE, ERICKSON, WOZNIAK, WARD,  
KASUNIC, FARNESE, FERLO AND BROWNE, MARCH 1, 2011

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REFERRED TO PUBLIC HEALTH AND WELFARE, MARCH 1, 2011

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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 department  
16 responsibilities and for medical facility reports and  
17 notifications.

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

20 Section 1. Sections 306(a) and 313(a) of the act of March  
21 20, 2002 (P.L.154, No.13), known as the Medical Care  
22 Availability and Reduction of Error (Mcare) Act, are amended to  
23 read:

24 Section 306. Department responsibilities.

25 (a) General rule.--The department shall do all of the

1 following:

2 (1) Review and approve patient safety plans in  
3 accordance with section 307.

4 (2) Receive reports of serious events and infrastructure  
5 failures under section 313.

6 (3) Investigate [serious events and] infrastructure  
7 failures.

8 (3.1) Initiate an investigation of any reported serious  
9 event within five days after receipt of the report and  
10 conduct an on-site inspection of any medical facility that  
11 reports a serious event within the time period prescribed  
12 under section 313.

13 (3.2) Refer the results of any investigation or  
14 inspection conducted under paragraph (3.1) to appropriate law  
15 enforcement authorities if the department has a reasonable  
16 belief that a violation of the criminal laws of this  
17 Commonwealth has occurred.

18 (3.3) Refer the results of any investigation or  
19 inspection conducted under paragraph (3.1) to the Bureau of  
20 Professional and Occupational Affairs in the Department of  
21 State for investigation if the department has a reasonable  
22 belief that further investigation of any health care worker  
23 licensed by the Commonwealth and involved in the serious  
24 event is warranted.

25 (4) In conjunction with the authority, analyze and  
26 evaluate existing health care procedures and approve  
27 recommendations issued by the authority pursuant to section  
28 304(a)(6) and (7).

29 (5) Meet with the authority for purposes of implementing  
30 this chapter.

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2 Section 313. Medical facility reports and notifications.

3 (a) Serious event reports.--A medical facility shall report  
4 the occurrence of a serious event to the department and the  
5 authority within 24 hours of the medical facility's confirmation  
6 of the occurrence of the serious event. The report to the  
7 department and the authority shall be in the form and manner  
8 prescribed by the authority in consultation with the department  
9 and shall not include the name of any patient or any other  
10 identifiable individual information. Within ten days of  
11 receiving a report of the occurrence of a serious event, the  
12 department shall conduct an on-site inspection of the medical  
13 facility for compliance with all applicable laws and  
14 regulations.

15 \* \* \*

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