

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 161 Session of 2021

INTRODUCED BY MULLERY, SCHLOSSBERG, HILL-EVANS AND D. WILLIAMS,  
JANUARY 14, 2021

REFERRED TO COMMITTEE ON HEALTH, JANUARY 14, 2021

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," in medical professional liability,  
 16 providing for use of Department of Health surveys or  
 17 inspections.

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 a section to read:

23 Section 517. Use of Department of Health surveys or  
 24 inspections.

25 The results of surveys or inspections, as defined in section

1 802.1 of the act of July 19, 1979 (P.L.130, No.48), known as the  
2 Health Care Facilities Act, conducted by the Department of  
3 Health may be utilized in civil actions involving the care of  
4 patients or residents to show history or course of conduct.

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