

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2957 Session of
2002

INTRODUCED BY GODSHALL, M. BAKER, BARD, BENNINGHOFF, CAPPELLI,
CLARK, CLYMER, CORNELL, CREIGHTON, CURRY, HERSHEY, LEH,
MANDERINO, MELIO, MUNDY, PETRARCA, SCAVELLO, SCRIMENTI,
SHANER, STEELMAN, TIGUE, WATSON, WILT, M. WRIGHT, G. WRIGHT
AND G. ARMSTRONG, NOVEMBER 4, 2002

REFERRED TO COMMITTEE ON INSURANCE, NOVEMBER 4, 2002

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 medical
16 professional liability claims.

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

19 Section 1. Section 714 of the act of March 20, 2002
20 (P.L.154, No.13), known as the Medical Care Availability and
21 Reduction of Error (Mcare) Act, is amended by adding a
22 subsection to read:

23 Section 714. Medical professional liability claims.

* * *

(i) Premiums based on claims.--No insurer doing business in this Commonwealth shall consider, in the calculation of the premium charged for a medical professional liability policy, any medical professional liability claim filed against a health care provider for which a settlement or partial settlement was not reached or judgment entered within two years from the date the claim was filed.

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