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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**HOUSE BILL**

**No. 1483** Session of  
1995

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INTRODUCED BY JOSEPHS, KUKOVICH, DALEY, E. Z. TAYLOR, KENNEY,  
TANGRETTI, YOUNGBLOOD AND STEELMAN, APRIL 26, 1995

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REFERRED TO COMMITTEE ON HEALTH AND HUMAN SERVICES,  
APRIL 26, 1995

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AN ACT

1 Providing for cesarean section delivery practice parameters;  
2 establishing peer review boards; and providing for duties of  
3 the Health Care Cost Containment Council.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the Healthy  
8 Childbirth Delivery Act.

9 Section 2. Definitions.

10 The following words and phrases when used in this act shall  
11 have the meanings given to them in this section unless the  
12 context clearly indicates otherwise:

13 "Board." The peer review board.

14 "Council." The Health Care Cost Containment Council.

15 "Department." The Department of Health of the Commonwealth.

16 "Provider hospital." A hospital in which there annually  
17 occur 30 or more births that are paid for partly or fully by  
18 Federal funds or State funds administered by the Commonwealth.

1 Section 3. Cesarean section delivery.

2 (a) Practice parameters.--The Office of the Deputy Secretary  
3 for Public Health Programs of the department, in consultation  
4 with the State Board of Medicine, professional associations and  
5 recognized medical authorities, is directed to establish  
6 practice parameters to be followed by physicians in provider  
7 hospitals in performance of a cesarean section delivery when the  
8 delivery will be paid partly or fully by Federal funds or State  
9 funds administered by the Commonwealth. These parameters shall  
10 be directed to reduce the number of unnecessary cesarean section  
11 deliveries.

12 (b) Contents.--The practice parameters under subsection (a)  
13 shall address, at a minimum, the following:

14 (1) Feasibility of attempting a vaginal delivery for  
15 each patient with a prior cesarean section.

16 (2) Dystocia, including arrested dilation and prolonged  
17 deceleration phase.

18 (3) Fetal distress.

19 (4) Fetal malposition.

20 (c) Rules and regulations.--The department shall promulgate  
21 rules and regulations to implement the provisions of this  
22 section.

23 Section 4. Peer review board.

24 (a) Establishment.--Each provider hospital shall establish a  
25 peer review board consisting of obstetric physicians and other  
26 persons having credentials within that hospital to perform  
27 deliveries by cesarean section.

28 (b) Duties.--The board shall:

29 (1) Review, at least monthly, every cesarean section  
30 performed since the previous review and paid for by Federal

1 funds or State funds administered by the Commonwealth.

2 (2) Conduct its review under the parameters specified in  
3 the rules adopted by the department under this act and shall  
4 pay particular attention to electronic fetal monitoring  
5 records, umbilical cord gas results and Apgar scores in  
6 determining if the cesarean section delivery was appropriate.

7 (c) Results.--The results of this periodic review shall be  
8 shared with the attending physician. These reviews and the  
9 resultant reports must be considered a part of the licensing of  
10 health care facilities under the act of July 19, 1979 (P.L.130,  
11 No.48), known as the Health Care Facilities Act, and the peer  
12 review process under the act of July 20, 1974 (P.L.564, No.193),  
13 known as the Peer Review Protection Act.

14 Section 5. Health Care Cost Containment Council.

15 The council is directed to assess annually the cesarean  
16 section rate in Pennsylvania hospitals using the analysis  
17 methodology that the council determines most appropriate. To  
18 assist the council in determining the impact of this act on  
19 Pennsylvania hospitals' cesarean section rates each provider  
20 hospital shall notify the council of the date of implementation  
21 of the practice parameters and the date of the first meeting of  
22 the board. The council will use these dates in monitoring any  
23 change in provider hospital cesarean section rates.

24 Section 6. Annual report.

25 An annual report based on the monitoring and assessment in  
26 section 4 shall be submitted to the Governor and the General  
27 Assembly by the council, with the first annual report due  
28 January 1, 1996.

29 Section 7. Civil or administrative action.

30 Nothing in this act shall serve as the basis for any civil or

1 administrative action, nor as evidence of a standard of care or  
2 compliance with a standard of care in any civil or  
3 administrative action.

4 Section 8. Effective date.

5 This act shall take effect in 60 days.