
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1846 Session of
2001

INTRODUCED BY DAILEY, VANCE, MANDERINO, METCALFE, WILT, ROSS,
ARMSTRONG, BEBKO-JONES, HERMAN, LAUGHLIN, CRUZ, HENNESSEY,
CREIGHTON, RUBLEY, BASTIAN, HARPER, STABACK, ADOLPH,
E. Z. TAYLOR, MANN, SOLOBAY, MUNDY, SAYLOR, TANGRETTI, WALKO,
YUDICHAK, SHANER, WATSON, WANSACZ, LEH, GEIST, GABIG, FLICK,
BARRAR, HORSEY, TIGUE, L. I. COHEN, YOUNGBLOOD, KENNEY,
STEELMAN, T. STEVENSON, FICHTER, SEMMEL, C. WILLIAMS, BUNT,
TULLI, SCHRODER, KELLER, THOMAS AND PETRARCA, JULY 11, 2001

REFERRED TO COMMITTEE ON HEALTH AND HUMAN SERVICES,
JULY 11, 2001

AN ACT

1 Providing for the protection of health care professionals who
2 report inadequacy or quality care in connection with a health
3 care facility; imposing duties on the health care unit within
4 the Office of Attorney General; and imposing penalties.

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

7 Section 1. Short title.

8 This act shall be known and may be cited as the Patient
9 Safety and Quality Assurance Act.

10 Section 2. Definitions.

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

14 "Agency." The health care unit within the Office of Attorney
15 General.

1 "Health care facility." A facility licensed under the act of
2 July 19, 1979 (P.L.130, No.48), known as the Health Care
3 Facilities Act.

4 "Health care professional." An individual who maintains a
5 professional Pennsylvania health license, including, but not
6 limited to a physician, certified registered nurse practitioner,
7 registered nurse or licensed practical nurse. This term shall
8 not include an individual who is employed by a health care
9 facility and does not maintain a professional Pennsylvania
10 health license, including, but not limited to, a certified
11 nurse's aide, maintenance staff person, secretary, volunteer or
12 cafeteria personnel.

13 Section 3. Patient safety and quality assurance telephone
14 number.

15 The agency shall establish and maintain a Statewide
16 confidential toll-free telephone line to enable health care
17 professionals to report on patient safety or the quality of
18 patient care provided in connection with a health care facility.

19 Section 4. Caller and calls.

20 (a) Protections.--A health care professional who reports to
21 the agency regarding patient safety or the quality of patient
22 care provided in connection with a health care facility:

23 (1) Shall be protected from any retaliatory activity of
24 the employer or fellow employees.

25 (2) Shall be informed by the agency that any personal
26 information of the health care professional reporting to the
27 agency shall remain anonymous upon request.

28 (b) Sanctions.--If a health care facility takes disciplinary
29 or legal action against a health care professional who reports
30 to the agency under this act and the agency considers such

1 action to be retaliatory, the employer shall be responsible for
2 the health care professional's costs associated with such
3 action.

4 Section 5. Response to calls.

5 (a) Duty to investigate and respond.--The agency shall
6 respond to each telephone call, after determining the validity
7 of the complaint and investigating the complaint, within ten
8 business days.

9 (b) Duty to impose penalties.--Based on its findings, the
10 agency shall assess penalties, such as fines and suspensions,
11 necessary for failure to meet the requirements set forth in this
12 act.

13 Section 6. Regulations.

14 The agency shall promulgate regulations, including, but not
15 limited to, penalties to be imposed, which are necessary to
16 implement the provisions of this act.

17 Section 7. Appropriation.

18 The sum of \$55,000, or as much thereof as shall be necessary,
19 is appropriated to the Office of Attorney General for the
20 purpose of carrying out the provisions of this act.

21 Section 8. Effective date.

22 This act shall take effect in 90 days.