

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 371 Session of  
2003

INTRODUCED BY GODSHALL, BAKER, BROWNE, BUNT, CAWLEY, CORRIGAN,  
CREIGHTON, CURRY, FAIRCHILD, FEESE, HENNESSEY, LEWIS,  
MANDERINO, MUNDY, SATHER, SCAVELLO, TANGRETTI, TIGUE AND  
WANSACZ, FEBRUARY 24, 2003

REFERRED TO COMMITTEE ON INSURANCE, FEBRUARY 24, 2003

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.

24 \* \* \*

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

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