

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 519 Session of  
2003

INTRODUCED BY DeLUCA, BEBKO-JONES, BISHOP, COHEN, CREIGHTON,  
CRUZ, DALEY, D. EVANS, HORSEY, JOSEPHS, MELIO, MYERS,  
PRESTON, ROEBUCK, RUFFING, R. STEVENSON, TANGRETTI, THOMAS  
AND WASHINGTON, FEBRUARY 26, 2003

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE,  
FEBRUARY 26, 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," providing for physician license  
16 suspension.

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

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

22 Section 908.1. Licensure board-imposed license suspension.

23 (a) Reporting requirement.--Each entity which makes a

1 payment under an insurance policy, self-insurance, or otherwise,  
2 for the benefit of a physician in settlement of or in  
3 satisfaction in whole or in part of a claim or judgment against  
4 a physician for medical professional liability shall report  
5 within 48 hours of making the payment the information required  
6 under 45 CFR § 60.7 (relating to reporting medical malpractice  
7 payments) to the State Board of Medicine or the State Board of  
8 Osteopathic Medicine, as appropriate.

9 (b) Physician license suspension.--In addition to any  
10 authority of the State Board of Medicine and the State Board of  
11 Osteopathic Medicine to suspend the license of a physician under  
12 this act, the act of December 20, 1985 (P.L.457, No.112), known  
13 as the Medical Practice Act of 1985, or the act of October 5,  
14 1978 (P.L.1109, No.261), known as the Osteopathic Medical  
15 Practice Act, the State Board of Medicine and the State Board of  
16 Osteopathic Medicine shall have the power and duty to suspend  
17 immediately the license of any physician who has three paid  
18 medical professional liability claims within the immediately  
19 preceding seven years. The period of suspension shall be no less  
20 than 60 days, which period may be extended by the licensure  
21 board. Upon suspension of a physician's license, the licensure  
22 board must commence immediately an investigation of the  
23 physician for the purpose of imposing additional disciplinary  
24 sanctions or corrective measures as warranted.

25 (c) Procedure.--All actions of a licensure board under this  
26 section shall be taken subject to the right of notice, hearing,  
27 adjudication and appeal therefrom in accordance with the  
28 provisions of 2 Pa.C.S. (relating to administrative law and  
29 procedure).

30 (d) Nonapplicability.--This section shall not apply to

1 physicians exempt under section 711(j).

2 (e) Definition.--As used in this section, the term "paid  
3 medical professional liability claim" includes, but is not  
4 limited to, an indemnity payment and money paid as a result of a  
5 settlement or judgment in a medical professional liability  
6 action against a physician.

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