

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2429 Session of
2008

INTRODUCED BY PETRARCA, BRENNAN, CAPPELLI, CUTLER, DeLUCA,
GABIG, GEORGE, HARHAI, HENNESSEY, HORNAMAN, JAMES, JOSEPHS,
KORTZ, KOTIK, KULA, LEACH, MAHONEY, McGEEHAN, MICOZZIE,
R. MILLER, MILNE, MYERS, M. O'BRIEN, REICHLEY, SHIMKUS,
SIPTROTH, K. SMITH, SONNEY, R. STEVENSON, STURLA AND
YOUNGBLOOD, APRIL 3, 2008

REFERRED TO COMMITTEE ON INSURANCE, APRIL 3, 2008

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," in Health Care Provider Retention
16 Program, further providing for abatement program and for
17 procedure.

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

20 Section 1. Section 1102(b) of the act of March 20, 2002
21 (P.L.154, No.13), known as the Medical Care Availability and
22 Reduction of Error (Mcare) Act, amended October 27, 2006
23 (P.L.1198, No.128), is amended to read:

1 Section 1102. Abatement program.

2 * * *

3 (b) Other abatement.--(1) Emergency physicians not employed
4 full time by a trauma center or working under an exclusive
5 contract with a trauma center shall retain eligibility for an
6 abatement pursuant to section 1104(b)(2) for calendar years
7 2003, 2004, 2005 and 2006. Commencing in calendar year 2007,
8 these emergency physicians shall be eligible for an abatement
9 pursuant to section 1104(b)(1).

10 (2) Birth centers shall retain eligibility for an
11 abatement pursuant to section 1104(b)(2) for calendar years
12 2003, 2004, 2005, 2006 and 2007. Commencing in calendar year
13 2008, birth centers shall be eligible for an abatement
14 pursuant to section 1104(b)(1).

15 Section 2. Section 1104(b) of the act, added December 22,
16 2005 (P.L.458, No.88), is amended to read:

17 Section 1104. Procedure.

18 * * *

19 (b) Review.--Upon receipt of a completed application, the
20 Insurance Department shall review the applicant's information
21 and grant the applicable abatement of the assessment for the
22 previous calendar year specified on the application in
23 accordance with all of the following:

24 (1) The Insurance Department shall notify the Department
25 of Public Welfare that the applicant has self-certified as
26 eligible for a 100% abatement of the imposed assessment if
27 the health care provider was assessed under section 712(d)
28 as:

29 (i) a physician who is assessed as a member of one
30 of the four highest rate classes of the prevailing

1 primary premium;

2 (ii) an emergency physician;

3 (iii) a physician who routinely provides obstetrical
4 services in rural areas as designated by the Insurance
5 Department; [or]

6 (iv) a certified nurse midwife[.]; or

7 (v) a birth center.

8 (2) The Insurance Department shall notify the Department
9 of Public Welfare that the applicant has self-certified as
10 eligible for a 50% abatement of the imposed assessment if the
11 health care provider was assessed under section 712(d) as:

12 (i) a physician but is a physician who does not
13 qualify for abatement under paragraph (1);

14 (ii) a licensed podiatrist; [or]

15 (iii) a nursing home[.]; or

16 (iv) a birth center.

17 * * *

18 Section 3. This act shall take effect immediately.