
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 781 Session of
2007

INTRODUCED BY BROWNE, ROBBINS, BOSCOLA, FONTANA, COSTA, WOZNIAK
AND C. WILLIAMS, MAY 3, 2007

REFERRED TO PUBLIC HEALTH AND WELFARE, MAY 3, 2007

AN ACT

1 Amending the act of June 21, 1957 (P.L.390, No.212), entitled
2 "An act requiring certain records of the Commonwealth and its
3 political subdivisions and of certain authorities and other
4 agencies performing essential governmental functions, to be
5 open for examination and inspection by citizens of the
6 Commonwealth of Pennsylvania; authorizing such citizens under
7 certain conditions to make extracts, copies, photographs or
8 photostats of such records; and providing for appeals to the
9 courts of common pleas," requiring nonprofit hospitals to
10 comply with open examination and inspection requirements.

11 The General Assembly finds and declares as follows:

12 (1) Nonprofit hospitals located within this Commonwealth
13 continue to perform a unique governmental public function.

14 (2) Virtually every citizen will, during their
15 lifetimes, require the services of a hospital, regardless of
16 his or her status in life.

17 (3) The use of other nonprofit institutions within this
18 Commonwealth, such as parks, art and other museums,
19 libraries, colleges and universities are utilized as a matter
20 of choice.

21 (4) By virtue of their importance and the nature of

1 their work, nonprofit hospitals enjoy tax-free status,
2 permitting them to borrow money at lower interest rates than
3 for-profit businesses and profit-making hospitals, to avoid
4 the costs of real estate and other State and local taxes and
5 to solicit tax-deductible contributions.

6 (5) The delivery of health care to the citizens of this
7 Commonwealth by nonprofit hospitals has undergone substantial
8 changes during the past decades.

9 (6) The Federal Government, in partnership with the
10 Commonwealth, has instituted systems known as Medicare,
11 Medicaid and other special reimbursement programs, whereby,
12 in total, more than the costs of the services provided to
13 their patients are paid to the hospitals in numerous
14 instances throughout this Commonwealth, resulting in
15 substantial cash surpluses at a significant number of
16 hospitals Statewide.

17 (7) This Commonwealth's hospitals in many areas have
18 become the largest employers and expend more funds than all
19 of the other local county governments combined, including
20 school districts, cities, boroughs and townships.

21 (8) Trustees, chosen without public input by those
22 already on the hospital boards, are now empowered to make
23 regional decisions affecting every aspect of medical care to
24 our citizens. These include not only the nature and size of
25 the physical hospital itself, but also the control of the pay
26 and practices of the local physicians and surgeons, as well
27 as the pay and benefits to the thousands of permanent nurses,
28 technicians and other staff.

29 (9) These self-perpetuating boards of trustees are
30 administering large amounts of public funds and grants.

1 (10) Although nonprofit hospitals commonly compete for
2 patients, the cost of health care to the consumers is
3 increasing. In view of the fact that most public employees,
4 such as those engaged in teaching or judicial activities,
5 legislators, administrators, police and fire personnel and
6 other State, county, city, borough and township workers, are
7 covered by hospitalization insurance, an increase in hospital
8 billings accompanied by an increase in health care insurance
9 is resulting in substantial tax increases.

10 (11) Decisions by boards of trustees of this
11 Commonwealth's hospitals are made in closed sessions with the
12 exception of one annual board meeting required by law, at
13 which no adverse incidents have been reported.

14 (12) The boards of trustees are in many instances too
15 large in number. This tends to place an unfavorable balance
16 between the board and the professional administration. The
17 complexity of today's hospitals requires strong, focused
18 boards, similar to those of large corporations.

19 (13) It is in the best interest of this Commonwealth
20 that its citizens be fully informed about health care
21 policies of importance to all of them involving not-for-
22 profit hospital expenditures. The information is insufficient
23 when the public is merely told what is to happen. The public
24 is entitled to attend decisional meetings to witness and hear
25 the deliberations and reasoning for hospital policy, in
26 addition to being respectfully heard by the board in open
27 meetings.

28 The General Assembly of the Commonwealth of Pennsylvania
29 hereby enacts as follows:

30 Section 1. Section 1 of the act of June 21, 1957 (P.L.390,

1 No.212), referred to as the Right-to-Know Law, amended June 29,
2 2002 (P.L.663, No.100), is amended to read:

3 Section 1. Definitions.

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

7 "Agency." Any office, department, board or commission of the
8 executive branch of the Commonwealth, any political subdivision
9 of the Commonwealth, the Pennsylvania Turnpike Commission, the
10 State System of Higher Education, any nonprofit hospital or any
11 State or municipal authority or similar organization created by
12 or pursuant to a statute which declares in substance that such
13 organization performs or has for its purpose the performance of
14 an essential governmental function.

15 "Commonwealth agency." An agency which is a Commonwealth
16 agency as that term is defined under 62 Pa.C.S. § 103 (relating
17 to definitions).

18 "Non-Commonwealth agency." An agency which is not a
19 Commonwealth agency.

20 "Nonprofit hospital." A hospital owned by a nonprofit
21 corporation organized under 15 Pa.C.S. Pt. II Subpt. C (relating
22 to nonprofit corporations). The term shall not include veterans
23 hospitals or State hospitals.

24 "Public record." Any account, voucher or contract dealing
25 with the receipt or disbursement of funds by an agency or its
26 acquisition, use or disposal of services or of supplies,
27 materials, equipment or other property and any minute, order or
28 decision by an agency fixing the personal or property rights,
29 privileges, immunities, duties or obligations of any person or
30 group of persons: Provided, That the term "public records" shall

1 not mean any report, communication or other paper, the
2 publication of which would disclose the institution, progress or
3 result of an investigation undertaken by an agency in the
4 performance of its official duties, except those reports filed
5 by agencies pertaining to safety and health in industrial
6 plants; it shall not include any record, document, material,
7 exhibit, pleading, report, memorandum or other paper, access to
8 or the publication of which is prohibited, restricted or
9 forbidden by statute law or order or decree of court, or which
10 would operate to the prejudice or impairment of a person's
11 reputation or personal security, or which would result in the
12 loss by the Commonwealth or any of its political subdivisions or
13 commissions or State or municipal authorities of Federal funds,
14 excepting therefrom however the record of any conviction for any
15 criminal act.

16 "Record." Any document maintained by an agency, in any form,
17 whether public or not.

18 "Requester." A person who is a resident of the Commonwealth
19 and requests a record pursuant to this act.

20 "Response." Access to a record or an agency's written notice
21 granting, denying or partially granting and partially denying
22 access to a record.

23 Section 2. This act shall take effect in 90 days.