

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 41 Session of 2009

INTRODUCED BY GREENLEAF, ORIE, WASHINGTON, RAFFERTY, FERLO,
EARLL, WAUGH AND O'PAKE, JANUARY 20, 2009

REFERRED TO BANKING AND INSURANCE, JANUARY 20, 2009

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 insurance, further providing for
16 medical professional liability insurance.

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

19 Section 1. Section 711 of the act of March 20, 2002 (P.L.
20 154, 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 711. Medical professional liability insurance.

24 * * *

25 (d.1) Election of coverage.--

1 (1) For the calendar year 2010, and each year
2 thereafter, a health care provider, other than a hospital,
3 that would otherwise be required to annually insure or self-
4 insure its professional liability in the amount mandated by
5 this section may elect to be insured or self-insured below
6 the mandated amount. A health care provider who elects to be
7 insured or self-insured below the mandated amount must
8 provide annual written notice to the department of the
9 election and is not required to comply with subsections (b)
10 and (c). The notice shall be on a form approved by the
11 department and shall include the amount of liability coverage
12 the health care provider maintains.

13 (2) A health care provider who elects to be insured or
14 self-insured below the mandated amount shall provide notice
15 to the health care provider's patients of the amount of
16 medical professional liability coverage the health care
17 provider maintains. The notice shall be printed on any
18 consent form that patients sign for a medical procedure.

19 * * *

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