

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 388 Session of 2011

INTRODUCED BY VANCE, M. WHITE, RAFFERTY, FONTANA, EICHELBERGER, ALLOWAY, FERLO, WASHINGTON AND FARNESE, FEBRUARY 7, 2011

SENATOR D. WHITE, BANKING AND INSURANCE, AS AMENDED, JUNE 7, 2011

AN ACT

1 Amending the act of May 1, 1933 (P.L.216, No.76), entitled "An
2 act relating to dentistry; defining and providing for the
3 licensing and registration of dentists and dental hygienists,
4 and for the revocation and suspension of such licenses and
5 registrations, subject to appeal, and for their
6 reinstatement; defining the powers and duties of the State
7 Dental Council and Examining Board and the Department of
8 Public Instruction; providing penalties; and repealing
9 existing laws," ADDING DEFINITIONS; AND providing for
10 professional liability insurance.



11 The General Assembly of the Commonwealth of Pennsylvania
12 hereby enacts as follows:

13 Section 1. ~~The act of May 1, 1933 (P.L.216, No.76), known as~~
14 ~~The Dental Law, is amended by adding a section to read:~~



15 Section 3.2. Professional Liability Insurance. (a) A
16 person licensed to engage in the practice of dentistry shall:

- 17 (1) purchase medical professional liability insurance in the
18 minimum amount of \$1,000,000 per occurrence or claim and
19 \$3,000,000 per annual aggregate; or
20 (2) provide self insurance.

21 SECTION 1. SECTION 2 OF THE ACT OF MAY 1, 1933 (P.L.216,



1 NO.76), KNOWN AS THE DENTAL LAW, IS AMENDED BY ADDING
2 DEFINITIONS TO READ:

3 SECTION 2. DEFINITIONS.--* * *

4 "COMMUNITY-BASED CLINIC" MEANS AN ORGANIZED CLINIC OFFERING
5 PRIMARY HEALTH SERVICES TO LOW-INCOME INDIVIDUALS OR TO
6 RESIDENTS IN MEDICALLY UNDERSERVED AREAS OR HEALTH PROFESSIONAL
7 SHORTAGE AREAS. THE TERM INCLUDES A STATE HEALTH CENTER,
8 NONPROFIT COMMUNITY-BASED CLINIC AND A FEDERALLY QUALIFIED
9 HEALTH CENTER.

10 * * *

11 "VOLUNTEER LICENSE" MEANS A LICENSE ISSUED TO QUALIFIED
12 INDIVIDUALS WHO RETIRE FROM ACTIVE PRACTICE AND SEEK TO PROVIDE
13 PROFESSIONAL SERVICES AS A VOLUNTEER IN COMMUNITY-BASED CLINICS
14 WITHOUT REMUNERATION.

15 SECTION 2. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

16 SECTION 3.2. PROFESSIONAL LIABILITY INSURANCE.--(A) A
17 PERSON LICENSED AND PRACTICING DENTISTRY SHALL MAINTAIN MEDICAL
18 PROFESSIONAL LIABILITY INSURANCE IN THE MINIMUM AMOUNT OF ONE
19 MILLION DOLLARS (\$1,000,000) PER OCCURRENCE OR CLAIM AND THREE
20 MILLION DOLLARS (\$3,000,000) PER ANNUAL AGGREGATE. ACCEPTABLE
21 COVERAGE SHALL INCLUDE:

22 (1) PERSONALLY PURCHASED LIABILITY INSURANCE;

23 (2) SELF-INSURANCE;

24 (3) LIABILITY INSURANCE COVERAGE PROVIDED BY THE DENTIST'S
25 EMPLOYER; OR

26 (4) LIABILITY INSURANCE COVERAGE PROVIDED BY THE COMMUNITY-
27 BASED CLINIC FOR DENTISTS WITH A VOLUNTEER LICENSE.

28 (b) An applicant for licensure or license renewal shall
29 provide proof of professional liability insurance to the State
30 Board of Dentistry in accordance with subsection (a) within

1 sixty (60) days of the policy being issued.

2 (c) If an applicant for licensure or license renewal fails
3 to submit proof of insurance or self-insurance required under
4 subsection (a), the applicant's license shall be refused,
5 revoked or suspended by the board.

6 Section 2 3. This act shall take effect in 60 days. ←