

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2303 Session of 2014

INTRODUCED BY FRANKEL, MUNDY, THOMAS, CALTAGIRONE, BROWNLEE,
SCHLOSSBERG, PAINTER, McNEILL, KINSEY, DeLUCA, COHEN, DAVIS,
SIMS, M. DALEY, BRIGGS, DEAN, KIM, STURLA AND MOLCHANY,
JULY 29, 2014

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, JULY 29, 2014

AN ACT

1 Amending the act of December 20, 1985 (P.L.457, No.112),
2 entitled "An act relating to the right to practice medicine
3 and surgery and the right to practice medically related acts;
4 reestablishing the State Board of Medical Education and
5 Licensure as the State Board of Medicine and providing for
6 its composition, powers and duties; providing for the
7 issuance of licenses and certificates and the suspension and
8 revocation of licenses and certificates; providing penalties;
9 and making repeals," in definitions, providing for the
10 definitions of "evidence-based" and "medically accurate"; and
11 providing for certain governmental prohibitions.

12 It is the intent of the General Assembly to protect the
13 health of patients under the care of a licensed health care
14 practitioner by ensuring that the practitioner is able to
15 communicate freely with patients and exercise his or her medical
16 judgment, in order to provide the safest and most beneficial
17 medical treatment to the individual patient.

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

20 Section 1. Section 2 of the act of December 20, 1985
21 (P.L.457, No.112), known as the Medical Practice Act of 1985, is

1 amended by adding definitions to read:

2 Section 2. Definitions.

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

6 * * *

7 "Evidence-based." A treatment approach that has been proven
8 effective through appropriate empirical analysis.

9 * * *

10 "Medically accurate." In relation to information,
11 information that is:

12 (1) verified or supported by the weight of medical
13 research conducted in compliance with accepted scientific
14 methods;

15 (2) recognized as correct and objective by leading
16 medical organizations with relevant expertise; or

17 (3) recommended by or affirmed in the medical practice
18 guidelines of a nationally recognized accrediting
19 organization.

20 * * *

21 Section 2. The act is amended by adding a section to read:

22 Section 14.1. Governmental prohibition.

23 Neither the Commonwealth nor any political subdivision shall:

24 (1) Require a licensed health care practitioner to
25 provide a patient with:

26 (i) information that is not medically accurate and
27 appropriate for the patient; or

28 (ii) a medical service in a manner that is not
29 evidence-based and appropriate for the patient.

30 (2) Prohibit a licensed health care practitioner from

1 providing a patient with:

2 (i) information that is medically accurate and
3 appropriate for the patient; or

4 (ii) a medical service that is evidence-based and
5 appropriate for the patient.

6 Section 3. Nothing in this act shall be construed to alter
7 existing professional standards of care nor abrogate the duty of
8 a licensed health care practitioner to meet the applicable
9 standard of care.

10 Section 4. This act shall take effect in 30 days.