

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1456 Session of
2014

INTRODUCED BY STACK, FONTANA, RAFFERTY, FARNESE, HUGHES, SCHWANK
AND BREWSTER, JULY 17, 2014

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,
JULY 17, 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," further providing for definitions; and
10 providing for prohibited government action.

11 The General Assembly declares its intention to protect the
12 health of patients under the care of a licensed health care
13 practitioner by ensuring that the practitioner is able to
14 communicate freely with patients and exercise the practitioner's
15 medical judgment in order to provide the safest and most
16 beneficial medical treatment to individual patients.

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

19 Section 1. Section 2 of the act of December 20, 1985
20 (P.L.457, No.112), known as the Medical Practice Act of 1985, is
21 amended by adding definitions to read:

1 Section 2. Definitions.

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

5 * * *

6 "Evidence-based." Proven effective through appropriate
7 empirical analysis.

8 * * *

9 "Medically accurate." Information which is:

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

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

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

18 * * *

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

20 Section 20.1. Prohibited government action.

21 (a) General rule.--Neither the Commonwealth nor any
22 political subdivision of the Commonwealth shall:

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

25 (i) Information that is not medically accurate and
26 medically appropriate for the patient.

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

29 (2) Prohibit a health care practitioner from providing a
30 patient with:

1 (i) Information that is medically accurate and
2 medically appropriate for the patient.

3 (ii) A medical service that is evidence-based and
4 medically appropriate for the patient.

5 (b) Construction.--Nothing in this section alters existing
6 professional standards of care nor abrogates the duty of a
7 health care practitioner to meet the applicable standard of
8 care.

9 Section 3. This act shall take effect in 60 days.