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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 747 Session of  
2015

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INTRODUCED BY VOGEL, WHITE, SCARNATI, STEFANO, MENSCH, WARD AND  
FOLMER, APRIL 20, 2015

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REFERRED TO BANKING AND INSURANCE, APRIL 20, 2015

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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," providing for punitive damages study;  
16 and imposing duties on the Insurance Commissioner.

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

19 Section 1. The act of March 20, 2002 (P.L.154, No.13), known  
20 as the Medical Care Availability and Reduction of Error (Mcare)  
21 Act, is amended by adding a chapter to read:

22 CHAPTER 13

23 PUNITIVE DAMAGES STUDY

24 Section 1301. Duty of commissioner.

25 The commissioner shall study the amount of punitive damages

1 paid by physicians, long-term care nursing facilities licensed  
2 by the Department of Health and personal care homes licensed by  
3 the Department of Human Services practicing in this Commonwealth  
4 since March 20, 2005. State agencies shall cooperate with the  
5 commissioner as necessary to obtain this information.

6 Section 1302. Completion of study and updates.

7 The commissioner must complete the study one year after this  
8 chapter takes effect.

9 Section 1303. Submission.

10 The study must be submitted to the following:

11 (1) The chairman and minority chairman of the Banking  
12 and Insurance Committee of the Senate.

13 (2) The chairman and minority chairman of the Insurance  
14 Committee of the House of Representatives.

15 Section 2. This act shall take effect immediately.