

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1004 Session of
2019

INTRODUCED BY A. DAVIS, SCHLOSSBERG, HILL-EVANS, KORTZ, LEE,
KINSEY, YOUNGBLOOD, FRANKEL, HARRIS, FREEMAN, DeLUCA,
McCLINTON AND MARKOSEK, APRIL 8, 2019

REFERRED TO COMMITTEE ON HEALTH, APRIL 8, 2019

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 patient safety, further providing for
16 definitions, for powers and duties of Patient Safety
17 Authority, for patient safety committee and for
18 confidentiality and compliance.

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

21 Section 1. The definition of "medical facility" in section
22 302 of the act of March 20, 2002 (P.L.154, No.13), known as the
23 Medical Care Availability and Reduction of Error (Mcare) Act, is
24 amended and the section is amended by adding a definition to
25 read:

1 Section 302. Definitions.

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

5 * * *

6 "Long-term care nursing facility." An entity defined as a
7 long-term care nursing facility under section 802.1 of the act
8 of July 19, 1979 (P.L.130, No.48), known as the Health Care
9 Facilities Act.

10 "Medical facility." An ambulatory surgical facility, birth
11 center, hospital, long-term care nursing facility or abortion
12 facility.

13 * * *

14 Section 2. Sections 304(c)(2), 310(a)(1) and 311(h) of the
15 act are amended to read:

16 Section 304. Powers and duties.

17 * * *

18 (c) Annual report to General Assembly.--

19 * * *

20 (2) The report shall be distributed to the Secretary of
21 Health, the chair and minority chair of the [Public Health
22 and Welfare Committee] Health and Human Services Committee of
23 the Senate and the chair and minority chair of the Health
24 Committee and the chair and minority chair of the Human
25 Services Committee of the House of Representatives.

26 * * *

27 Section 310. Patient safety committee.

28 (a) Composition.--

29 (1) A long-term care nursing facility's or a hospital's
30 patient safety committee shall be composed of the medical

1 facility's patient safety officer and at least three health
2 care workers of the medical facility and two residents of the
3 community served by the medical facility who are not agents,
4 employees or contractors of the medical facility. No more
5 than one member of the patient safety committee shall be a
6 member of the medical facility's board of trustees. The
7 committee shall include members of the medical facility's
8 medical and nursing staff. The committee shall meet at least
9 monthly.

10 * * *

11 Section 311. Confidentiality and compliance.

12 * * *

13 (h) Right-to-know requests.--Any documents, materials or
14 information made confidential by subsection (a) shall not be
15 subject to requests under the act of [June 21, 1957 (P.L.390,
16 No.212), referred to as the Right-to-Know Law] February 14, 2008
17 (P.L.6, No.3), known as the Right-to-Know Law.

18 * * *

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