

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1058 Session of 2019

INTRODUCED BY RAPP, CUTLER, KLUNK, PICKETT, ZIMMERMAN, BERNSTINE, SAYLOR, KAUFFMAN, REESE, TOPPER, JOZWIAK, GROVE, NEILSON, MURT, ECKER AND DIAMOND, APRIL 5, 2019

AS REPORTED FROM COMMITTEE ON HEALTH, HOUSE OF REPRESENTATIVES, AS AMENDED, APRIL 29, 2019

AN ACT

1 Requiring that information on the option of perinatal hospice- <--
2 care SUPPORT CARE PROGRAMS be given to a woman after <--
3 diagnosis of a life limiting condition; and imposing
4 penalties.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Short title.

8 This act shall be known and may be cited as the Perinatal- <--
9 Hospice Information COMPASSION AND CARE FOR MEDICALLY <--

10 CHALLENGING PREGNANCIES Act.

11 Section 2. Definitions.

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

15 "Abortion." The use of any means to terminate the clinically
16 diagnosable pregnancy of a woman with knowledge that the
17 termination will, with reasonable likelihood, cause the death of
18 the unborn child. The term does not include procedures with the

1 intent to:

2 (1) save the life or preserve the health of an unborn
3 child even if the unborn child does not survive;

4 (2) remove a dead unborn child caused by spontaneous
5 abortion; or

6 (3) remove an ectopic pregnancy.

7 "Department." The Department of Health of the Commonwealth.

8 "HEALTH CARE PRACTITIONER." AS DEFINED IN SECTION 103 OF THE <--
9 ACT OF JULY 19, 1979 (P.L.130, NO.48), KNOWN AS THE HEALTH CARE
10 FACILITIES ACT.

11 "Life limiting condition." A fetal condition diagnosed
12 before birth that will with reasonable certainty result in the
13 death of the unborn child within three months after birth.

14 "Medical emergency." A condition which, on the basis of the
15 physician's good faith clinical judgment, complicates the
16 medical condition of a pregnant woman and necessitates the
17 immediate termination of her pregnancy to avert her death or
18 serious risk of substantial and irreversible impairment of a
19 major bodily function.

20 "Perinatal ~~hospice~~ SUPPORT CARE." Comprehensive support to <--
21 the pregnant woman and her family that includes support from the
22 time of diagnosis through the time of birth and death of the
23 infant and through the postpartum period. Supportive care may
24 include, but is not limited to, counseling and medical care by
25 maternal-fetal medical specialists, obstetricians,
26 neonatologists, anesthesia specialists, clergy, social workers
27 and specialty nurses focused on alleviating fear and ensuring
28 that the woman and her family experience the life and death of
29 their child in a comfortable and supportive environment.

30 "Physician." Any person licensed to practice medicine in

1 this Commonwealth. The term includes medical doctors and doctors
2 of osteopathy.

3 Section 3. Requirements.

4 (a) Information.--In the case of a pregnant woman who is
5 diagnosed as carrying an unborn child with a life limiting
6 condition, the physician OR HEALTH CARE PRACTITIONER who <--
7 diagnosed the woman shall provide her, orally and in person,
8 with information on perinatal hospice SUPPORT CARE, which shall <--
9 include a list of perinatal hospice SUPPORT CARE programs <--
10 available in this Commonwealth prepared by the department under
11 section 4.

12 ~~(b) Waiting period. After receiving the information, the <--~~
13 ~~woman shall wait at least 24 hours before discussing her options~~
14 ~~with the physician, including, but not limited to, perinatal~~
15 ~~hospice. This waiting period shall run concurrent with the~~
16 ~~waiting period under 18 Pa.C.S. § 3205 (relating to informed~~
17 ~~consent).~~

18 ~~(c)~~ (B) Abortion not prohibited.--Nothing in this section <--
19 shall be construed as a prohibition on an abortion performed due
20 to a medical emergency.

21 Section 4. Department duties.

22 The department shall:

23 (1) ~~Publish, in a timely manner,~~ NO LATER THAN 90 DAYS <--
24 AFTER THE EFFECTIVE DATE OF THIS ACT, PUBLISH a list of
25 perinatal hospice SUPPORT CARE programs available. <--

26 (2) Administer this act and promulgate regulations to
27 implement this act.

28 (3) NO LATER THAN 90 DAYS AFTER THE EFFECTIVE DATE OF <--
29 THIS ACT, POST ALL OF THE FOLLOWING INFORMATION ON THE
30 DEPARTMENT'S PUBLICLY ACCESSIBLE INTERNET WEBSITE ON AN

1 INFORMATION SUPPORT SHEET THAT CAN BE PRINTED AND DELIVERED
2 BY A PHYSICIAN OR HEALTH CARE PRACTITIONER TO A PREGNANT
3 WOMAN FOR THE PURPOSE OF COMPLYING WITH SECTION 3(A) :

4 (I) A STATEMENT INDICATING THAT PERINATAL SUPPORT
5 CARE PROGRAMS ARE AN INNOVATIVE AND COMPASSIONATE MODEL
6 OF SUPPORT FOR A PREGNANT WOMAN WHO FINDS OUT THAT HER
7 BABY HAS A LIFE LIMITING CONDITION AND WHO CHOOSES TO
8 CONTINUE HER PREGNANCY.

9 (II) A GENERAL DESCRIPTION OF THE HEALTH CARE
10 SERVICES AVAILABLE FROM PERINATAL SUPPORT CARE PROGRAMS.

11 (III) ANY APPLICABLE CONTACT INFORMATION, INCLUDING
12 ANY 24-HOUR PERINATAL SUPPORT CARE SERVICES AVAILABLE.

13 Section 5. Penalties.

14 ~~(a) Violation. A physician who violates this act is guilty <--~~
15 ~~of unprofessional conduct and the physician's license for the~~
16 ~~practice of medicine shall be subject to suspension or~~
17 ~~revocation in accordance with procedures provided under the act~~
18 ~~of October 5, 1978 (P.L.1109, No.261), known as the Osteopathic~~
19 ~~Medical Practice Act, or the act of December 20, 1985 (P.L.457,~~
20 ~~No.112), known as the Medical Practice Act of 1985.~~

21 (A) VIOLATION.-- <--

22 (1) A PHYSICIAN WHO VIOLATES THIS ACT IS GUILTY OF
23 UNPROFESSIONAL CONDUCT AND THE PHYSICIAN'S LICENSE FOR THE
24 PRACTICE OF MEDICINE SHALL BE SUBJECT TO SUSPENSION OR
25 REVOCATION IN ACCORDANCE WITH PROCEDURES PROVIDED UNDER THE
26 ACT OF OCTOBER 5, 1978 (P.L.1109, NO.261), KNOWN AS THE
27 OSTEOPATHIC MEDICAL PRACTICE ACT, OR THE ACT OF DECEMBER 20,
28 1985 (P.L.457, NO.112), KNOWN AS THE MEDICAL PRACTICE ACT OF
29 1985.

30 (2) A HEALTH CARE PRACTITIONER WHO VIOLATES THIS ACT

1 SHALL BE SUBJECT TO REVIEW AND DISCIPLINARY ACTION UNDER THE
2 LICENSURE, CERTIFICATION, REGISTRATION OR PERMIT PROVISIONS
3 OF LAW AND REGULATION GOVERNING THE RESPECTIVE HEALTH CARE
4 PRACTITIONER.

5 (b) Reasonable belief.--It is a defense to a violation for
6 failure to furnish the information required under section 3(a)
7 if the physician OR HEALTH CARE PRACTITIONER can demonstrate, by <--
8 a preponderance of the evidence, that the physician OR HEALTH <--
9 CARE PRACTITIONER reasonably believed that furnishing the
10 information would have a severely adverse effect on the physical
11 or mental health of the patient.

12 Section 6. Effective date.

13 This act shall take effect in 60 days.