

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 720 Session of 2019

INTRODUCED BY SCARNATI, JUNE 4, 2019

REFERRED TO BANKING AND INSURANCE, JUNE 4, 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 insurance, further providing for
 16 joint underwriting association.

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

19 Section 1. Section 731 of the act of March 20, 2002
 20 (P.L.154, No.13), known as the Medical Care Availability and
 21 Reduction of Error (Mcare) Act, is amended by adding subsections
 22 to read:

23 Section 731. Joint underwriting association.

24 * * *

25 (d) Reports and hearings.--The following shall apply:

1 (1) The joint underwriting association shall submit
2 written estimates to the Secretary of the Budget as specified
3 under section 615 of the act of April 9, 1929 (P.L.177,
4 No.175), known as The Administrative Code of 1929.

5 (2) Within 30 days of a submission of a report under
6 paragraph (1), an agent of the joint underwriting association
7 shall appear at a public hearing of the Banking and Insurance
8 Committee of the Senate and the Insurance Committee of the
9 House of Representatives to testify about the contents of the
10 report.

11 (3) The joint underwriting association shall annually
12 appear before the Appropriations Committee of the Senate and
13 the Appropriations Committee of the House of Representatives
14 to testify as to the fiscal status of the joint underwriting
15 association and make any requests for appropriations.

16 (e) Board meetings.--The board of directors of the joint
17 underwriting association shall hold quarterly public meetings,
18 subject to the requirements under 65 Pa.C.S. Ch. 7 (relating to
19 open meetings), to discuss the actuarial and fiscal status of
20 the joint underwriting association.

21 (f) Publicly accessible information.--The joint underwriting
22 association shall do all of the following:

23 (1) Submit a list of all employees of the joint
24 underwriting association as specified under section 614 of
25 The Administrative Code of 1929.

26 (2) Submit personnel information in accordance with the
27 act of June 30, 2011 (P.L.81, No.18), known as the
28 Pennsylvania Web Accountability and Transparency (PennWATCH)
29 Act.

30 (3) Comply with the act of February 14, 2008 (P.L.6,

1 No.3), known as the Right-to-Know Law.

2 (g) Procurement.--The joint underwriting association shall
3 comply with 62 Pa.C.S. Pt. I (relating to Commonwealth
4 Procurement Code).

5 (h) Commonwealth Attorneys Act.--The joint underwriting
6 association shall comply with the act of October 15, 1980
7 (P.L.950, No.164), known as the Commonwealth Attorneys Act.

8 (i) Offices.--The joint underwriting association shall
9 conduct its operations in State-owned facilities.

10 (j) Appropriations.--The joint underwriting association
11 shall be funded through appropriations determined by the General
12 Assembly.

13 (k) Access to Federal tax information.--The joint
14 underwriting association shall coordinate with the Department of
15 Revenue to ensure that any employee of the joint underwriting
16 association with access to Federal tax information has met all
17 the requirements of the prerequisites of the Department of
18 Revenue to gain access to that information.

19 Section 2. This act shall take effect in 60 days.