
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2054 Session of
2021

INTRODUCED BY DeLUCA, KINSEY, McNEILL, HOWARD, McCLINTON, KULIK
AND HARKINS, NOVEMBER 5, 2021

REFERRED TO COMMITTEE ON HEALTH, NOVEMBER 5, 2021

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 medical professional liability,
16 further providing for informed consent.

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

19 Section 1. Section 504(b) 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, amended June 30, 2021 (P.L.330,
22 No.61), is amended to read:

23 Section 504. Informed consent.

24 * * *

25 (b) Requirements to obtain informed consent.--

1 (1) Consent is informed if the patient or the patient's
2 authorized representative has been given a description of a
3 procedure set forth in subsection (a) and the risks and
4 alternatives that a reasonably prudent patient would require
5 to make an informed decision as to that procedure.

6 (2) Notwithstanding paragraph (3) or any other provision
7 of law, a physician performing surgery on a patient shall
8 personally disclose to the patient or the patient's
9 authorized representative whether the physician plans to
10 perform a concurrently scheduled surgery or render other
11 concurrently scheduled medical care during the patient's
12 surgery.

13 (3) A physician may delegate the task of obtaining the
14 informed consent of the patient or the patient's authorized
15 representative to a qualified practitioner for a procedure
16 under subsection (a) performed by a physician or performed by
17 a qualified practitioner.

18 (4) If claims for failure to obtain informed consent are
19 alleged, the physician or qualified practitioner shall be
20 entitled to present evidence of the description of that
21 procedure and those risks and alternatives that a physician
22 or qualified practitioner, acting in accordance with accepted
23 medical standards of medical practice, would provide.

24 * * *

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