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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1636 Session of  
2018

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INTRODUCED BY FRANKEL, KINSEY, DeLISSIO, V. BROWN, DONATUCCI,  
SCHLOSSBERG, THOMAS, McNEILL, DEAN, D. COSTA, KAVULICH,  
CALTAGIRONE, SIMS, PASHINSKI, ROZZI, STURLA, BRIGGS, DERMODY,  
SCHWEYER, P. COSTA, D. MILLER, FABRIZIO, McCARTER, DALEY,  
YOUNGBLOOD, BOYLE, SOLOMON, DAVIS, WHEATLEY, GAINEY,  
FITZGERALD, RABB, COMMITTA, KIM, WARREN AND BULLOCK,  
MARCH 26, 2018

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REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, MARCH 26, 2018

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AN ACT

1 Amending the act of December 20, 1985 (P.L.457, No.112),  
2 entitled "An act relating to the right to practice medicine  
3 and surgery and the right to practice medically related acts;  
4 reestablishing the State Board of Medical Education and  
5 Licensure as the State Board of Medicine and providing for  
6 its composition, powers and duties; providing for the  
7 issuance of licenses and certificates and the suspension and  
8 revocation of licenses and certificates; providing penalties;  
9 and making repeals," further providing for definitions; and  
10 providing for governmental prohibition.

11 It is the intent of the General Assembly to protect the  
12 health of patients under the care of a licensed health care  
13 practitioner by ensuring that the practitioner is able to  
14 communicate freely with patients and exercise the practitioner's  
15 medical judgment, in order to provide the safest and most  
16 beneficial medical treatment to the individual patient.

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

19 Section 1. Section 2 of the act of December 20, 1985

1 (P.L.457, No.112), known as the Medical Practice Act of 1985, is  
2 amended by adding definitions to read:

3 Section 2. Definitions.

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

7 \* \* \*

8 "Evidence-based." The use of current best evidence in making  
9 decisions about the care of an individual patient and  
10 integrating individual clinical expertise with the best  
11 available external clinical evidence from systematic research.

12 \* \* \*

13 "Medically accurate." In relation to information,  
14 information that is:

15 (1) verified or supported by the weight of peer-reviewed  
16 medical research conducted in compliance with accepted  
17 scientific methods;

18 (2) recognized as correct and objective by leading  
19 medical organizations with relevant expertise; or

20 (3) recommended by or affirmed in the medical practice  
21 guidelines of a nationally recognized accrediting  
22 organization.

23 "Medically appropriate." Consistent with applicable legal,  
24 health and professional standards; the patient's clinical and  
25 other circumstances; and the patient's reasonably known wishes  
26 and beliefs.

27 \* \* \*

28 Section 2. The act is amended by adding a section to read:  
29 Section 14.1. Governmental prohibition.

30 Neither the Commonwealth nor any political subdivision may:

1           (1) Require a licensed health care practitioner to  
2 provide a patient with:

3           (i) information that is not medically accurate and  
4 medically appropriate for the patient; or

5           (ii) a medical service in a manner that is not  
6 evidence-based and appropriate for the patient.

7           (2) Prohibit a licensed health care practitioner from  
8 providing a patient with:

9           (i) information that is medically accurate and  
10 medically appropriate for the patient; or

11           (ii) a medical service in a manner that is evidence-  
12 based and appropriate for the patient.

13       Section 3. Nothing in this act shall be construed to alter  
14 existing professional standards of care nor abrogate the duty of  
15 a licensed health care practitioner to meet the applicable  
16 standard of care.

17       Section 4. This act shall take effect in 30 days.