
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2056 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 patient safety, further providing for
16 powers and duties, for patient safety plans, for reporting
17 and notification and for medical facility reports and
18 notifications.

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

21 Section 1. Sections 304(b) and 307(b) (3) of the act of March
22 20, 2002 (P.L.154, No.13), known as the Medical Care
23 Availability and Reduction of Error (Mcare) Act, are amended to
24 read:

25 Section 304. Powers and duties.

26 * * *

1 (b) Anonymous reports to the authority.--A health care
2 worker who has complied with section 308(a) may file an
3 anonymous report regarding a serious event with the authority. A
4 health care worker providing or assisting with surgical services
5 may file an anonymous report regarding a serious event or
6 incident directly with the authority. Upon receipt of the
7 report, the authority shall give notice to the affected medical
8 facility that a report has been filed. The authority shall
9 conduct its own review of the report unless the medical facility
10 has already commenced an investigation of the serious event. The
11 medical facility shall provide the authority with the results of
12 its investigation no later than 30 days after receiving notice
13 pursuant to this subsection. If the authority is dissatisfied
14 with the adequacy of the investigation conducted by the medical
15 facility, the authority shall perform its own review of the
16 serious event and may refer a medical facility and any involved
17 licensee to the department for failure to report pursuant to
18 section 313(e) and (f).

19 * * *

20 Section 307. Patient safety plans.

21 * * *

22 (b) Requirements.--A patient safety plan shall:

23 * * *

24 (3) Establish a system for the health care workers of a
25 medical facility to anonymously report serious events and
26 incidents which shall be accessible 24 hours a day, seven
27 days a week.

28 * * *

29 Section 2. Sections 308 and 313 of the act are amended by
30 adding subsections to read:

1 Section 308. Reporting and notification.

2 * * *

3 (a.1) Surgical services.--A health care worker providing or
4 assisting with surgical services shall report a serious event or
5 incident that occurs during the provision of surgical services
6 immediately or as soon thereafter as reasonably practicable, but
7 in no event later than 24 hours after the occurrence or
8 discovery of the serious event or incident. The following apply:

9 (1) The health care worker may make a report required
10 under this section directly to the authority or according to
11 the patient safety plan.

12 (2) A medical facility shall notify a patient affected
13 by a serious event or incident under this subsection or the
14 patient's designee in accordance with subsection (b).

15 * * *

16 Section 313. Medical facility reports and notifications.

17 * * *

18 (b.1) Surgical reports.--If a medical facility receives a
19 report under section 308(a.1), the medical facility shall report
20 the serious event or incident to the department and the
21 authority within 24 hours of the medical facility's confirmation
22 of the occurrence of the serious event or incident. The report
23 to the department and the authority shall be in the form and
24 manner prescribed by the authority in consultation with the
25 department and shall not include the name of any patient or any
26 other identifiable individual information.

27 * * *

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