

No. 1985-48

AN ACT

SB 81

Amending the act of July 19, 1979 (P.L.130, No.48), entitled "An act relating to health care; prescribing the powers and duties of the Department of Health; establishing and providing the powers and duties of the State Health Coordinating Council, health systems agencies and Health Care Policy Board in the Department of Health, and State Health Facility Hearing Board in the Department of Justice; providing for certification of need of health care providers and prescribing penalties," requiring the reporting of incidents of professional misconduct.

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

Section 1. The act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act, is amended by adding a section to read:

Section 806.1. Reporting incidents of professional misconduct.

(a) Reports required.—Health care facilities and hospitals, licensed under this act, shall make a report or cause a report to be made to the State Board of Medical Education and Licensure or the State Board of Osteopathic Examiners, whichever is applicable, within 60 days of the occurrence of any of the following:

(1) The termination or curtailment of the employment, association or professional privileges of a physician, licensed under the provisions of the act of July 20, 1974 (P.L.551, No.190), known as the "Medical Practice Act of 1974," or the act of October 5, 1978 (P.L.1109, No.261), known as the "Osteopathic Medical Practice Act," whichever the case may be, with a health care facility or hospital where there exists reasonable cause to believe malpractice or misconduct has occurred.

(2) The resignation or withdrawal of association or of privileges with a facility or hospital to avoid the imposition of disciplinary measures.

(3) The receipt of written information which establishes that any physician who has a right to practice or who has applied to practice at the health care facility or hospital has been convicted of a felony.

(b) Contents.—Reports made pursuant to this section shall be made in writing to the State Board of Medical Education and Licensure or the State Board of Osteopathic Examiners, whichever is appropriate, with respect to any physician as licensed under acts referred to in subsection (a). Written reports shall include the following information: name, address, profession and license number of the person involved, a description of the action taken by the facility or hospital, including the reason therefor and date thereof, or the nature of the action or conduct which led to the resignation or withdrawal and the date thereof, any conviction of a felony of which the facility or hospital has received the written information required by subsection (a)(3) and such other information as the Department of State may require.

(c) Confidentiality.—

(1) Any report or information furnished to the boards in question, in accordance with the provisions of this section, shall be deemed a confidential communication and shall not be subject to inspection or disclosure, in any manner, except upon formal written request by a duly authorized public agency or pursuant to a judicial subpoena issued in a pending action or proceeding.

(2) Any person, facility or corporation which makes a report pursuant to this section in good faith and without malice shall have immunity from any liability, civil or criminal, for having made such a report. For the purpose of any proceeding, civil or criminal, the good faith of any person required to make a report shall be presumed.

Section 2. This act shall take effect immediately.

APPROVED—The 10th day of July, A. D. 1985.

DICK THORNBURGH