

## No. 2006-128

## AN ACT

SB 972

Amending the act of March 20, 2002 (P.L.154, No.13), entitled "An act reforming the law on medical professional liability; providing for patient safety and reporting; establishing the Patient Safety Authority and the Patient Safety Trust Fund; abrogating regulations; providing for medical professional liability informed consent, damages, expert qualifications, limitations of actions and medical records; establishing the Interbranch Commission on Venue; providing for medical professional liability insurance; establishing the Medical Care Availability and Reduction of Error Fund; providing for medical professional liability claims; establishing the Joint Underwriting Association; regulating medical professional liability insurance; providing for medical licensure regulation; providing for administration; imposing penalties; and making repeals," further providing, in Health Care Provider Retention Program, for the definition of "emergency physician," for abatement program and for expiration.

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

Section 1. The definition of "emergency physician" in section 1101 of the act of March 20, 2002 (P.L.154, No.13), known as the Medical Care Availability and Reduction of Error (Mcare) Act, added December 22, 2005 (P.L.458, No.88), is amended to read:

Section 1101. Definitions.

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

\* \* \*

"Emergency physician." A physician who is certified by the American Board of Emergency Medicine or by the American Osteopathic Board of Emergency Medicine and who is either employed full time by a trauma center *or a hospital for the performance of services in the hospital emergency department* or is working under an exclusive contract with a trauma center *or a hospital for the performance of services in the hospital emergency department*.

\* \* \*

Section 2. Sections 1102 and 1115 of the act, added December 22, 2005 (P.L.458, No.88), are amended to read:

Section 1102. Abatement program.

(a) *Establishment.*—There is hereby established within the Insurance Department a program to be known as the Health Care Provider Retention Program. The Insurance Department, in conjunction with the Department of Public Welfare, shall administer the program. The program shall provide assistance in the form of assessment abatements to health care providers for calendar years 2003, 2004, 2005 [and], 2006[,] *and* 2007, except that

licensed podiatrists shall not be eligible for calendar years 2003 and 2004, and nursing homes shall not be eligible for calendar years 2003, 2004 and 2005.

***(b) Other abatement.—Emergency physicians not employed full time by a trauma center or working under an exclusive contract with a trauma center shall retain eligibility for an abatement pursuant to section 1104(b)(2) for calendar years 2003, 2004, 2005 and 2006. Commencing in calendar year 2007, these emergency physicians shall be eligible for an abatement pursuant to section 1104(b)(1).***

Section 1115. Expiration.

The Health Care Provider Retention Program established under this chapter shall expire December 31, [2007] 2008.

Section 3. This act shall take effect as follows:

(1) The amendment of the definition of “emergency physician” in section 1101 and the addition of section 1102(b) of the act shall take effect January 1, 2007.

(2) The remainder of this act shall take effect immediately.

APPROVED—The 27th day of October, A.D. 2006.

EDWARD G. RENDELL