
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1063 Session of
2019

INTRODUCED BY OBERLANDER, NESBIT, BENNINGHOFF, CUTLER, TURZAI,
TOEPEL, REESE, KAUFFMAN, RYAN, PICKETT, THOMAS, MILLARD,
KEEFER, CAUSER, GAYDOS, BULLOCK, JONES, GILLEN, HERSHEY,
ECKER, EVERETT, HAHN, BARRAR, KLUNK, JAMES, FEE, DUSH,
TOPPER, GLEIM, SAYLOR, GROVE, MENTZER, MIHALEK, RADER, SANKEY
AND NELSON, MAY 13, 2019

REFERRED TO COMMITTEE ON JUDICIARY, MAY 13, 2019

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in bases of jurisdiction
3 and interstate and international procedure, further providing
4 for persons and providing for personal jurisdiction in
5 medical professional liability actions.

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

8 Section 1. Section 5301(a) introductory paragraph and (b) of
9 Title 42 of the Pennsylvania Consolidated Statutes are amended
10 to read:

11 § 5301. Persons.

12 (a) General rule.--[The] Except as further provided by
13 section 5301.1 (relating to personal jurisdiction in medical
14 professional liability actions), the existence of any of the
15 following relationships between a person and this Commonwealth
16 shall constitute a sufficient basis of jurisdiction to enable
17 the tribunals of this Commonwealth to exercise general personal

1 jurisdiction over such person, or his personal representative in
2 the case of an individual, and to enable such tribunals to
3 render personal orders against such person or representative:

4 * * *

5 (b) Scope of jurisdiction.--When jurisdiction over a person
6 is based upon this section or section 5301.1, any cause of
7 action may be asserted against [him] the person, whether or not
8 arising from acts enumerated in this section. Discontinuance of
9 the acts enumerated in subsection (a) (2) (i) and (iii) and (3) (i)
10 and (iii) shall not affect jurisdiction with respect to any act,
11 transaction or omission occurring during the period such status
12 existed.

13 Section 2. Title 42 is amended by adding a section to read:

14 § 5301.1. Personal jurisdiction in medical professional
15 liability actions.

16 (a) General rule.--In addition to the requirements of
17 section 5301 (relating to persons), the tribunals of this
18 Commonwealth may exercise general personal jurisdiction over a
19 health care provider in a medical professional liability action
20 for a medical professional liability claim only in the county in
21 which the cause of action arose.

22 (b) Definitions.--As used in this section, the following
23 words and phrases shall have the meanings given to them in this
24 subsection unless the context clearly indicates otherwise:

25 "Birth center." An entity licensed as a birth center under
26 the act of July 19, 1979 (P.L.130, No.48), known as the Health
27 Care Facilities Act.

28 "Health care provider." A primary health care center, a
29 personal care home licensed by the Department of Human Services
30 under the act of June 13, 1967 (P.L.31, No.21), known as the

1 Human Services Code, or a person, including a corporation,
2 university or other educational institution, licensed or
3 approved by the Commonwealth to provide health care or
4 professional medical services as a physician, certified nurse
5 midwife, podiatrist, hospital, nursing home or birth center. The
6 term includes an officer, employee or agent of the primary
7 health care center, personal care home or person if the officer,
8 employee or agent is acting in the course and scope of
9 employment.

10 "Hospital." An entity licensed as a hospital under the Human
11 Services Code or the Health Care Facilities Act.

12 "Medical professional liability action." A proceeding in
13 which a medical professional liability claim is asserted,
14 including an action in a court of law or an arbitration
15 proceeding.

16 "Medical professional liability claim." A claim seeking the
17 recovery of damages or loss from a health care provider arising
18 out of a tort or breach of contract causing injury or death
19 resulting from the furnishing of health care services that were
20 or should have been provided.

21 "Nursing home." An entity licensed as a nursing home under
22 the Health Care Facilities Act.

23 "Primary health care center." A community-based nonprofit
24 corporation that meets standards prescribed by the Department of
25 Health and provides preventive, diagnostic, therapeutic and
26 basic emergency health care by licensed practitioners who are
27 employees of the corporation or under contract to the
28 corporation.

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