
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1540 Session of
2021

INTRODUCED BY OBERLANDER, FEE, RYAN, MILLARD, SCHLEGEL CULVER,
PICKETT, KAUFFMAN, JOZWIAK, ZIMMERMAN, KEEFER, WHEELAND AND
GILLEN, JUNE 3, 2021

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 3, 2021

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
18 jurisdiction over such person, or his personal representative in
19 the case of an individual, and to enable such tribunals to

1 render personal orders against such person or representative:

2 * * *

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

11 Section 2. Title 42 is amended by adding a section to read:
12 § 5301.1. Personal jurisdiction in medical professional
13 liability actions.

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

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

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

26 "Health care provider." A primary health care center, a
27 personal care home licensed by the Department of Human Services
28 under the act of June 13, 1967 (P.L.31, No.21), known as the
29 Human Services Code, or a person, including a corporation,
30 university or other educational institution, licensed or

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

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

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

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

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

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

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