
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1785 Session of
2023

INTRODUCED BY DALEY, SHUSTERMAN, VENKAT, MADDEN, BURGOS,
HOHENSTEIN, BRENNAN, HOWARD, PROBST, GUENST, SANCHEZ, BOYD,
KINSEY, SCHLOSSBERG, BOROWSKI, KINKEAD AND OTTEN,
OCTOBER 24, 2023

REFERRED TO COMMITTEE ON JUDICIARY, OCTOBER 24, 2023

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 insurance, providing for adverse
16 actions against legal reproductive health care.

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

19 Section 1. The act of March 20, 2002 (P.L.154, No.13), known
20 as the Medical Care Availability and Reduction of Error (Mcare)
21 Act, is amended by adding a section to read:

22 Section 747.1. Adverse actions against legal reproductive
23 health care.

24 (a) Prohibition.--An insurer providing medical professional

1 liability insurance shall be prohibited from taking an adverse
2 action against a health care provider solely on the basis that
3 the health care provider provides reproductive health care
4 services that are permitted under the laws of this Commonwealth
5 on a patient who is from outside this Commonwealth. This
6 subsection shall apply to a health care provider who prescribes
7 medication permitted under the laws of this Commonwealth to
8 terminate a pregnancy to an out-of-State patient by means of
9 telemedicine.

10 (b) Definitions.--As used in this section, the following
11 words and phrases shall have the meanings given to them in this
12 subsection:

13 "Adverse action." The term includes, but is not limited to,
14 any of the following:

15 (1) Refusing to renew or execute a contract or an
16 agreement with a health care provider.

17 (2) Making a report to an appropriate private or
18 governmental entity regarding the practices of the health
19 care provider which may violate laws relating to reproductive
20 health care services in other states.

21 (3) Increasing a charge for or reducing or making
22 another adverse or unfavorable change in the terms of
23 coverage or amount for a medical professional liability
24 contract or agreement with a health care provider.

25 "Reproductive health care services." Medical, surgical,
26 counseling or referral services relating to the human
27 reproductive system, including services relating to pregnancy,
28 contraception or the termination of pregnancy.

29 Section 2. This act shall take effect in 60 days.