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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 747 Session of  
2023

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INTRODUCED BY ECKER, PICKETT, MOUL, JAMES, IRVIN, GROVE, HAMM,  
KAUFFMAN, MENTZER AND GUENST, MARCH 28, 2023

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REFERRED TO COMMITTEE ON JUDICIARY, MARCH 28, 2023

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AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, in organization of  
3 appellate courts, further providing for reassignment of  
4 matters; and, in organization and jurisdiction of courts of  
5 common pleas, further providing for original jurisdiction and  
6 venue.

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

9 Section 1. Sections 503(a) and 931 of Title 42 of the  
10 Pennsylvania Consolidated Statutes are amended to read:

11 § 503. Reassignment of matters.

12 (a) General rule.--[The] Except for medical professional  
13 liability causes of action for which subject matter jurisdiction  
14 is determined under section 931(a.1) (relating to original  
15 jurisdiction and venue), the Supreme Court may by general rule  
16 provide for the assignment and reassignment of classes of  
17 matters among the several courts of this Commonwealth and the  
18 magisterial district judges as the needs of justice shall  
19 require and all laws shall be suspended to the extent that they  
20 are inconsistent with such general rules.

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2 § 931. Original jurisdiction and venue.

3 (a) General rule.--Except as provided in subsection (a.1) or  
4 where exclusive original jurisdiction of an action or proceeding  
5 is by statute or by general rule adopted pursuant to section 503  
6 (relating to reassignment of matters) vested in another court of  
7 this Commonwealth, the courts of common pleas shall have  
8 unlimited original jurisdiction of all actions and proceedings,  
9 including all actions and proceedings heretofore cognizable by  
10 law or usage in the courts of common pleas.

11 (a.1) Medical professional liability actions.--

12 (1) Subject to paragraphs (2) and (3), the court of  
13 common pleas of the county in which the cause of action arose  
14 shall have exclusive subject matter jurisdiction of a medical  
15 professional liability action asserting a medical  
16 professional liability claim against a health care provider.

17 (2) If the cause of action in a medical professional  
18 liability action arose in more than one county, exclusive  
19 subject matter jurisdiction of the action is vested in the  
20 court of common pleas of any of the counties in which the  
21 medical professional liability action arose.

22 (3) If the action to enforce a joint or joint and  
23 several liability against two or more health care providers  
24 includes one or more medical professional liability claims,  
25 the action must be brought in any county in which the venue  
26 may be laid against any defendant under this subsection. This  
27 paragraph does not apply to a cause of action that arises  
28 outside this Commonwealth.

29 (b) Concurrent and exclusive jurisdiction.--The jurisdiction  
30 of the courts of common pleas under [this section] subsection

1 (a.1) shall be exclusive. In all other cases, the jurisdiction  
2 of the courts of common pleas shall be exclusive, except with  
3 respect to actions and proceedings concurrent jurisdiction of  
4 which is by statute or by general rule adopted pursuant to  
5 section 503 vested in another court of this Commonwealth or in  
6 the magisterial district judges.

7 (c) Venue and process.--Except [as provided by section  
8 5101.1 (relating to venue in medical professional liability  
9 actions) and] for cases that include medical professional  
10 liability claims, with respect to which subject matter  
11 jurisdiction is limited under subsection (a.1) and as provided  
12 by Subchapter B of Chapter 85 (relating to actions against  
13 Commonwealth parties), the venue of a court of common pleas  
14 concerning matters over which jurisdiction is conferred by this  
15 section shall be as prescribed by general rule. The process of  
16 the court shall extend beyond the territorial limits of the  
17 judicial district to the extent prescribed by general rule.  
18 Except as otherwise prescribed by general rule, in a proceeding  
19 to enforce an order of a government agency the process of the  
20 court shall extend throughout this Commonwealth.

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

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

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

1 university or other educational institution licensed or approved  
2 by the Commonwealth to provide health care or professional  
3 medical services as a physician, a certified nurse midwife, a  
4 physician assistant, a nurse practitioner, a podiatrist,  
5 hospital, nursing home, birth center and an officer, employee or  
6 agent of any of them acting in the course and scope of  
7 employment.

8 "Hospital." An entity licensed, certified, accredited,  
9 authorized or approved as a hospital under the Human Services  
10 Code or the Health Care Facilities Act.

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

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

20 "Nursing home." An entity as defined as a nursing home under  
21 section 1001 of the Human Services Code.

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

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