

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1058 Session of 2019

INTRODUCED BY RAPP, CUTLER, KLUNK, PICKETT, ZIMMERMAN, BERNSTINE, SAYLOR, KAUFFMAN, REESE, TOPPER, JOZWIAK, GROVE, NEILSON, MURT, ECKER AND DIAMOND, APRIL 5, 2019

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, MAY 1, 2019

AN ACT

1 Requiring that information on the option of perinatal support
2 care programs be given to a woman after diagnosis of a life
3 limiting condition; and imposing penalties.

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

6 Section 1. Short title.

7 This act shall be known and may be cited as the Compassion
8 and Care for Medically Challenging Pregnancies Act.

9 Section 2. Definitions.

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

13 "Abortion." The use of any means to terminate the clinically
14 diagnosable pregnancy of a woman with knowledge that the
15 termination will, with reasonable likelihood, cause the death of
16 the unborn child. The term does not include procedures with the
17 intent to:

1 (1) save the life or preserve the health of an unborn
2 child even if the unborn child does not survive;

3 (2) remove a dead unborn child caused by spontaneous
4 abortion; or

5 (3) remove an ectopic pregnancy.

6 "Department." The Department of Health of the Commonwealth.

7 "Health care practitioner." As defined in section 103 of the
8 act of July 19, 1979 (P.L.130, No.48), known as the Health Care
9 Facilities Act.

10 "Life limiting condition." A fetal condition diagnosed
11 before birth that will with reasonable certainty result in the
12 death of the unborn child within three months after birth.

13 "Medical emergency." A condition which, on the basis of the
14 physician's good faith clinical judgment, complicates the
15 medical condition of a pregnant woman and necessitates the
16 immediate termination of her pregnancy to avert her death or
17 serious risk of substantial and irreversible impairment of a
18 major bodily function.

19 "Perinatal support care." Comprehensive support to the
20 pregnant woman and her family that includes support from the
21 time of diagnosis through the time of birth and death of the
22 infant and through the postpartum period. Supportive care may
23 include, but is not limited to, counseling and medical care by
24 maternal-fetal medical specialists, obstetricians,
25 neonatologists, anesthesia specialists, clergy, social workers
26 and specialty nurses focused on alleviating fear and ensuring
27 that the woman and her family experience the life and death of
28 their child in a comfortable and supportive environment.

29 "Physician." Any person licensed to practice medicine in
30 this Commonwealth. The term includes medical doctors and doctors

1 of osteopathy.

2 Section 3. Requirements.

3 (a) Information.--In the case of a pregnant woman who is
4 diagnosed as carrying an unborn child with a life limiting
5 condition, the physician or health care practitioner who
6 diagnosed the woman shall provide her, orally and in person,
7 with information on perinatal support care, which shall include
8 a list of perinatal support care programs available in this
9 Commonwealth prepared by the department under section 4.

10 (b) Abortion not prohibited.--Nothing in this section shall
11 be construed as a prohibition on an abortion performed due to a
12 medical emergency.

13 Section 4. Department duties.

14 The department shall:

15 (1) No later than 90 days after the effective date of
16 this act, publish a list of perinatal support care programs
17 available.

18 (2) Administer this act and promulgate regulations to
19 implement this act.

20 (3) No later than 90 days after the effective date of
21 this act, post all of the following information on the
22 department's publicly accessible Internet website on an
23 information support sheet that can be printed and delivered
24 by a physician or health care practitioner to a pregnant
25 woman for the purpose of complying with section 3(a):

26 (i) A statement indicating that perinatal support
27 care programs are an innovative and compassionate model
28 of support for a pregnant woman who finds out that her
29 baby has a life limiting condition and who chooses to
30 continue her pregnancy.

- 1 (ii) A general description of the health care
2 services available from perinatal support care programs.
3 (iii) Any applicable contact information, including
4 any 24-hour perinatal support care services available.

5 Section 5. Penalties.

6 ~~(a) Violation.~~ <--

7 ~~(1) A physician who violates this act is guilty of~~
8 ~~unprofessional conduct and the physician's license for the~~
9 ~~practice of medicine shall be subject to suspension or~~
10 ~~revocation in accordance with procedures provided under the~~
11 ~~act of October 5, 1978 (P.L.1109, No.261), known as the~~
12 ~~Osteopathic Medical Practice Act, or the act of December 20,~~
13 ~~1985 (P.L.457, No.112), known as the Medical Practice Act of~~
14 ~~1985.~~

15 ~~(2) A health care practitioner who violates this act~~
16 ~~shall be subject to review and disciplinary action under the~~
17 ~~licensure, certification, registration or permit provisions~~
18 ~~of law and regulation governing the respective health care~~
19 ~~practitioner.~~

20 ~~(b) Reasonable belief. It is a defense to a violation for~~
21 ~~failure to furnish the information required under section 3(a)~~
22 ~~if the physician or health care practitioner can demonstrate, by~~
23 ~~a preponderance of the evidence, that the physician or health~~
24 ~~care practitioner reasonably believed that furnishing the~~
25 ~~information would have a severely adverse effect on the physical~~
26 ~~or mental health of the patient.~~

27 A VIOLATION OF THIS ACT SUBJECTS A HEALTH CARE PRACTITIONER <--
28 TO ADMINISTRATIVE SANCTIONS BY THE HEALTH CARE PRACTITIONER'S
29 LICENSING BOARD UNDER THE APPLICABLE LAW OF THIS COMMONWEALTH.

30 Section 6. Effective date.

1 This act shall take effect in 60 days.