

## LEGISLATIVE REFERENCE BUREAU

## AMENDMENTS TO SENATE BILL NO. 747

Sponsor:

Printer's No. 774

1 Amend Bill, page 1, line 15, by inserting after "repeals," "  
2 further providing for punitive damages;

3 Amend Bill, page 1, lines 19 through 21, by striking out all  
4 of said lines and inserting

5 Section 1. Section 505(d) of the act of March 20, 2002  
6 (P.L.154, No.13), known as the Medical Care Availability and  
7 Reduction of Error (Mcare) Act, is amended to read:  
8 Section 505. Punitive damages.

9 \* \* \*

10 (d) Total amount of damages.--The following shall apply:

11 (1) Except as provided under paragraph (2) and in cases  
12 alleging intentional misconduct, punitive damages against an  
13 individual physician shall not exceed 200% of the  
14 compensatory damages awarded. Punitive damages, when awarded,  
15 shall not be less than \$100,000 unless a lower verdict amount  
16 is returned by the trier of fact.

17 (2) The following shall apply:

18 (i) Except in cases alleging intentional misconduct,  
19 punitive damages against any of the following shall not  
20 exceed 200% of the compensatory damages awarded:

21 (A) A personal care home or an assisted living  
22 community, licensed by the Department of Human  
23 Services under the act of June 13, 1967 (P.L.31,  
24 No.21), known as the Public Welfare Code.

25 (B) A long-term care nursing facility licensed  
26 by the Department of Health under the act of July 19,  
27 1979 (P.L.130, No.48), known as the Health Care  
28 Facilities Act.

29 (C) An officer, employee or agent of the  
30 entities under clauses (A) and (B), while acting in  
31 the course and scope of their employment.

32 (ii) Punitive damages, when awarded, shall not be  
33 less than \$100,000 unless a lower verdict amount is  
34 returned by the trier of fact.

35 \* \* \*

36 Section 2. The act is amended by adding a chapter to read:

1 Amend Bill, page 2, line 2, by inserting after "homes"

2 and assisted living facilities

3 Amend Bill, page 2, line 15, by striking out "2" and

4 inserting

5 3

6 Amend Bill, page 2, line 15, by striking out "immediately."

7 and inserting

8 as follows:

9 (1) The amendment of section 505(d) of the act shall take  
10 effect in 60 days.

11 (2) The remainder of this act shall take effect immediately.