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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 370 Session of  
2023

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INTRODUCED BY ISAACSON, CONKLIN, GALLOWAY, GIRAL, HILL-EVANS,  
HOHENSTEIN, HOWARD, KINKEAD, MADDEN, PROBST, SANCHEZ AND  
SOLOMON, MARCH 14, 2023

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REFERRED TO COMMITTEE ON HEALTH, MARCH 14, 2023

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AN ACT

1 Amending the act of December 3, 1998 (P.L.925, No.115), entitled  
2 "An act providing for screening of patients for symptoms of  
3 domestic violence; establishing the Domestic Violence Health  
4 Care Response Program in the Department of Public Welfare;  
5 and providing for domestic violence medical advocacy projects  
6 to assist in implementation of domestic violence policies,  
7 procedures, health care worker training and hospital, health  
8 center and clinic response to domestic violence victims,"  
9 further providing for definitions; providing for domestic  
10 abuse reporting by health care practitioners; and making  
11 editorial changes.

12 The General Assembly of the Commonwealth of Pennsylvania  
13 hereby enacts as follows:

14 Section 1. The title of the act of December 3, 1998  
15 (P.L.925, No.115), known as the Domestic Violence Health Care  
16 Response Act, is amended to read:

17 AN ACT

18 Providing for screening of patients for symptoms of domestic  
19 violence; establishing the Domestic Violence Health Care  
20 Response Program in the Department of [Public Welfare] Human  
21 Services; and providing for domestic violence medical  
22 advocacy projects to assist in implementation of domestic

1 violence policies, procedures, health care worker training  
2 and hospital, health center and clinic response to domestic  
3 violence victims.

4 Section 2. The definition of "department" in section 2 of  
5 the act is amended and the section is amended by adding  
6 definitions to read:

7 Section 2. Definitions.

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

11 "Department." The Department of [Public Welfare] Human  
12 Services of the Commonwealth.

13 "Domestic violence." One or more of the following acts  
14 occurring between family or household members, sexual or  
15 intimate partners or individuals who have children in common:

16 (1) purposefully or recklessly causing or attempting to  
17 cause bodily injury, serious bodily injury, rape, involuntary  
18 deviate sexual intercourse, sexual assault, statutory sexual  
19 assault, aggravated indecent assault, indecent assault or  
20 incest with or without a deadly weapon;

21 (2) causing another individual to reasonably fear  
22 imminent serious bodily injury;

23 (3) falsely imprisoning an individual;

24 (4) physically or sexually abusing a minor child; or

25 (5) engaging in a course of conduct or repeatedly  
26 committing acts directed at another individual under  
27 circumstances that place the individual in reasonable fear of  
28 bodily injury.

29 \* \* \*

30 "Health care practitioner." A health care practitioner as

1 defined in section 103 of the act of July 19, 1979 (P.L.130,  
2 No.48), known as the Health Care Facilities Act.

3 \* \* \*

4 Section 3. The act is amended by adding a section to read:

5 Section 3.1. Domestic abuse reporting by health care  
6 practitioners.

7 (a) Duties of department.--

8 (1) The department, in consultation with the  
9 Pennsylvania Coalition Against Domestic Violence and the  
10 Pennsylvania Medical Society, shall create a form for health  
11 care practitioners to report suspected domestic violence or  
12 domestic abuse to the department.

13 (2) At the end of each calendar year, the department  
14 shall publish a publicly accessible report regarding  
15 incidents of domestic violence or abuse reported under this  
16 section.

17 (3) The department shall conduct a Statewide  
18 communication and awareness effort in order to inform health  
19 care practitioners of their reporting duties under this  
20 section.

21 (b) Reporting requirements.--

22 (1) A health care practitioner who knows or has  
23 reasonable cause to suspect that a patient's injuries,  
24 whether or not the injuries cause the patient's death, are  
25 the result of domestic violence or domestic abuse, shall  
26 report to the department on a monthly basis. The report shall  
27 not disclose the name or identity of the patient, but shall  
28 include the nature and extent of the patient's injuries, a  
29 summary of statements made by the patient, including comments  
30 concerning past domestic abuse with the patient's current

1 spouse or previous partner that would reasonably give rise to  
2 suspicion of domestic abuse. The health care practitioner  
3 shall include any other information upon which the suspicion  
4 of domestic abuse is based.

5 (2) If a patient is treated by more than one health care  
6 practitioner, the report shall be made by the supervising  
7 health care practitioner of the unit or department providing  
8 treatment of the patient, or by any health practitioner  
9 designated by the unit or department, to ensure that the  
10 reports are made on a timely basis and to avoid duplicate  
11 reports of the same incident. In the event that the patient  
12 is referred to another health care practitioner for  
13 treatment, the report shall be made only by the referring  
14 health care practitioner.

15 (3) An individual who makes a report under this section,  
16 including an employee or agent of a health care practitioner  
17 licensed in this Commonwealth, in the reasonable performance  
18 of the individual's duties and within the scope of the  
19 individual's authority shall be presumed to be acting in good  
20 faith and shall be immune from any liability, civil or  
21 criminal, that might otherwise be incurred or imposed. An  
22 individual who alleges lack of good faith has the burden of  
23 proving bad faith. An individual who files the report shall  
24 have the same immunity with respect to participation in a  
25 judicial proceeding resulting from the report.

26 (4) The identity of the individual who reports suspected  
27 domestic abuse, neglect or exploitation, and the information  
28 reported are confidential and privileged and may not be  
29 revealed absent a court order.

30 (c) Violation.--

1           (1) Except as otherwise provided in this section, it is  
2 unlawful for an individual, except for purposes directly  
3 connected with the administration of this section, to  
4 disclose, receive, make use of, authorize or knowingly  
5 permit, participate or acquiesce in the use of any list of  
6 the name or any information concerning a health care  
7 practitioner who reports under this section.

8           (2) An individual who violates this subsection commits a  
9 misdemeanor of the third degree.

10 Section 4. This act shall take effect in 60 days.