

**CHAPTER 244. PROFESSIONAL LIABILITY INSURERS**

- Sec.  
244.1. Required provision for professional liability policies.  
244.2. Submission to Insurance Commissioner.  
244.3. Standards for institutional plan of risk management for hospitals and nursing homes.  
244.4. Standards for noninstitutional plan of risk management.

**Authority**

The provisions of this Chapter 244 issued under The Insurance Company Law of 1921 (40 P. S. §§ 341—991); the Health Care Services Malpractice Act (40 P. S. §§ 1301.101—1301.1006); and sections 206, 506, 1501 and 1502 of The Administrative Code of 1929 (71 P. S. §§ 66, 186, 411 and 412), unless otherwise noted.

**Source**

The provisions of this chapter 244 adopted July 1, 1977, effective July 2, 1977, 7 Pa.B. 1817; renumbered February 9, 1979, 9 Pa.B. 498, unless otherwise noted.

**§ 244.1. Required provision for professional liability policies.**

A professional liability insurance policy issued or renewed on or after January 1, 1978, to a health care provider, as defined in the Health Care Services Malpractice Act (40 P. S. §§ 1301.101—1301.1006), in fulfillment of the statutory insurance requirements under the act, shall include a provision requiring insureds thereunder to subscribe to and actively participate in a risk management plan sponsored by or acceptable to the insurance company and the Insurance Commissioner.

**Authority**

The provisions of this § 244.1 amended under The Insurance Department Act of 1921 (40 P. S. §§ 1—321); The Insurance Company Law of 1921 (40 P. S. §§ 341—991); and sections 206, 506, 1501 and 1502 of The Administrative Code of 1929 (71 P. S. §§ 66, 186, 411 and 412); and the Health Care Services Malpractice Act (40 P. S. §§ 1301.101—1301.1006).

**Source**

The provisions of this § 244.1 adopted July 1, 1977, effective July 2, 1977, 7 Pa.B. 1817; amended July 22, 1977, effective July 23, 1977, 7 Pa.B. 2060; renumbered February 9, 1979, 9 Pa.B. 498; amended September 18, 1987, effective November 18, 1987, 17 Pa.B. 3742. Immediately preceding text appears at serial page (39848).

**Cross References**

This section cited in 31 Pa. Code § 244.2 (relating to submission to Insurance Commissioner).

**§ 244.2. Submission to Insurance Commissioner.**

The plan of risk management shall be submitted to the Insurance Commissioner with the submission of the revised policy or amendatory rider implementing the requirements of § 244.1 (relating to required provision for professional liability policies).

**Authority**

The provisions of this § 244.2 amended under The Insurance Department Act of 1921 (40 P. S. §§ 1—321); The Insurance Company Law of 1921 (40 P. S. §§ 341—991); and sections 206, 506, 1501 and 1502 of The Administrative Code of 1929 (71 P. S. §§ 66, 186, 411 and 412); and the Health Care Services Malpractice Act (40 P. S. §§ 1301.101—1301.1006).

**Source**

The provisions of this § 244.2 adopted July 1, 1977, effective July 2, 1977, 7 Pa.B. 1817; renumbered February 9, 1979, 9 Pa.B. 498; amended September 18, 1987, effective November 18, 1987, 17 Pa.B. 3742. Immediately preceding text appears at serial page (39848).

**§ 244.3. Standards for institutional plan of risk management for hospitals and nursing homes.**

(a) A hospital plan of risk management shall provide for certification by the individual or entities so empowered in the plan of risk management to be made to the Insurance Commissioner of satisfactory compliance with the following:

(1) The Medical Practice Act of 1985 (63 P. S. §§ 422.1—422.45); the Osteopathic Medical Practice Act (63 P. S. §§ 271.1—271.18) or the Podiatry Practice Act (63 P. S. §§ 42.1—42.21c).

(2) The provisions for professional standards review in section 1160 of the Social Security Act (42 U.S.C.A. § 1320c-9).

(3) A 3-year accreditation by the Joint Commission on Accreditation of Hospitals.

(4) The continuing education requirements of the Pennsylvania Medical Society, the Pennsylvania Osteopathic Medical Association, the Pennsylvania Podiatry Association or their equivalent.

(b) An institutional plan of risk management for nursing homes shall include certification by the management to the Insurance Commissioner of satisfactory compliance with one of the following:

(1) Licensure provisions for long-term care facilities at 28 Pa. Code Part IV, Subpart C (relating to long term care facilities).

(2) American National Standards Institute specifications for building and facilities accessible to and used by physically handicapped, and the Pennsylvania standards and specifications for access by the physically handicapped applicable to facilities constructed with Commonwealth funds set by sections 1—3.1 of the act of September 1, 1965 (P. L. 459, No. 235) (71 P. S. §§ 1455.1—1455.3a) and 34 Pa. Code §§ 47.111—47.131 (relating to facilities for handicapped).

**Authority**

The provisions of this § 244.3 amended under The Insurance Department Act of 1921 (40 P. S. §§ 1—321); The Insurance Company Law of 1921 (40 P. S. §§ 341—991); and sections 206, 506, 1501 and 1502 of The Administrative Code of 1929 (71 P. S. §§ 66, 186, 411 and 412); and the Health Care Services Malpractice Act (40 P. S. §§ 1301.101—1301.1006).

**Source**

The provisions of this § 244.3 adopted July 1, 1977, effective July 2, 1977, 7 Pa.B. 1817; amended November 11, 1977, effective November 12, 1977, 7 Pa.B. 3305; renumbered February 9, 1979, 9 Pa.B. 498; amended September 18, 1987, effective November 18, 1987, 17 Pa.B. 3742. Immediately preceding text appears at serial pages (39848) and (104147).

**Cross References**

This section cited in 31 Pa. Code § 244.4 (relating to standards for noninstitutional plan of risk management).

**§ 244.4. Standards for noninstitutional plan of risk management.**

For noninstitutional plans of risk management, § 244.3 (relating to standards for institutional plan of risk management for hospitals and nursing homes) applies, except for subsection (a)(3).

**Authority**

The provisions of this § 244.4 issued under The Insurance Department Act of 1921 (40 P. S. §§ 1—321); The Insurance Company Law of 1921 (40 P. S. §§ 341—991); and sections 206, 506, 1501 and 1502 of The Administrative Code of 1929 (71 P. S. §§ 66, 186, 411 and 412); and the Health Care Services Malpractice Act (40 P. S. §§ 1301.101—1301.1006).

**Source**

The provisions of this § 244.4 adopted July 1, 1977, effective July 2, 1977, 7 Pa.B. 1817; renumbered February 9, 1979, 9 Pa.B. 498; amended September 18, 1987, effective November 18, 1987, 17 Pa.B. 3742. Immediately preceding text appears at serial page (104147).

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