

IMPORTANT INFORMATION FOR PHYSICIANS REGARDING THE MCARE ACT (Act 13 of March 20, 2002)

The MCARE Act mandates that all physicians (defined as individuals licensed in the Commonwealth to practice under the Medical Act or under the Osteopathic Act) must report to their respective state licensing board within 60 days of receipt of notice of any complaints filed against them in medical professional liability actions. The statute requires that physicians provide the docket number of any such cases, indicate where the cases are filed, and provide a description of the allegations in the complaints. Additionally, the licensing boards require physicians to provide a copy of the civil complaint to the licensing board.

If you are a physician licensed under either the State Board of Medicine or the State Board of Osteopathic Medicine and you have had a medical professional liability action filed against you, you must send your board a complete copy of the complaint in order to comply with this requirement under the MCARE Act. If you fail to properly report, once the Department learns of the action, the Department's Legal Office staff may send you a courtesy letter, informing you of the duty to report and asking that you do so. However, if at that point 60 days have elapsed since you received notice and you have not reported the action to the licensing board, you are subject to prosecution under the MCARE Act for failure to report and the Department of State Legal Office may file disciplinary charges against you, with or without having first sent you a courtesy letter. For this reason, it is extremely important that all licensees keep a current and accurate address with the appropriate licensing board. Both boards may encounter difficulty contacting you if you do not update your address with your licensing board. If a letter needs to be sent to your attention and you do not have an accurate address with your respective board, you indirectly may be subjected to disciplinary action because of failure to respond to the reporting requirements.

Also, if you have asked or authorized a third party to report on your behalf a medical professional liability action filed against you and that third party fails to do so, the failure to report remains your personal responsibility and you will still be subject to prosecution for failure to report. If you receive a courtesy letter from the Department of State Legal Office indicating that you have failed to report an action and you believe a third party has reported it on your behalf, you should obtain a copy of that reporting letter and forward it to the Department of State Legal Office in response to the courtesy letter.

Physicians are obligated to self-report to the board within 60 days of the occurrence of any of the following: receipt of service of a civil malpractice complaint, notice of a disciplinary action by another jurisdiction, any controlled substance convictions, and any arrests for criminal offenses such as homicide, assault, sexual offenses, and controlled substance violations. Physicians, other health care workers and medical facilities also have responsibilities to report any event involving the clinical care of a patient that results in an unanticipated death or patient injury.

Reports must be sent to the following address and must include the information/documents below:

**STATE BOARD OF OSTEOPATHIC MEDICINE
ATTN: MCARE REPORTS
PO BOX 2649
HARRISBURG, PA 17105-2649**

- The court where the case was filed.
- Docket number.
- The date the civil complaint was served on the physician.
- A description of the allegations.
- A complete copy of the civil complaint (DO NOT SUBMIT WRIT OF SUMMONS) or court documents relating to the disciplinary action, conviction or arrest.