

Rules of Judicial Administration

Rule 1904. Medical Professional Liability Actions

(a) The prothonotary of each judicial district shall maintain a docket of all medical professional liability actions by separate docketing code or other appropriate means. When the docket is established by docketing code, the code shall be "Civil Action -- Medical Professional Liability Action."

(b) The prothonotary shall record on the medical professional liability action docket:

(1) the separate findings of the trier of fact, including, where applicable:

(i) past damages in lump sums for "medical and other related expenses," "loss of earnings," and "noneconomic loss,"

(ii) future damages in lump sums for "loss of earnings or earning capacity" and "noneconomic loss," and

(iii) future damages by year for "medical and other related expenses," and

NOTE: See Section 509(a) of the Mcare Act, 40 P.S. § 1303.509(a) and Pa.R.C.P. No.1042.71.

(2) all orders of the court affecting the amount of damages determined by the trier of fact. The orders shall be set forth on the docket verbatim or with specificity sufficient to determine the effect of the orders upon the damages awarded to each plaintiff.

(c) Where a jury has made the separate findings that are recorded pursuant to subdivision (b), the jury's verdict sheet and interrogatories shall be

made part of the official record and shall be maintained in the custody of the prothonotary.

(d) On or before January 20 of each calendar year, the President Judge of each judicial district shall forward to the Court Administrator of Pennsylvania a report of medical professional liability cases. The report shall be prepared in a format prescribed by the Administrative Office of Pennsylvania Courts. Among items to be included are:

(1) a list of all medical professional liability actions filed in the preceding calendar year showing the present caption of

(i) those actions initially filed in the judicial district, and

(ii) those actions transferred into the judicial district. The list of actions transferred shall also show the former caption and the county of origin, and

(2) the separate findings required by subdivision (b) to be set forth on the docket for each action in which a verdict or decision has been entered.

Unofficial Note:

The Civil Instructions Subcommittee of the Committee for Proposed Standard Jury Instructions has promulgated suggested special jury interrogatories (“verdict slip”) for medical professional liability actions under the Mcare Act. Pennsylvania Suggested Standard Civil Jury Instructions, Pennsylvania Bar Institute.