

PENNSYLVANIA LAW

§ 6502. Definitions.

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

"Child abuse." Child abuse as defined in section 6303(b) (relating to definitions).

"County agency" or "agency." County agency as defined in section 6303(a) (relating to definitions).

"Department." The Department of Public Welfare of the Commonwealth.

"Health care provider." A person who is licensed or certified by the laws of this Commonwealth to administer health care in the ordinary course of business or practice of a profession. For purposes of accepting a newborn as provided in section 6504(a)(1) (relating to accepting newborns) and for immunity provided pursuant to section 6507 (relating to immunity granted to health care providers and hospitals), the term includes administrative, managerial and security personnel and any other person employed by a hospital.

"Hospital." An institution having an organized medical staff which is primarily engaged in providing to inpatients, by or under the supervision of physicians, diagnostic and therapeutic services or rehabilitation services for the care or rehabilitation of people who are injured, disabled, pregnant, diseased, sick or mentally ill. The term includes facilities for the diagnosis and treatment of disorders within the scope of specific medical specialties, but not facilities caring exclusively for people with mental illness or those facilities primarily engaged in providing rehabilitation services or long-term care.

"Newborn." A child less than 28 days of age as reasonably determined by a physician.

§ 6503. Nonliability.

A parent of a newborn shall not be criminally liable under any provision of Title 18 (relating to crimes and offenses) if the criteria set forth in 18 Pa.C.S § 4306 (relating to newborn protection) are met.

§ 6504. Accepting newborns.

(a) General rule.--A health care provider at a hospital shall do all of the following relating to a newborn accepted under this chapter:

(1) Take the newborn into protective custody as provided in section 6315(a)(3) (relating to taking child into protective custody).

(2) Perform a medical evaluation as well as perform any act necessary to care for and protect the physical health and safety of the newborn.

(3) Notify the county agency and the local municipal police department or the Pennsylvania State Police where no municipal police jurisdiction exists as provided in section 6505 (relating to reporting acceptance of newborns).

(b) Accepting newborns.--When accepting a newborn pursuant to this chapter, a parent may provide a health care provider with information about the newborn's medical history and any identifying information.

§ 6505. Reporting acceptance of newborns.

A health care provider at a hospital shall in all cases notify the county agency and the local municipal police department or the Pennsylvania State Police where no municipal police jurisdiction exists immediately by telephone regarding a newborn accepted by a hospital under this chapter. A written report shall be submitted to the county agency and local municipal police department or the Pennsylvania State Police within 48 hours after the oral report. For purposes of this section, the term "health care provider" shall include administrative, managerial and security personnel employed by a hospital.

§ 6507. Immunity granted to health care providers and hospitals.

Except for a violation of section 6506 (relating to failure to report acceptance of newborns), no hospital or health care provider at a hospital shall be subject to civil liability or criminal penalty solely by reason of complying with the provisions of this chapter.