No. 1978-200

AN ACT

HB 46

Amending the act of December 6, 1972 (P.L.1614, No.335), entitled "An act defining blood banks, serum exchanges, blood bank depositories; blood fractionization and blood products operation; regulating the operations of same; requiring such organizations to obtain licenses to engage in these activities; requiring minimal standards of operation and qualifications of supervising personnel; imposing certain duties upon the Department of Health; establishing a Blood Bank Advisory Committee and providing penalties," further providing for blood banks.

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

Section 1. Section 2, act of December 6, 1972 (P.L.1614, No.335), known as the "Pennsylvania Blood Bank Act," is amended to read:

Section 2. Declaration of Public Policy.—The public policy of this Commonwealth is to safeguard the health and well-being of the citizens of this State with reference to the use of blood and blood products in the treatment of many human diseases, as well as its use in the treatment of injuries resulting from casualties or disasters. Use of blood and blood products in this manner has increased to such proportions that, in the public interest, there is need for establishing Statewide minimum standards for the control and licensing of the activities of blood banks. It is declared that the purpose of this act is to provide for the better protection of public health (i) through the development, establishment, and enforcement of standards to establish, equip, maintain and conduct a suitable program to collect, process, store and distribute whole human blood, and the various human blood derivatives prepared from single units of whole blood by the licensing of blood banks, (ii) by providing qualifications for the personnel of such blood banks **[and]**, (iii) by insuring that the procedures performed by blood banks are performed with a high degree of scientific and professional competency ***and (iv) by providing that no person will be denied blood or blood products that can be made reasonably available.*** This act shall be liberally construed to carry out these objects and purposes.

Section 2. Section 3 of the act is amended by adding definitions to read:

Section 3. Definitions.—As used in this act:

* * *

(13) "Blood component." The following are the kinds of blood components:

Whole blood

Red blood cells

Fresh frozen plasma
Platelets concentrate
Cryoprecipitate
White cell concentrate

(14) "Blood credits" means a guarantee provided on behalf of its members by a blood bank that said blood bank will transfer to the health care facility, providing care for its member, blood units to replace the blood which was transfused to such member.

(15) "Nonreplacement fee" means a monetary fee levied by a blood bank or hospital on consumers of blood who have not or cannot provide replacement blood donors or blood credits for blood or blood components which they have used.

Section 3. Section 14 of the act is amended by adding a clause and the act is amended by adding a section to read:

Section 14. Rules and Regulations.—The department shall with the advice of the Blood Bank Advisory Committee establish rules and regulations for the standards and specific requirements for operation of blood banks including, but not limited to:

* * *

(13) Implementation of section 14.1.

Section 14.1. Blood or Blood Components.—(a) No individual shall be denied blood or blood components for any reason unrelated to the medical needs of that individual provided that the blood or blood components are reasonably available.

(b) An individual who receives blood or blood components from a facility charging a nonreplacement fee shall not be responsible for the replacement of blood or blood components so received or a nonreplacement fee if a blood bank offers to and within seven days of the offer is able to replace the blood or blood components so received.

(c) All blood banks shall agree to the reciprocal exchange of blood as required by patient needs without regard for geographical location or blood bank affiliation. The various blood banks in the Commonwealth will begin the immediate implementation of the reciprocal exchange of blood in such a manner as not to jeopardize local blood supplies or cause misallocations of blood supplies. The receiving facility shall remit to the shipping facility the standard blood processing fee of said shipping facility for units received. Blood replacement requests may not be accumulated for more than sixty days from the date of transfusion.

(d) Blood components shall be exchanged on a one-for-one basis and a kind-for-kind basis unless otherwise agreed to by the parties transferring and receiving blood components.

(e) Effective January 1, 1980, any person charging a nonreplacement fee shall establish an upper limit on that fee, not to exceed the greater of:

(1) One thousand dollars ($1,000) per individual per period of hospitalization; or

(2) One thousand five hundred dollars ($1,500) per individual per calendar year.

(f) No portion of a nonreplacement fee shall be assignable to any person and no unpaid nonreplacement fee may be forwarded to any person for collection other than to an attorney for the purpose of instituting collection litigation in the name of the person imposing the nonreplacement fee.

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

APPROVED—The 4th day of October, A. D. 1978.

MILTON J. SHAPP