

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1038 Session of
2025

INTRODUCED BY MASTRIANO, STEFANO, KEEFER AND BAKER,
OCTOBER 7, 2025

REFERRED TO HEALTH AND HUMAN SERVICES, OCTOBER 7, 2025

AN ACT

1 Providing for parental presence during medical and dental
2 examinations of minors; protecting the rights of parents; and
3 imposing duties on health care providers and health care
4 facilities.

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

7 Section 1. Short title.

8 This act shall be known and may be cited as the No Child Left
9 Alone and Protecting Parents' Rights Act.

10 Section 2. Definitions.

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

14 "Department." The Department of Health of the Commonwealth.

15 "Emancipated minor." A minor who:

16 (1) is or has been married; or

17 (2) has been otherwise judicially emancipated, as
18 recognized under the laws of this Commonwealth.

19 "Examination or treatment room." As follows:

1 (1) A designated space within a health care facility or
2 a health care provider's office in which a minor patient is
3 evaluated, diagnosed, treated or examined by a health care
4 provider.

5 (2) The term includes medical and dental operatories,
6 consultation rooms and procedure rooms.

7 (3) The term does not include waiting rooms,
8 administrative offices or other areas not used for the
9 delivery of health care services.

10 "Health care facility." A facility licensed under the act of
11 July 19, 1979 (P.L.130, No.48), known as the Health Care
12 Facilities Act. The term includes, but is not limited to, a
13 hospital, ambulatory surgical facility, birth center, long-term
14 care nursing facility, hospice, home health care agency,
15 ambulatory care center, rehabilitation facility or any other
16 entity that is required to be licensed by the department to
17 provide health care services to patients in this Commonwealth.

18 "Health care provider." An individual or entity that is
19 licensed, certified or otherwise authorized by the laws of this
20 Commonwealth to provide medical or dental care in the ordinary
21 course of business or practice of a profession. The term
22 includes, but is not limited to, a physician, physician
23 assistant, certified registered nurse practitioner, nurse,
24 dentist, dental hygienist, optometrist, podiatrist,
25 psychologist, professional counselor, social worker, physical
26 therapist, occupational therapist, pharmacist, midwife or any
27 other health care provider as defined under section 503 of the
28 act of March 20, 2002 (P.L.154, No.13), known as the Medical
29 Care Availability and Reduction of Error (Mcare) Act.

30 "Invasive procedure." A medical or dental procedure

1 involving the:

2 (1) puncture, incision or entry into tissues, cavities
3 or organs; or

4 (2) insertion of instruments, foreign material or
5 devices into the body as specified by regulation of the
6 department.

7 "Minor." An individual under 18 years of age who has not
8 been emancipated under law.

9 "Parent." A biological parent, adoptive parent or legal
10 guardian with legal custody of a minor. The term includes an
11 individual authorized under a valid court order or other
12 documentation to act in loco parentis for the minor.

13 "Serious physical neglect." As defined in 23 Pa.C.S. §
14 6303(a) (relating to definitions).

15 Section 3. Parental presence.

16 (a) General rule.--A parent shall have the right to be
17 present in the examination or treatment room while a health care
18 provider delivers medical or dental services to the parent's
19 minor child. The choice of whether to exercise this right shall
20 rest solely with the parent.

21 (b) Condition of care.--

22 (1) A health care provider or health care facility may
23 not:

24 (i) refuse to examine or treat a minor solely
25 because the parent chooses to be present under subsection
26 (a); or

27 (ii) refuse to schedule, continue or provide future
28 treatment to the minor on the basis of the parent's
29 exercise of rights under this section.

30 (2) Nothing in this subsection shall require a health

1 care provider to accept or continue care where denial is
2 pursuant to uniformly applied, written policies unrelated to
3 the parent's exercise of rights under this section.

4 (c) Exceptions.--The requirements of this section shall not
5 apply:

6 (1) When a minor is legally authorized under Federal or
7 State law to consent to health care services without parental
8 consent, including:

9 (i) voluntary inpatient and outpatient mental health
10 treatment under the act of July 9, 1976 (P.L.817,
11 No.143), known as the Mental Health Procedures Act;

12 (ii) medical and health services related to
13 pregnancy under the act of February 13, 1970 (P.L.19,
14 No.10), referred to as the Allowing Minors to Consent to
15 Medical Care Act;

16 (iii) testing, diagnosis or treatment of sexually
17 transmitted infections under the act of April 23, 1956
18 (1955 P.L.1510, No.500), known as the Disease Prevention
19 and Control Law of 1955;

20 (iv) diagnosis or treatment of drug and alcohol use
21 under the act of April 14, 1972 (P.L.221, No.63), known
22 as the Pennsylvania Drug and Alcohol Abuse Control Act;
23 and

24 (v) emancipated minors recognized under law.

25 (2) When parental presence would physically compromise a
26 sterile field required by law or by recognized medical
27 standards of the Department of Health, the Centers for
28 Disease Control and Prevention or the Association of
29 Perioperative Registered Nurses, during surgery or invasive
30 procedures, and no reasonable accommodation can preserve the

sterile environment.

(3) When parental presence presents an imminent and documented risk of physical harm to the patient, parent or health care provider that cannot be mitigated by reasonable measures. The parent shall retain the right to refuse the treatment on behalf of the minor, unless the health care provider determines and documents in the patient's medical record that failure to provide the treatment would create a substantial risk of serious physical harm, significant impairment of bodily function or death to the minor, consistent with serious physical neglect.

(d) Documentation.--If a health care provider excludes a parent under subsection (c)(2) or (3), the health care provider shall record in the patient's medical record the facts supporting the exclusion.

(e) Parental remedies.--

(1) The health care provider shall provide the parent with a written statement citing the applicable statutory exception and summarizing the documented facts supporting the exclusion.

(2) Upon request, the parent shall be entitled to receive a copy of the documentation required under subsection (d), consistent with Federal and State privacy laws. For services to which a minor consented under Federal or State law, disclosure shall comply with applicable confidentiality provisions governing services.

(3) A parent who believes an exclusion under subsection (c)(2) or (3) was improper may file a complaint with the Department of Health and the appropriate licensing board, which shall review the documentation for compliance with this

1 act.

2 (f) Emergency treatment.--Nothing in this act shall be
3 construed to prevent a health care provider from delivering
4 emergency medical treatment to a minor when delay in treatment
5 would create a substantial risk of serious physical harm,
6 impairment or death, or to conflict with obligations imposed by
7 Federal emergency medical care statutes.

8 Section 4. Enforcement.

9 (a) Professional conduct.--A violation of this act shall
10 constitute unprofessional conduct and shall be subject to
11 discipline by the appropriate licensing board with jurisdiction
12 over licensed health care providers.

13 (b) Facilities.--The Department of Health shall ensure that
14 health care facilities adopt policies consistent with this act.

15 (c) Civil action.--A parent aggrieved by a violation of this
16 act may bring a civil action for injunctive relief and
17 reasonable attorney fees.

18 (d) Regulations.--The Department of Health shall promulgate
19 regulations to implement this act, including identifying
20 recognized sterile-field standards for purposes of section 3(c)
21 (2).

22 Section 5. Construction.

23 Nothing in this act shall be construed to:

24 (1) Limit or supersede existing Federal or State
25 statutes authorizing minors to consent to specific categories
26 of health care services.

27 (2) Impose liability on a health care provider or health
28 care facility acting in good faith reliance on a facially
29 valid custody order or other documentation establishing
30 parental or guardian authority.

1 (3) Impose civil or criminal liability on a health care
2 provider or health care facility for complying in good faith
3 with this act, including honoring a parent's decision to
4 refuse treatment under section 3(c)(3), unless the health
5 care provider's actions constitute gross negligence or
6 willful misconduct.

7 Section 6. Effective date.

8 This act shall take effect in 60 days.