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Weber 
Gallagher

Webinar: The Pennsylvania Supreme Court's Ruling on Protz and What it Means for IREs

Watch below for a webinar presentation on the Pennsylvania Supreme Court's long awaited decision in the Protz case. The Court has invalidated the entire IRE provision of the Act, Section 306 (a.2), as unconstitutional. The Court determined that the IRE process, as drafted, constitutes a delegation of legislative authority to a private entity (the American Medical Association) without sufficient guidance or restraint on the authority delegated and therefore violated the Pennsylvania Constitution. Because the unconstitutional language concerning the "most recent edition" of the AMA Guides could not be severed without rendering the remainder of Section 306(a.2) incomprehensible, the Court ruled that the entire Section has to be stricken from the Act. We will review the full implications of this change and explain what you should and should not do regarding IREs.