

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE

House Bill 890
Judiciary

(Delegates Morhaim and Petzold)

Health Care Malpractice Claims - Physician Assistants

This bill includes a physician assistant in the definition of a health care provider for the purpose of the laws governing health care malpractice claims.

The bill takes effect July 1, 2005.

Fiscal Summary

State Effect: The bill would not materially affect governmental operations or finances.

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Current Law: For the purposes of the provisions governing health care malpractice claims, a health care provider means a hospital, a related institution, a medical day care center, a hospice care program, an assisted living program, a freestanding ambulatory care facility, a physician, an osteopath, an optometrist, a chiropractor, a registered or licensed practical nurse, a dentist, a podiatrist, a psychologist, a licensed certified social worker-clinical, a physical therapist, licensed or authorized to provide one or more health care services in Maryland. Under these provisions, all claims for personal injury or wrongful death against a health care provider must first be filed with Health Claims Alternative Dispute Resolution Office. These provisions also establish rules governing

the proceedings against health care providers, including specifying certain standards for the offering of evidence and certain damages that may be awarded.

Background: A physician assistant is an individual who is certified to perform delegated medical acts under the supervision of a physician. The delegated acts must be appropriate to the education, training, and experience of the physician assistant.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Maryland Health Claims Alternative Dispute Resolution Office, Department of Health and Mental Hygiene, Maryland Insurance Administration, Office of the Attorney General, Department of Legislative Services

Fiscal Note History: First Reader - March 11, 2005
ncs/jr

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