SENATE BILL 834

By: Senators Gladden, Conway, Forehand, Kittleman, and Pugh
Introduced and read first time: February 6, 2013
Assigned to: Rules

A BILL ENTITLED

AN ACT concerning

Health Care Malpractice Claims – Definition of “Health Care Provider”

FOR the purpose of altering the definition of “health care provider” for purposes of health care malpractice claims; providing for the application of this Act; and generally relating to health care malpractice claims.

BY repealing and reenacting, with amendments,

Article – Courts and Judicial Proceedings
Section 3–2A–01(f)
Annotated Code of Maryland
(2006 Replacement Volume and 2012 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Courts and Judicial Proceedings

3–2A–01.

(f) (1) “Health care provider” means [a hospital, a related institution as defined in § 19–301 of the Health – General Article, a medical day care center, a hospice care program, an assisted living program, a freestanding ambulatory care facility as defined in § 19–3B–01 of the Health – General Article, 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, and a physical therapist, licensed or authorized to provide one or more health care services in Maryland]:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.
(I) A HEALTH CARE FACILITY, CENTER, OR PROGRAM
LICENSED UNDER TITLE 19, SUBTITLE 3 OF THE HEALTH – GENERAL ARTICLE; OR

(II) A PERSON LICENSED, CERTIFIED, OR REGISTERED UNDER THE HEALTH OCCUPATIONS ARTICLE.

(2) “HEALTH CARE PROVIDER” INCLUDES EMPLOYEES, VOLUNTEERS, AND AGENTS DELIVERING OR ASSISTING IN THE DELIVERY OF HEALTH CARE SERVICE OF:

(1) A HEALTH CARE FACILITY, CENTER, OR PROGRAM LICENSED UNDER TITLE 19, SUBTITLE 3 OF THE HEALTH – GENERAL ARTICLE; OR

(II) A PERSON LICENSED, CERTIFIED, OR REGISTERED UNDER THE HEALTH OCCUPATIONS ARTICLE.

[(2)] (3) “Health care provider” does not include any nursing institution conducted by and for those who rely upon treatment by spiritual means through prayer alone in accordance with the tenets and practices of a recognized church or religious denomination.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any cause of action arising before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2013.