

# HOUSE BILL 395

D3

4r1260  
CF 4r1692

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By: **Delegate Dumais**

Introduced and read first time: January 23, 2014

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

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

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

6 BY repealing and reenacting, with amendments,  
7 Article – Courts and Judicial Proceedings  
8 Section 3–2A–01(f)  
9 Annotated Code of Maryland  
10 (2013 Replacement Volume and 2013 Supplement)

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

13 **Article – Courts and Judicial Proceedings**

14 3–2A–01.

15 (f) (1) “Health care provider” means a hospital, a related institution as  
16 defined in § 19–301 of the Health – General Article, a medical day care center, a  
17 hospice care program, an assisted living program, a freestanding ambulatory care  
18 facility as defined in § 19–3B–01 of the Health – General Article, [a physician, an  
19 osteopath, an optometrist, a chiropractor, a registered or licensed practical nurse, a  
20 dentist, a podiatrist, a psychologist, a licensed certified social worker–clinical, and a  
21 physical therapist,] **AND ANY PRACTITIONER** licensed or authorized to provide one or  
22 more health care services in Maryland **BY:**

23 **(I) THE STATE BOARD OF PHYSICIANS;**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1                   **(II) THE STATE BOARD OF EXAMINERS IN OPTOMETRY;**
- 2                   **(III) THE STATE BOARD OF CHIROPRACTIC AND MASSAGE**  
3 **THERAPY EXAMINERS;**
- 4                   **(IV) THE STATE BOARD OF NURSING;**
- 5                   **(V) THE STATE BOARD OF DENTAL EXAMINERS;**
- 6                   **(VI) THE STATE BOARD OF PODIATRIC MEDICAL**  
7 **EXAMINERS;**
- 8                   **(VII) THE STATE BOARD OF EXAMINERS OF**  
9 **PSYCHOLOGISTS;**
- 10                  **(VIII) THE STATE BOARD OF SOCIAL WORK EXAMINERS;**
- 11                  **(IX) THE STATE BOARD OF PHYSICAL THERAPY**  
12 **EXAMINERS;**
- 13                  **(X) THE STATE BOARD OF DIETETIC PRACTICE;**
- 14                  **(XI) THE STATE BOARD OF OCCUPATIONAL THERAPY**  
15 **PRACTICE;**
- 16                  **(XII) THE STATE BOARD OF PHARMACY; OR**
- 17                  **(XIII) THE STATE BOARD OF PROFESSIONAL COUNSELORS**  
18 **AND THERAPISTS.**

19                  **(2) “HEALTH CARE PROVIDER” INCLUDES AN EMPLOYEE OR**  
20 **AGENT DELIVERING OR ASSISTING IN THE DELIVERY OF HEALTH CARE**  
21 **SERVICES IN A HOSPITAL OR RELATED INSTITUTION, AS DEFINED IN § 19-301**  
22 **OF THE HEALTH – GENERAL ARTICLE, A MEDICAL DAY CARE CENTER, A**  
23 **HOSPICE PROGRAM, AN ASSISTED LIVING PROGRAM, OR A FREESTANDING**  
24 **AMBULATORY CARE FACILITY, AS DEFINED IN § 19-3B-01 OF THE**  
25 **HEALTH – GENERAL ARTICLE, OR UNDER THE SUPERVISION OF ANY HEALTH**  
26 **CARE PROVIDER INCLUDED IN PARAGRAPH (1) OF THIS SUBSECTION.**

27                  **[(2)] (3) “Health care provider” does not include any nursing**  
28 **institution conducted by and for those who rely upon treatment by spiritual means**  
29 **through prayer alone in accordance with the tenets and practices of a recognized**  
30 **church or religious denomination.**

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

5           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
6 October 1, 2014.