

Article - Courts and Judicial Proceedings

[Previous][Next]

§3-2A-03.

(a) The Health Care Alternative Dispute Resolution Office is created as a unit in the Executive Department. It is headed by a Director appointed by the Governor with the advice and consent of the Senate.

(b) (1) The Director shall receive the salary and may employ the staff provided in the State budget. He shall have the powers and perform the duties set forth in this subtitle.

(2) The Director shall have subpoena power in any claim for which a panel chairman has not been appointed and in any claim for which a chairman is not performing his duties in a timely fashion.

(3) The Director may adopt reasonable rules and regulations to govern procedures under this subtitle.

(4) (i) After giving a panel member at least 15 days notice of his intention and the reason for his proposed action, the Director may remove the panel member for good cause shown.

(ii) On receipt of a notice of the intention to remove him, the panel member may submit a written statement of why he should not be removed. The Director shall consider any such statement that is submitted prior to the date for which notice of the intended action was given.

(iii) In any event, a removal is not effective unless and until the Director submits to the panel member and the chairman a written confirmation of the removal.

(c) (1) Except as otherwise provided in this subsection, the Director shall prepare a list of qualified persons willing to serve as arbitrators of health care malpractice claims.

(2) (i) The list shall be divided into three categories, one containing the names of attorneys, one containing the names of individuals who are health care providers, and one containing the names of individuals from the general public who are neither attorneys, health care providers, or agents or employees of an insurance company or society.

(ii) The list of health care providers shall, if practicable, include at least one health care provider from each recognized specialty, as requested by any party.

(iii) The individuals from the general public shall be selected at

random from existing or current jury lists, which a jury commissioner may make available to the Director when requested by the Director, only as allowed by rule that the Court of Appeals adopts.

(3) An attorney is qualified to serve:

(i) If the attorney has been in the practice of law in the State for 3 years; or

(ii) If before January 1, 1986, the attorney's name appeared on the list of qualified persons willing to serve as arbitrators of health care malpractice claims.

(4) (i) The list of health care providers shall include the names of all physicians licensed to practice medicine in the State, and who are residents of the State.

(ii) Every physician who is licensed to practice medicine in the State, and who is a resident of the State, shall be available to serve as an arbitrator of health care malpractice claims.

(d) The Director shall by regulation determine the fees that may be charged by arbitrators for services rendered by them in proceedings conducted pursuant to this subtitle.

[Previous][Next]