

HOUSE BILL 817

D3
HB 930/14 – JUD

5lr2045

By: **Delegates McComas, Adams, Arentz, Beitzel, Cassilly, Cluster, Ghrist, Hornberger, Impallaria, Kipke, Kittleman, Krebs, Long, Mautz, Metzgar, W. Miller, Morhaim, Otto, and B. Wilson**

Introduced and read first time: February 13, 2015

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Health Care Malpractice – Limitation on Noneconomic Damages**

3 FOR the purpose of altering a certain limitation on noneconomic damages in health care
4 malpractice claims; making conforming and stylistic changes; and generally relating
5 to altering a certain limitation on noneconomic damages in health care malpractice
6 claims.

7 BY repealing and reenacting, without amendments,
8 Article – Courts and Judicial Proceedings
9 Section 3–2A–09(a)
10 Annotated Code of Maryland
11 (2013 Replacement Volume and 2014 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article – Courts and Judicial Proceedings
14 Section 3–2A–09(b)(1)
15 Annotated Code of Maryland
16 (2013 Replacement Volume and 2014 Supplement)

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

19 **Article – Courts and Judicial Proceedings**

20 3–2A–09.

21 (a) This section applies to an award under § 3–2A–05 of this subtitle or a verdict
22 under § 3–2A–06 of this subtitle for a cause of action arising on or after January 1, 2005.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) (1) (i) Except as provided in paragraph (2)(ii) of this subsection, an
2 award or verdict under this subtitle for noneconomic damages for a cause of action arising
3 between January 1, 2005, and December 31, 2008, inclusive, may not exceed \$650,000.

4 (ii) 1. The limitation on noneconomic damages provided under
5 subparagraph (i) of this paragraph shall increase by \$15,000 on January 1 of each year
6 [beginning] **BETWEEN January 1, 2009, AND DECEMBER 31, 2014, INCLUSIVE.**

7 2. The increased amount shall apply to causes of action
8 arising between January 1 and December 31 of that year, inclusive.

9 (iii) **EXCEPT AS PROVIDED IN PARAGRAPH (2)(II) OF THIS**
10 **SUBSECTION, AN AWARD OR A VERDICT UNDER THIS SUBTITLE FOR NONECONOMIC**
11 **DAMAGES:**

12 1. **FOR A CAUSE OF ACTION ARISING BETWEEN JANUARY**
13 **1, 2015, AND SEPTEMBER 30, 2015, INCLUSIVE, MAY NOT EXCEED \$755,000; AND**

14 2. **FOR A CAUSE OF ACTION ARISING ON OR AFTER**
15 **OCTOBER 1, 2015, MAY NOT EXCEED \$500,000.**

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2015.