

# SENATE BILL 143

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By: **Senators Pugh, Benson, Conway, Klausmeier, Middleton, and Nathan–Pulliam**  
Introduced and read first time: January 29, 2015  
Assigned to: Judicial Proceedings

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## A BILL ENTITLED

AN ACT concerning

### **Health Care Malpractice Claims – Notice of Intent**

FOR the purpose of requiring a claimant to send a notice of intent to file a claim to a health care provider at least a certain number of days before filing a claim with the Director of the Health Care Alternative Dispute Resolution Office against the health care provider for a medical injury; requiring the notice of intent to contain certain information and to be sent in a certain manner; authorizing the Director to waive the notice requirement on motion and for good cause shown; providing for the application of this Act; and generally relating to health care malpractice claims.

BY adding to

Article – Courts and Judicial Proceedings  
Section 3–2A–03B  
Annotated Code of Maryland  
(2013 Replacement Volume and 2014 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–03B.**

**(A) AT LEAST 180 DAYS BEFORE FILING A CLAIM UNDER THIS SUBTITLE AGAINST A HEALTH CARE PROVIDER FOR A MEDICAL INJURY, THE CLAIMANT SHALL SEND A WRITTEN NOTICE OF INTENT TO FILE A CLAIM TO THE HEALTH CARE PROVIDER.**

**(B) THE NOTICE OF INTENT SHALL STATE THE TIME, PLACE, AND CAUSE OF THE INJURY.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



**(C) THE NOTICE OF INTENT SHALL BE SENT:**

**(1) BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, BEARING A POSTMARK FROM THE UNITED STATES POSTAL SERVICE; AND**

**(2) BY FIRST-CLASS MAIL.**

**(D) ON MOTION AND FOR GOOD CAUSE SHOWN, THE DIRECTOR MAY WAIVE THE NOTICE REQUIREMENT UNDER THIS SECTION.**

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, 2015.