SENATE BILL 30

D38lr0822 SB 1037/17 – JPR (PRE-FILED) By: Senator Ramirez Requested: October 10, 2017 Introduced and read first time: January 10, 2018 Assigned to: Judicial Proceedings A BILL ENTITLED AN ACT concerning Health Care Malpractice Qualified Expert – Limitation on Testimony in Personal Injury Claims - Repeal FOR the purpose of repealing the requirement that a health care provider who attests in a certificate of a qualified expert or who testifies in relation to a proceeding before an arbitration panel or a court concerning compliance with or departure from standards of care devote no more than a certain percentage of the provider's professional activities to activities that directly involve testimony in personal injury claims; and generally relating to qualified experts in health care malpractice claims. BY repealing and reenacting, with amendments, Article – Courts and Judicial Proceedings Section 3-2A-04(b)Annotated Code of Maryland (2013 Replacement Volume and 2017 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-04. (b) Unless the sole issue in the claim is lack of informed consent: (1) Except as provided in item (ii) of this paragraph, a claim or action filed after July 1, 1986, shall be dismissed, without prejudice, if the claimant or plaintiff fails to file a certificate of a qualified expert with the Director attesting to departure from standards of care, and that the departure from standards of care is the proximate cause of the alleged injury, within 90 days from the date of the complaint; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

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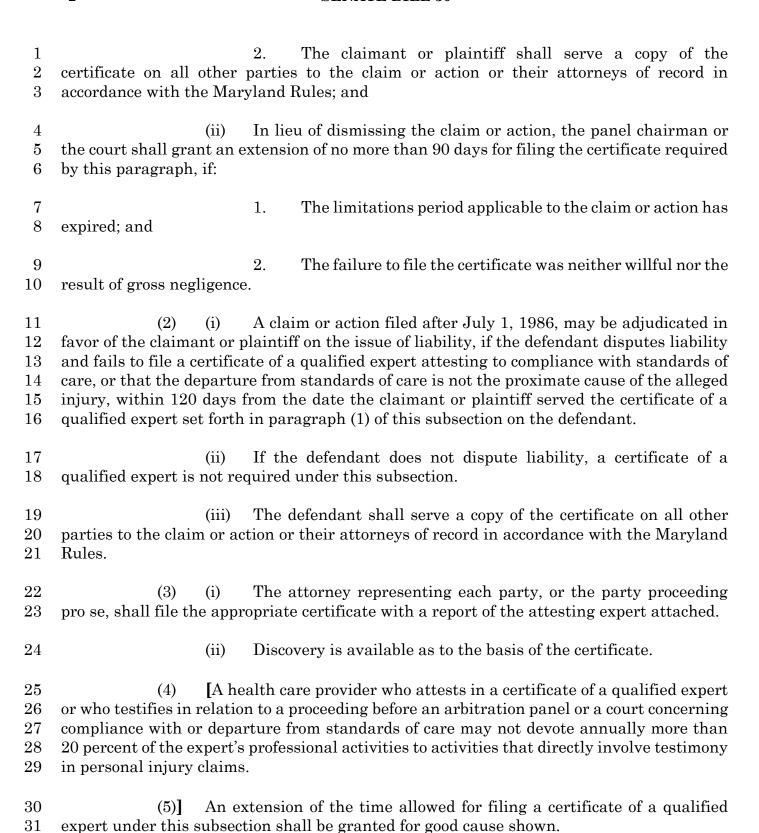
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[(6)] (5) In the case of a claim or action against a physician, the Director shall forward copies of the certificates filed under paragraphs (1) and (2) of this subsection to the State Board of Physicians.

$\frac{1}{2}$	[(7)] (6) for any claim or action fi	For purposes of the certification requirements of this subsection led on or after July 1, 1989:		
3	(i)	A pai	rty may not serve as a party's expert; and	
4	(ii)	The c	certificate may not be signed by:	
5		1.	A party;	
6		2.	An employee or partner of a party; or	
7 8	corporation of which the	3. party	An employee or stockholder of any professional is a stockholder.	
9	SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect			

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October 1, 2018.