

Department of Fiscal Services
Maryland General Assembly

FISCAL NOTE
Revised

House Bill 1347 (Delegate Doory, *et al.*)
Judiciary

Referred to Judicial Proceedings

Certificates of Merit - Licensed Professionals

This amended bill requires a claimant in a malpractice action against specified licensed professionals to file a certificate from a “qualified expert” attesting that the licensed professional against whom the claim is filed failed to meet professional standards of care. The certificate must be filed within 90 days after the claim is filed, except under specified circumstances. Upon written request and a finding of good cause, the court must allow the claimant to request documentary information that would be otherwise discoverable if the information is reasonably necessary to obtain a certificate of a qualified expert; or the court may waive or modify the requirement for the filing of a certificate. The court may also extend the deadline for filing the certificate.

The bill is applied prospectively.

Fiscal Summary

State Effect: None. Any increase in the Judiciary’s workload could be handled with existing budgeted resources.

Local Effect: None.

Small Business Effect: Minimal effect on small business, as discussed below.

Fiscal Analysis

Small Business Effect: This bill requires a certificate from a qualified expert to be filed in a malpractice claim. It is presumed that the qualified expert would charge the claimant for providing the certificate. The bill limits to 20% the amount of time a licensed professional can devote to activities that directly related to expert services for malpractice claims.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of Fiscal Services

Fiscal Note History: First Reader - March 4, 1997
lc Revised - House Third Reader - March 28, 1997

Analysis by: Lori Caldwell-Valentine
Reviewed by: John Rixey

Direct Inquiries to:
John Rixey, Coordinating Analyst
(410) 841-3710
(301) 858-3710