

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL NO. 188

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after “who” insert “originally”; and in the same line, after “claim” insert “in a circuit court”.

AMENDMENT NO. 2

On page 1, in line 24, after “THIRD-PARTY CLAIM,” insert “ORIGINALLY”; and in line 26, after “ALLEGED” insert “NEGLIGENT”.

AMENDMENT NO. 3

On page 2, strike beginning with the colon in line 15 down through “CLAIMS” in line 22 and substitute “IS A LICENSED PROFESSIONAL, OR COMPARABLY LICENSED OR CERTIFIED PROFESSIONAL UNDER THE LAWS OF ANOTHER JURISDICTION, KNOWLEDGEABLE IN THE ACCEPTED STANDARD OF CARE IN THE SAME DISCIPLINE AS THE LICENSED PROFESSIONAL AGAINST WHOM A CLAIM IS FILED”.

AMENDMENT NO. 4

On page 3, in line 3, after “MEET” insert “AN APPLICABLE STANDARD OF”; in the same line, strike “STANDARDS OF”; in line 4, after “(II)” insert “SUBJECT TO THE PROVISIONS OF SUBSECTIONS (B) AND (C) OF THIS SECTION, “; and strike beginning with “OR” in line 4 down through “LATER” in line 6.

AMENDMENT NO. 5

On page 3, strike in their entirety lines 9 through 30, inclusive, and substitute:

“(B)(1) UPON WRITTEN REQUEST MADE BY THE CLAIMANT WITHIN 30 DAYS OF THE DATE THE CLAIM IS SERVED, THE DEFENDANT SHALL PRODUCE DOCUMENTARY EVIDENCE THAT WOULD BE OTHERWISE DISCOVERABLE, IF THE

(Over)

DOCUMENTARY EVIDENCE IS REASONABLY NECESSARY IN ORDER TO OBTAIN A CERTIFICATE OF A QUALIFIED EXPERT.

(2) THE TIME FOR FILING A CERTIFICATE OF A QUALIFIED EXPERT SHALL BEGIN ON THE DATE ON WHICH THE DEFENDANT'S PRODUCTION OF THE DOCUMENTARY EVIDENCE UNDER PARAGRAPH (1) OF THIS SUBSECTION IS COMPLETED.

(3) THE DEFENDANT'S FAILURE TO PRODUCE THE REQUESTED DOCUMENTARY EVIDENCE UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL CONSTITUTE A WAIVER OF THE REQUIREMENT THAT THE CLAIMANT FILE A CERTIFICATE OF A QUALIFIED EXPERT AS TO THAT DEFENDANT.

(C)(1) UPON WRITTEN REQUEST BY THE CLAIMANT AND A FINDING OF GOOD CAUSE BY THE COURT, THE COURT MAY WAIVE OR MODIFY THE REQUIREMENT FOR THE FILING OF THE CERTIFICATE OF A QUALIFIED EXPERT.

(2) THE TIME FOR FILING THE CERTIFICATE OF MERIT OF A QUALIFIED EXPERT SHALL BE SUSPENDED UNTIL THE COURT RULES ON THE REQUEST AND, ABSENT AN ORDER TO THE CONTRARY, THE CERTIFICATE SHALL BE FILED WITHIN 90 DAYS OF THE COURT'S RULING."