
By: **Delegate Grosfeld**

Introduced and read first time: February 13, 1998

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Health Care Providers - Statute of Limitations - Repeal**

3 FOR the purpose of repealing provisions of law setting certain time requirements for
4 the filing of an action for damages for an injury arising out of the rendering of or
5 failure to render professional services by a health care provider.

6 BY repealing

7 Article - Courts and Judicial Proceedings

8 Section 5-109

9 Annotated Code of Maryland

10 (1995 Replacement Volume and 1997 Supplement)

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

13 **Article - Courts and Judicial Proceedings**

14 [5-109.

15 (a) An action for damages for an injury arising out of the rendering of or
16 failure to render professional services by a health care provider, as defined in §
17 3-2A-01 of this article, shall be filed within the earlier of:

18 (1) Five years of the time the injury was committed; or

19 (2) Three years of the date the injury was discovered.

20 (b) Except as provided in subsection (c) of this section, if the claimant was
21 under the age of 11 years at the time the injury was committed, the time limitations
22 prescribed in subsection (a) of this section shall commence when the claimant reaches
23 the age of 11 years.

24 (c) (1) The provisions of subsection (b) of this section may not be applied to
25 an action for damages for an injury:

26 (i) To the reproductive system of the claimant; or

1 (ii) Caused by a foreign object negligently left in the claimant's
2 body.

3 (2) In an action for damages for an injury described in this subsection, if
4 the claimant was under the age of 16 years at the time the injury was committed, the
5 time limitations prescribed in subsection (a) of this section shall commence when the
6 claimant reaches the age of 16 years.

7 (d) For the purposes of this section, the filing of a claim with the Health
8 Claims Arbitration Office in accordance with § 3-2A-04 of this article shall be
9 deemed the filing of an action.

10 (e) The provisions of § 5-201 of this title that relate to a cause of action of a
11 minor may not be construed as limiting the application of subsection (b) or (c) of this
12 section.

13 (f) Nothing contained in this section may be construed as limiting the
14 application of the provisions of:

15 (1) § 5-201 of this title that relate to a cause of action of a mental
16 incompetent; or

17 (2) § 5-203 of this title.]

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 1998.