

Department of Legislative Services  
Maryland General Assembly

**FISCAL NOTE**  
**Revised**

Senate Bill 213 (Senator Haines. *et al.*)

Judicial Proceedings

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**Certificates of Merit - Licensed Professionals**

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This 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 an applicable standard of professional care. The certificate must be filed within 90 days after the claim is filed, except under specified circumstances. Upon written request made by the claimant within 30 days of the date the claim is served, the defendant is required to produce documentary evidence that would otherwise be discoverable, if the evidence is reasonably necessary to obtain a certificate of a qualified expert. The defendant’s failure to produce the requested documentary evidence constitutes a waiver of the requirement that the claimant file a certificate of qualified expert as to that defendant. 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 a certificate.

The bill is applied prospectively.

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**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:** Potential minimal.

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

**Fiscal Note History:** First Reader - January 30, 1998  
Inc Revised - Senate Third Reader - March 27, 1998

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Analysis by: Claire E. Rooney  
Reviewed by: David F. Roose

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