

Department of Legislative Services
Maryland General Assembly

FISCAL NOTE

House Bill 1027 (Delegate Arnick)

Judiciary

Health Care Malpractice Claims - Neutral Case Evaluation

This bill requires a court to which a health care malpractice case was transferred after the waiver of arbitration, to refer the case to the Health Claims Arbitration Office within six months after a complaint is filed with the court, if the parties mutually agree to a neutral case evaluation. The bill specifies the procedure for selecting a neutral case evaluator. The evaluator must notify the Director of the Health Claims Arbitration Office and the applicable court of the results of the neutral case evaluation within 10 days after the evaluation session. During the evaluation period, the applicable court will continue to have jurisdiction to rule on any motion or discovery matters, and the evaluation may not interfere with the scheduled trial. The cost of the neutral case evaluation, not to exceed \$300 per case, must be divided equally between the parties to the case.

Fiscal Summary

State Effect: None. The cost of the neutral case evaluation would be paid for by the parties involved. Any increase in workload for the Health Claims Arbitration Office could be handled with existing budgeted resources.

Local Effect: Minimal. Mediation of medical malpractice claims before trial could alleviate the cost of lengthy trials. Assuming most medical malpractice claims are filed in circuit court, this bill would reduce workloads/expenditures for local jurisdictions.

Small Business Effect: None.

Information Source(s): Health Claims Arbitration Office; Judiciary (Administrative Office of the Courts); Department of Health and Mental Hygiene (Licensing and

Certification, Board of Physician Quality Assurance); Department of Legislative Services

Fiscal Note History:

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