

Department of Legislative Services  
Maryland General Assembly

FISCAL NOTE  
Revised

House Bill 188 (Delegate Doorv. *et al.*)  
Judiciary

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**Certificates of Merit - Licensed Professionals**

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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 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 28, 1998  
tlw Revised - House Third Reader - March 20, 1998

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