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By: **Senators Green and Hollinger**  
Introduced and read first time: February 4, 1999  
Assigned to: Judicial Proceedings

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A BILL ENTITLED

1 AN ACT concerning

2 **Health Care Malpractice Claims - Panel Selection Lists**

3 FOR the purpose of altering the time periods within which the Director of the Health  
4 Claims Arbitration Office is required to deliver to the parties in a health care  
5 malpractice claim certain lists and biographical statements of persons willing to  
6 serve as arbitrators; and generally relating to selection of arbitrators in a health  
7 care malpractice claim.

8 BY repealing and reenacting, with amendments,  
9 Article - Courts and Judicial Proceedings  
10 Section 3-2A-04(c)  
11 Annotated Code of Maryland  
12 (1998 Replacement Volume)

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

15 **Article - Courts and Judicial Proceedings**

16 3-2A-04.

17 (c) (1) Within 20 days after the [time for filing a response] FILING OF THE  
18 CLAIMANT'S CERTIFICATE OF A QUALIFIED EXPERT, OR, IN A CASE IN WHICH LACK  
19 OF INFORMED CONSENT IS THE SOLE ISSUE, WITHIN 20 DAYS AFTER THE FILING OF  
20 THE DEFENDANT'S RESPONSE, the Director shall deliver to each party the names of 6  
21 persons chosen at random from the attorney categorical list prepared by him  
22 pursuant to § 3-2A-03(c), together with a brief biographical statement as to each of  
23 these persons.

24 (2) No later than 20 days after receiving notice of the [scheduling of the  
25 prehearing conference] SCHEDULED HEARING, the Director shall deliver to each  
26 party the names of 6 persons chosen at random from each of the remaining  
27 categorical lists prepared by him pursuant to § 3-2A-03(c), together with a brief  
28 biographical statement as to each of these persons. If the claim or the response states  
29 that the matter falls within one or more recognized specialties, the Director, if

1 practicable, shall include persons in the specialty on the list from the health care  
2 provider category. Before delivering each list, the Director shall inquire of the persons  
3 selected and assure himself that they do not have a personal or economic relationship  
4 with any of the parties or their counsel, or any cases in which they are a party before  
5 the arbitration office, that can form the basis of any partiality on their part. If, in the  
6 judgment of the Director, a person selected has such a relationship with a party, his  
7 name shall be replaced by another chosen at random.

8                   (3)       The biographical statements sent to the parties under this subsection  
9 shall have been updated within 2 years.

10       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
11 October 1, 1999.