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By: Delegate Sophocleus

Introduced and read first time: January 31, 2003 Assigned to: Economic Matters

Committee Report: Favorable with amendments House action: Adopted Read second time: March 21, 2003

CHAPTER_____

1 AN ACT concerning

2 Consumer Protection - Maryland Consumer Protection Act - Scope Private 3 Rights of Action

4 FOR the purpose of altering the scope of the Maryland Consumer Protection Act to

- 5 exclude <u>certain private rights of action concerning</u> the professional services of
- 6 certain health care providers; and generally relating to the Maryland Consumer
- 7 Protection Act.

8 BY repealing and reenacting, with amendments, adding to

- 9 Article Commercial Law
- 10 Section-<u>13-104</u> <u>13-408(d)</u>
- 11 Annotated Code of Maryland
- 12 (2000 Replacement Volume and 2002 Supplement)

13 BY repealing and reenacting, without amendments,

- 14 Article Courts and Judicial Proceedings
- 15 Section 3-2A-01(a) and (e)
- 16 Annotated Code of Maryland
- 17 (2002 Replacement Volume)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

19 MARYLAND, That the Laws of Maryland read as follows:

	HOUSE BILL 294
1	Article - Commercial Law
2	13-104.
3	This title does not apply to:
6 7 8 9	(1) The professional services of a certified public accountant, architect, clergyman, professional engineer, lawyer, veterinarian, insurance company authorized to do business in the State, insurance producer licensed by the State, Christian Science practitioner, land surveyor, property line surveyor, chiropractor, optometrist, physical therapist, podiatrist, real estate broker, associate real estate broker, or real estate salesperson, [or] medical or dental practitioner, OR HEALTH CARE PROVIDER, AS DEFINED IN § 3 2A 01 OF THE COURTS ARTICLE;
11 12	(2) A public service company, to the extent that the company's services and operations are regulated by the Public Service Commission; or
15 16 17	(3) A television or radio broadcasting station or a publisher or printer of a newspaper, magazine, or other form of printed advertising who broadcasts, publishes, or prints an advertisement which violates this title, unless the station, publisher, or printer engages in an unfair or deceptive trade practice in the sale of its own goods or services or has knowledge that the advertising is in violation of this title.
19	<u>13-408.</u>
20 21	(D) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, A PERSON MAY NOT BRING AN ACTION UNDER THIS SECTION TO RECOVER FOR INJURIES

21 <u>MAY NOT BRING AN ACTION UNDER THIS SECTION TO RECOVER FOR INJURIES</u> 22 <u>SUSTAINED AS A RESULT OF THE PROFESSIONAL SERVICES PROVIDED BY A HEALTH</u>

23 CARE PROVIDER, AS DEFINED IN § 3-2A-01 OF THE COURTS ARTICLE.

24

2

Article - Courts and Judicial Proceedings

25 3-2A-01.

26 (a) In this subtitle the following terms have the meanings indicated unless the 27 context of their use requires otherwise.

28 (e) "Health care provider" means a hospital, a related institution as defined in

29 § 19-301 of the Health - General Article, a physician, an osteopath, an optometrist, a

30 chiropractor, a registered or licensed practical nurse, a dentist, a podiatrist, a

31 psychologist, a licensed certified social worker-clinical, and a physical therapist,

32 licensed or authorized to provide one or more health care services in Maryland.

33 "Health care provider" does not mean any nursing institution conducted by and for

34 those who rely upon treatment by spiritual means through prayer alone in accordance

35 with the tenets and practices of a recognized church or religious denomination.

36 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 37 July 1, 2003.