

Department of Legislative Services
Maryland General Assembly
2003 Session

FISCAL AND POLICY NOTE
Revised

House Bill 676

(Delegate Brown, *et al.*)

Judiciary

Judicial Proceedings

Statute of Limitations - Minors

This bill provides that a claimant who sues a health care provider for damages for injuries committed while the claimant was under the age of 11 must file suit: (1) before the claimant reaches the age of 19; or (2) for an injury to the reproductive system of the claimant or caused by a foreign object negligently left in the claimant's body, before the claimant reaches the age of 21.

The bill takes effect June 1, 2003, and applies only to any cause of action arising on or after that date.

Fiscal Summary

State Effect: This bill could result in a change in the number of medical malpractice claims filed by claimants whose injury was committed prior to the claimant's eleventh birthday, but it is not expected to have a significant impact on State operations or finances. It is believed that most medical malpractice claims filed on behalf of children are brought within three years of the alleged injury.

Local Effect: Minimal – see above.

Small Business Effect: Potential minimal.

Analysis

Current Law: By statute, a person suing for damages for an injury allegedly caused by a health care provider must file suit within the earlier of five years of the time the injury

was committed, or three years of the date the injury was discovered. The statute further provides that if the claimant was under the age of 11 at the time the injury was committed, these time limitations commence when the claimant reaches the age of 11. The statute also states that if the claimant was under the age of 16 when the injury was committed, and the injury was to the claimant's reproductive system or was caused by a foreign object negligently left in the claimant's body, the time limitations commence when the claimant reaches the age of 16.

In *Piselli v. 75th Street Medical*, 371 Md. 188 (2002), the Court of Appeals held that, under Article 19 of the Maryland Declaration of Rights, the statutory three- and five-year time periods as applied to a minor claimant do not begin to run until the minor reaches the age of 18.

Additional Information

Prior Introductions: None.

Cross File: None.

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

Fiscal Note History: First Reader - February 24, 2003
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