

BY: Rules and Executive Nominations Committee

AMENDMENTS TO HOUSE BILL NO. 2  
(First Reading File Bill)

AMENDMENT NO. 1

On pages 1 and 2, strike beginning with "requiring" in line 30 on page 1 down through "notice;" in line 4 on page 2.

On page 2, in line 14, after "earnings;" insert "requiring that an award or verdict for past or future loss of earnings shall be limited to a certain percentage;"; strike beginning with "establishing" in line 14 down through "circumstances;" in line 16 and substitute "authorizing a court to employ a certain neutral expert witness under certain circumstances; providing for the costs of a certain neutral expert witness;"; and strike beginning with "paid" in line 41 down through "premium" in line 42.

On page 3, in line 12, after "ratio;" insert "prohibiting the Society from denying medical liability insurance coverage to a physician under certain circumstances;"; and strike beginning with "establishing" in line 12 down through "year;" in line 31.

On page 4, in line 28, after the semicolon insert "requiring the Health Services Cost Review Commission to work with certain other agencies to develop certain patient safety initiatives and report to certain persons on their efforts on or before a certain date;"; and in line 29, after the semicolon insert "requiring the Maryland Health Care Commission to conduct a study of certain reimbursement requirements and to report the results of its study to certain persons on or before a certain date; providing for the termination of certain provisions of this Act;".

On page 5, in line 3, strike "3-2A-07A,".

AMENDMENT NO. 2

On page 5, in line 24, strike "2-213,"; and in the same line, strike "and 10-131" and substitute "10-131, and 24-209".

(Over)

On page 6, in line 8, strike “24-110” and substitute “24-211”; and strike in their entirety lines 11 through 16, inclusive.

AMENDMENT NO. 3

On page 8, in lines 1 and 2, in each instance, strike “ACTIVE”.

AMENDMENT NO. 4

On page 8, in line 3, after “CARE” insert “.OR IN THE FIELD OF HEALTH CARE IN WHICH THE DEFENDANT PROVIDED CARE OR TREATMENT TO THE PLAINTIFF.”.

AMENDMENT NO. 5

On page 9, after line 31, insert:

“(1) (I) 1. A PARTY SHALL FILE A CERTIFICATE OF A QUALIFIED EXPERT DESCRIBED IN THIS SUBSECTION FOR EACH DEFENDANT;”;

in line 32, strike “(1) (i) 1.” and substitute “2.”; in line 33, after “prejudice,” insert “AS TO A DEFENDANT”; and in line 34, strike “EACH” and substitute “THAT”.

On page 10, in line 1, strike “2.” and substitute “3.”; and in line 12, after “liability,” insert “AS TO A DEFENDANT”.

AMENDMENT NO. 6

On page 18, in line 5, after “EXPERT” insert “. FOR EACH DEFENDANT.”.

On page 19, in line 2, after “EXPERT” insert “FOR A DEFENDANT”; in line 3, strike “WITH” and substitute “WITHOUT”; in the same line, after “ACTION” insert “AS TO THAT DEFENDANT”; and in line 6, after “LIABILITY” insert “AS TO THAT DEFENDANT”.

AMENDMENT NO. 7

On pages 19 and 20, strike in their entirety the lines beginning with line 28 on page 19 through line 33 on page 20.

AMENDMENT NO. 8

On page 21, in line 36, strike "SUBSECTION" and substitute "PARAGRAPH".

On page 23, strike beginning with "EXCLUDE" in line 16 down through "ENTERED" in line 19 and substitute "BE LIMITED TO 85% OF PAST OR FUTURE LOSS OF EARNINGS".

AMENDMENT NO. 9

On pages 23 and 24, strike in their entirety the lines beginning with line 20 on page 23 through line 10 on page 24, inclusive, and substitute:

"(3) (I) A COURT MAY ON ITS OWN MOTION EMPLOY A NEUTRAL EXPERT WITNESS TO TESTIFY ON THE ISSUE OF A PLAINTIFF'S FUTURE MEDICAL EXPENSES.

(II) UNLESS OTHERWISE AGREED TO BY THE PARTIES, THE COSTS OF A NEUTRAL EXPERT WITNESS SHALL BE DIVIDED EQUALLY AMONG THE PARTIES.

(III) NOTHING CONTAINED IN THIS SUBSECTION LIMITS THE AUTHORITY OF A COURT CONCERNING A COURT'S WITNESS."

AMENDMENT NO. 10

On pages 31 through 33, strike in their entirety the lines beginning with line 26 on page 31 through line 12 on page 33, inclusive.

AMENDMENT NO. 11

On page 37, in line 18, after "INSURER" insert "THAT ISSUES MEDICAL PROFESSIONAL LIABILITY INSURANCE"; in line 19, strike "(1)"; strike beginning with "THE" in line 22 down through "MINUS" in line 23; and strike beginning with the semicolon in line 23 down through "5%" in line 25.

AMENDMENT NO. 12

On page 38, in line 15, strike "24-110." and substitute "24-211.".

AMENDMENT NO. 13

On page 38, after line 14, insert:  
"24-209.

(a) Policies that the Society issues to each class of physicians and other health care providers shall be essentially uniform in terms and conditions of coverage.

(b) Notwithstanding subsection (a) of this section, the Society may:

(1) establish reasonable classifications of physicians and other health care providers, insured activities, and exposures based on a good faith determination of relative exposures and hazards among classifications;

(2) vary the limits, coverages, exclusions, conditions, and loss-sharing provisions among classifications; and

(3) establish, for an individual physician or other health care provider within a classification, reasonable variations in the terms of coverage, including deductibles and loss-sharing provisions, based on the insured's prior loss experience and current professional training and capability.

(C) THE SOCIETY MAY NOT DENY MEDICAL LIABILITY INSURANCE COVERAGE TO ANY PHYSICIAN BASED SOLELY UPON THE PHYSICIAN'S MEDICAL SPECIALTY, PRACTICE PROFILE, OR GEOGRAPHIC LOCATION OF PRACTICE."

AMENDMENT NO. 14

On pages 39 through 44, strike in their entirety the lines beginning with line 22 on page 39 through line 29 on page 44, inclusive.

AMENDMENT NO. 15

On page 47, in line 18, strike beginning with "SHALL" down through "FUND" inclusive.

AMENDMENT NO. 16

On page 48, in line 17, after "(J)" insert "(1)"; in line 19, after "(1)" insert "SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION,"; in lines 19, 24, 29, and 34, strike "(1)", "(2)", "(3)",

and "(4)", respectively, and substitute "(I)", "(II)", "(III)", and "(IV)", respectively.

On page 49, after line 2, insert:

"(2) FOR AN AGREEMENT UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION, THE BASE PREMIUM ALLOWED UNDER AN APPROVED RATE FILING, LESS THE VALUE OF THE GUARANTEE PROVIDED UNDER SUBSECTION (M) OF THIS SECTION FOR EACH SPECIALTY, MAY NOT EXCEED THE BASE PREMIUM FOR THE PREVIOUS 12- MONTH PERIOD BY MORE THAN 5%."

AMENDMENT NO. 17

On page 53, strike beginning with "The" in line 8 down through "rates." in line 9 and substitute "The Health Services Cost Review Commission shall work with the Maryland Health Care Commission, the Department of Health and Mental Hygiene, the Maryland Patient Safety Center, the Maryland Board of Physicians, and third-party payers to develop systemic patient safety initiatives that extend beyond hospitals and into health care practitioner offices. The agencies shall report to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly, on their efforts on or before October 1, 2005."; and in line 10, strike "That" and substitute "That:

(a) Except for a managed care organization authorized by Title 15, Subtitle 1 of the Health - General Article,"

in line 15, after "2004" insert ": and

(b) The Maryland Health Care Commission shall study the impact of the reimbursement requirements in subsection (a) of this Section on access to health care, health care costs, and the health insurance market and shall report the results of its study to the Governor and, subject to § 2-1246 of the State Government Article, the General Assembly, on or before January 1, 2006";

in line 17, strike "3 years" and substitute "1 year and 6 months"; and in line 18, strike "December 31, 2007" and substitute " June 30, 2006".

(Over)