

BY: Delegate Bates

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

AMENDMENT NO. 1

On page 1, in line 27, after "circumstances;" insert "providing that a person having a certain claim against a health care provider who contracts with an attorney for representation involving a contingency fee is entitled to receive a certain percentage of money recovered;".

On page 5, in line 3, after "3-2A-06D," insert "3-2A-06E,".

AMENDMENT NO. 2

On page 19, after line 27, insert:

"3-2A-06E.

(A) A PERSON HAVING A CLAIM AGAINST A HEALTH CARE PROVIDER FOR DAMAGES DUE TO A MEDICAL INJURY OCCURRING ON OR AFTER JANUARY 1, 2005, WHO CONTRACTS WITH AN ATTORNEY FOR REPRESENTATION INVOLVING A CONTINGENCY FEE IS ENTITLED TO RECEIVE NO LESS THAN 80% OF THE AWARD RECOVERED BY THE CLAIMANT.

(B) THE AMOUNT TO WHICH THE CLAIMANT IS ENTITLED UNDER SUBSECTION (A) OF THIS SECTION:

(1) IS EXCLUSIVE OF REASONABLE AND CUSTOMARY COSTS;

(2) IS THE SAME REGARDLESS OF THE NUMBER OF DEFENDANTS;

AND

(3) APPLIES WHETHER THE RECOVERY IS RECEIVED BY SETTLEMENT, ARBITRATION, OR JUDGMENT."