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By: **Delegates Doory, V. Clagett, Dumais, Gutierrez, Holmes, Krysiak,  
Leopold, Love, Menes, Rosenberg, Sophocleus, and Zirkin**

Introduced and read first time: January 31, 2005

Assigned to: Judiciary

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 1, 2005

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Courts - Certificate of Merit - Licensed Professional**

3 FOR the purpose of specifying that a certain requirement of filing a certificate of a  
 4 qualified expert in certain malpractice claims applies to claims filed in a United  
 5 States District Court; applying a certain requirement of filing a certificate of  
 6 merit a qualified expert in certain malpractice claims ~~brought in certain courts~~  
 7 ~~against licensed professionals~~ to a claim against the employer, partnership, or  
 8 ~~certain other~~ entity for whom the through which a licensed professional  
 9 performs certain services; altering a certain definition; providing for the  
 10 construction and application of this Act; and generally relating to malpractice  
 11 claims against certain licensed professionals.

12 BY repealing and reenacting, with amendments,  
 13 Article - Courts and Judicial Proceedings  
 14 Section 3-2C-01 and 3-2C-02(a)  
 15 Annotated Code of Maryland  
 16 (2002 Replacement Volume and 2004 Supplement)

17 ~~BY repealing and reenacting, without amendments,~~  
 18 ~~Article - Courts and Judicial Proceedings~~  
 19 ~~Section 3-2C-02(a)~~  
 20 ~~Annotated Code of Maryland~~  
 21 ~~(2002 Replacement Volume and 2004 Supplement)~~

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

1 **Article - Courts and Judicial Proceedings**

2 3-2C-01.

3 (a) In this subtitle the following words have the meanings indicated.

4 (b) "Claim" means a civil action, including an original claim, counterclaim,  
5 cross-claim, or third-party claim, originally filed in A circuit court OR UNITED  
6 STATES DISTRICT COURT against a licensed professional OR THE EMPLOYER,  
7 PARTNERSHIP, OR OTHER ENTITY THROUGH WHICH THE LICENSED PROFESSIONAL  
8 PERFORMED PROFESSIONAL SERVICES that is based on the licensed professional's  
9 alleged negligent act or omission in rendering professional services, within the scope  
10 of the professional's license, permit, or certificate, for others.

11 (c) "Licensed professional" means:

12 (1) An architect licensed under Title 3 of the Business Occupations and  
13 Professions Article;14 (2) An interior designer certified under Title 8 of the Business  
15 Occupations and Professions Article;16 (3) A landscape architect licensed under Title 9 of the Business  
17 Occupations and Professions Article;18 (4) A professional engineer licensed under Title 14 of the Business  
19 Occupations and Professions Article; or20 (5) A professional land surveyor or property line surveyor licensed under  
21 Title 15 of the Business Occupations and Professions Article.22 (d) (1) "Qualified expert" means an individual who is a licensed  
23 professional, or comparably licensed or certified professional under the laws of  
24 another jurisdiction, knowledgeable in the accepted standard of care in the same  
25 discipline as the licensed professional against whom a claim is filed.

26 (2) "Qualified expert" does not include:

27 (i) A party to the claim;

28 (ii) An employee or partner of a party;

29 (iii) An employee or stockholder of a professional corporation of  
30 which a party is a stockholder; or

31 (iv) A person having a financial interest in the outcome of the claim.

32 3-2C-02.

33 (a) (1) Except as provided in subsections (b) and (c) of this section, a claim  
34 shall be dismissed, without prejudice, if the claimant fails to file a certificate of a  
35 qualified expert with the court.

1           (2)     A certificate of a qualified expert shall:

2                   (i)     Contain a statement from a qualified expert attesting that the  
3 licensed professional ~~against whom the claim is filed~~ failed to meet an applicable  
4 standard of professional care;

5                   (ii)     Subject to the provisions of subsections (b) and (c) of this  
6 section, be filed within 90 days after the claim is filed; and

7                   (iii)    Be served on all other parties to the claim or the parties'  
8 attorneys of record in accordance with the Maryland Rules.

9     SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not be  
10 construed to extend or otherwise modify any applicable statute of limitation or statute  
11 of repose.

12    SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall be  
13 construed to apply only prospectively and may not be applied or interpreted to have  
14 any effect on or application to any claim filed before the effective date of this Act.

15    SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect  
16 October 1, 2005.