
By: **Delegates Shank, Frank, Kelly, McComas, McKee, Morhaim, Shewell,
and Weldon**

Introduced and read first time: February 10, 2006

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Circuit Courts - Medical Malpractice Division - Task Force**

3 FOR the purpose of stating the intent of the General Assembly that medical
4 malpractice matters be treated in a particular manner in the judicial system
5 and that the Chief Judge of the Court of Appeals consider, based on a certain
6 study, the feasibility of the establishment of a medical malpractice court division
7 in the State; establishing the Medical Malpractice Division Task Force;
8 providing for the membership of the Task Force; requiring the Task Force to
9 study the feasibility of creating a medical malpractice division in appropriate
10 circuit courts and issue a certain report by a certain date; providing that the
11 report include certain input and information and be submitted to certain
12 persons; providing for the termination of this Act; and generally relating to the
13 establishment of a task force to study and issue a certain report concerning the
14 feasibility of the establishment of medical malpractice divisions in the circuit
15 courts.

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
17 MARYLAND, That:

18 It is the intent of the General Assembly that:

19 (1) medical malpractice actions be treated efficiently and effectively in
20 the judicial system; and

21 (2) the Chief Judge of the Court of Appeals consider the feasibility of the
22 establishment of a medical malpractice division in Maryland, based on a study to be
23 completed by the Medical Malpractice Division Task Force, in order to enable the
24 circuit courts to handle medical malpractice actions in the most coordinated, efficient,
25 and responsive manner and to afford convenient access to lawyers and litigants
26 involved in medical malpractice actions.

27 SECTION 2. AND BE IT FURTHER ENACTED, That:

28 (a) There is a Medical Malpractice Division Task Force.

1 (b) The Task Force shall reasonably reflect the geographic, ethnic, and gender
2 diversity of the State and be composed of:

3 (1) the President of the Maryland State Bar Association, or the
4 President's designee;

5 (2) three members of the Judiciary, appointed by the Chief Judge of the
6 Court of Appeals, all of whom have had experience in medical malpractice actions;

7 (3) two members of the Senate of Maryland, appointed by the President
8 of the Senate;

9 (4) two members of the House of Delegates, appointed by the Speaker of
10 the House of Delegates;

11 (5) four members of the public, appointed by the Governor, at least three
12 of whom are from medical or health care professions;

13 (6) the President of the Maryland Trial Lawyers Association, or the
14 President's designee; and

15 (7) the President of the Maryland Defense Bar, or the President's
16 designee.

17 (c) The President of the Maryland State Bar Association or the President's
18 designee shall be the chair of the Task Force.

19 (d) The Task Force shall study the feasibility of establishing a medical
20 malpractice division in appropriate circuit courts in the State.

21 (e) The report shall include:

22 (1) input from both the Maryland medical community and legal
23 community;

24 (2) a review of the experience of other states in creating specialty courts
25 or administrative procedures for compensating patients injured by preventable
26 medical errors;

27 (3) a study of any constitutional issues associated with establishing a
28 medical malpractice division of the circuit courts in the State;

29 (4) consideration of all operational aspects of establishing a medical
30 malpractice division, including:

31 (i) the benefits and costs to the State and the Judiciary that are
32 associated with the establishment of a medical malpractice division in Maryland;

33 (ii) the financial costs associated with and essential to the efficient
34 operation of a medical malpractice division;

1 (iii) the criteria for determining the type and monetary thresholds of
2 matters to be assigned and the procedures for assignment of matters to a medical
3 malpractice division;

4 (iv) the level of expertise and training of judges presiding in a
5 medical malpractice division;

6 (v) a case management plan for the prompt and efficient
7 scheduling and disposition of matters assigned to a medical malpractice division;

8 (vi) the use of alternative dispute resolution; and

9 (vii) the feasibility of establishing an expedited appeals process for
10 matters assigned to a medical malpractice division; and

11 (5) any other matters the Task Force considers relevant to its
12 consideration of the feasibility of establishing a medical malpractice division in the
13 circuit courts.

14 (f) The Task Force shall issue a final report of its findings and
15 recommendations to the Court of Appeals, the Governor, the Lieutenant Governor, the
16 President of the Senate of Maryland, the Speaker of the House of Delegates, the
17 House Judiciary Committee, the Senate Judicial Proceedings Committee, and, subject
18 to § 2-1246 of the State Government Article, to the General Assembly on or before
19 June 1, 2007.

20 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 June 1, 2006. It shall remain effective for a period of 1 year and 1 month and, at the
22 end of June 30, 2007, with no further action required by the General Assembly, this
23 Act shall be abrogated and of no further force and effect.