

HOUSE BILL 606

D3

8lr2736

By: **Delegates Kelly, Dwyer, Frank, McComas, Myers, and Shank**

Introduced and read first time: January 31, 2008

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Health Care Liability – Noneconomic Damages**

3 FOR the purpose of repealing a certain increase in a limitation on noneconomic
4 damages in a health care malpractice claim or action; and generally relating to
5 a limitation on noneconomic damages in a health care malpractice claim or
6 action under certain circumstances.

7 BY repealing and reenacting, without amendments,
8 Article – Courts and Judicial Proceedings
9 Section 3–2A–09(a)
10 Annotated Code of Maryland
11 (2006 Replacement Volume and 2007 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article – Courts and Judicial Proceedings
14 Section 3–2A–09(b)
15 Annotated Code of Maryland
16 (2006 Replacement Volume and 2007 Supplement)

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

19 **Article – Courts and Judicial Proceedings**

20 3–2A–09.

21 (a) This section applies to an award under § 3–2A–05 of this subtitle or a
22 verdict under § 3–2A–06 of this subtitle for a cause of action arising on or after
23 January 1, 2005.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) (1) [(i) Except as provided in paragraph (2)(ii) of this subsection,
2 an] **AN** award or verdict under this subtitle for noneconomic damages [for a cause of
3 action arising between January 1, 2005, and December 31, 2008, inclusive,] may not
4 exceed \$650,000.

5 [(ii) The limitation on noneconomic damages provided under
6 subparagraph (i) of this paragraph shall increase by \$15,000 on January 1 of each year
7 beginning January 1, 2009. The increased amount shall apply to causes of action
8 arising between January 1 and December 31 of that year, inclusive.]

9 (2) (i) Except as provided in subparagraph (ii) of this paragraph,
10 the limitation under paragraph (1) of this subsection shall apply in the aggregate to all
11 claims for personal injury and wrongful death arising from the same medical injury,
12 regardless of the number of claims, claimants, plaintiffs, beneficiaries, or defendants.

13 (ii) If there is a wrongful death action in which there are two or
14 more claimants or beneficiaries, whether or not there is a personal injury action
15 arising from the same medical injury, the total amount awarded for noneconomic
16 damages for all actions may not exceed 125% of the limitation established under
17 paragraph (1) of this subsection, regardless of the number of claims, claimants,
18 plaintiffs, beneficiaries, or defendants.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2008.