

Department of Legislative Services
Maryland General Assembly
2012 Session

FISCAL AND POLICY NOTE

House Bill 507
Judiciary

(Delegate Anderson)

Health Care Malpractice Claims - Expert Witnesses - Limitations

This bill prohibits a party – in a trial of an action against a health care provider for an alleged medical injury – from presenting testimony from more than two experts in a designated specialty, unless the court (for good cause shown) allows additional experts.

The bill applies prospectively to actions filed on or after the bill's October 1, 2012 effective date.

Fiscal Summary

State Effect: The change is procedural in nature and does not directly affect State finances.

Local Effect: The change is procedural in nature and does not directly affect local government finances.

Small Business Effect: None.

Analysis

Current Law: Maryland Rule 5-702 specifies that expert testimony may be admitted, in the form of an opinion or otherwise, if the court determines that the testimony will assist the trier of fact to understand the evidence or to determine a fact in issue. In making that determination, the court must determine (1) whether the witness is qualified as an expert by knowledge, skill, experience, training, or education; (2) the appropriateness of the expert testimony on the particular subject; and (3) whether a sufficient factual basis exists to support the expert testimony.

In a proceeding before an arbitration panel determining a claim against a health care provider for an alleged medical injury, a party may not present testimony from more than two experts in a designated specialty unless the panel chairman, for good cause shown, allows additional experts.

Additional Information

Prior Introductions: None.

Cross File: SB 924 (Senator Ramirez) - Judicial Proceedings.

Information Source(s): Maryland Health Claims Alternative Dispute Resolution Office, Department of Health and Mental Hygiene, Maryland Insurance Administration, Judiciary (Administrative Office of the Courts), Department of Legislative Services

Fiscal Note History: First Reader - February 27, 2012
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