

HOUSE BILL 1310

D3

3lr2282
CF SB 834

By: **Delegates Dumais, Carter, Frank, Frush, Gaines, Haddaway–Riccio, Hough, Howard, McComas, McDermott, Mitchell, Morhaim, Rosenberg, Stocksdale, Szeliga, Valentino–Smith, and M. Washington**

Introduced and read first time: February 8, 2013

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 21, 2013

CHAPTER _____

1 AN ACT concerning

2 **Health Care Malpractice Claims – Definition of “Health Care Provider”**

3 FOR the purpose of altering the definition of “health care provider” for purposes of
4 health care malpractice claims; providing for the application of this Act; and
5 generally relating to health care malpractice claims.

6 BY repealing and reenacting, with amendments,
7 Article – Courts and Judicial Proceedings
8 Section 3–2A–01(f)
9 Annotated Code of Maryland
10 (2006 Replacement Volume and 2012 Supplement)

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

13 **Article – Courts and Judicial Proceedings**

14 3–2A–01.

15 (f) (1) “Health care provider” means [a hospital, a related institution as
16 defined in § 19–301 of the Health – General Article, a medical day care center, a
17 hospice care program, an assisted living program, a freestanding ambulatory care
18 facility as defined in § 19–3B–01 of the Health – General Article, a physician, an

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 osteopath, an optometrist, a chiropractor, a registered or licensed practical nurse, a
 2 dentist, a podiatrist, a psychologist, a licensed certified social worker–clinical, and a
 3 physical therapist, licensed or authorized to provide one or more health care services
 4 in Maryland]:

5 ~~(I) A HEALTH CARE FACILITY, CENTER, OR PROGRAM~~
 6 ~~LICENSED UNDER TITLE 19, SUBTITLE 3 OF THE HEALTH – GENERAL ARTICLE;~~
 7 ~~OR~~

8 ~~(II) A PERSON LICENSED, CERTIFIED, OR REGISTERED~~
 9 ~~UNDER THE HEALTH OCCUPATIONS ARTICLE.~~

10 (I) A HOSPITAL AS DEFINED IN § 19–301 OF THE HEALTH –
 11 GENERAL ARTICLE;

12 (II) A RELATED INSTITUTION AS DEFINED IN § 19–301 OF
 13 THE HEALTH – GENERAL ARTICLE;

14 (III) A MEDICAL DAY CARE CENTER;

15 (IV) A HOSPICE PROGRAM;

16 (V) AN ASSISTED LIVING PROGRAM;

17 (VI) A FREESTANDING AMBULATORY CARE FACILITY AS
 18 DEFINED IN § 19–3B–01 OF THE HEALTH – GENERAL ARTICLE; AND

19 (VII) THE FOLLOWING INDIVIDUALS LICENSED UNDER THE
 20 HEALTH OCCUPATIONS ARTICLE OR AUTHORIZED TO PROVIDE ONE OR MORE
 21 HEALTH SERVICES IN THE STATE:

22 1. CHIROPRACTOR;

23 2. DENTIST;

24 3. REGISTERED NURSE;

25 4. LICENSED PRACTICAL NURSE;

26 5. NURSE PRACTITIONER;

27 6. NURSE MIDWIFE;

28 7. NURSE ANESTHETIST;

- 1 8. NURSE PSYCHOTHERAPIST;
 2 9. CLINICAL NURSE SPECIALIST;
 3 10. OCCUPATIONAL THERAPIST;
 4 11. OSTEOPATH;
 5 12. OPTOMETRIST;
 6 13. PHYSICAL THERAPIST;
 7 14. PHYSICIAN;
 8 15. PODIATRIST;
 9 16. PSYCHOLOGIST; AND
 10 17. LICENSED CERTIFIED SOCIAL WORKER-CLINICAL.

11 (2) "HEALTH CARE PROVIDER" INCLUDES EMPLOYEES,
 12 ~~VOLUNTEERS,~~ AND AGENTS DELIVERING OR ASSISTING IN THE DELIVERY OF
 13 HEALTH CARE SERVICE OF:

14 ~~(I) A HEALTH CARE FACILITY, CENTER, OR PROGRAM~~
 15 ~~LICENSED UNDER TITLE 19, SUBTITLE 3 OF THE HEALTH - GENERAL ARTICLE;~~
 16 ~~OR~~

17 ~~(II) A PERSON LICENSED, CERTIFIED, OR REGISTERED~~
 18 ~~UNDER THE HEALTH OCCUPATIONS ARTICLE.~~

19 (I) A HOSPITAL AS DEFINED IN § 19-301 OF THE HEALTH -
 20 GENERAL ARTICLE;

21 (II) A RELATED INSTITUTION AS DEFINED IN § 19-301 OF
 22 THE HEALTH - GENERAL ARTICLE;

23 (III) A MEDICAL DAY CARE CENTER;

24 (IV) A HOSPICE PROGRAM;

25 (V) AN ASSISTED LIVING PROGRAM;

26 (VI) A FREESTANDING AMBULATORY CARE FACILITY AS
 27 DEFINED IN § 19-3B-01 OF THE HEALTH - GENERAL ARTICLE; OR

1 **(VII) AN INDIVIDUAL LISTED IN PARAGRAPH (1)(VII) OF THIS**
2 **SUBSECTION.**

3 **[(2)] (3)** “Health care provider” does not include any nursing
4 institution conducted by and for those who rely upon treatment by spiritual means
5 through prayer alone in accordance with the tenets and practices of a recognized
6 church or religious denomination.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
8 construed to apply only prospectively and may not be applied or interpreted to have
9 any effect on or application to any cause of action arising before the effective date of
10 this Act.

11 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2013.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.