

HOUSE BILL 1310

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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

A BILL ENTITLED

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(I) A HEALTH CARE FACILITY, CENTER, OR PROGRAM**
2 **LICENSED UNDER TITLE 19, SUBTITLE 3 OF THE HEALTH – GENERAL ARTICLE;**
3 **OR**

4 **(II) A PERSON LICENSED, CERTIFIED, OR REGISTERED**
5 **UNDER THE HEALTH OCCUPATIONS ARTICLE.**

6 **(2) “HEALTH CARE PROVIDER” INCLUDES EMPLOYEES,**
7 **VOLUNTEERS, AND AGENTS DELIVERING OR ASSISTING IN THE DELIVERY OF**
8 **HEALTH CARE SERVICE OF:**

9 **(I) A HEALTH CARE FACILITY, CENTER, OR PROGRAM**
10 **LICENSED UNDER TITLE 19, SUBTITLE 3 OF THE HEALTH – GENERAL ARTICLE;**
11 **OR**

12 **(II) A PERSON LICENSED, CERTIFIED, OR REGISTERED**
13 **UNDER THE HEALTH OCCUPATIONS ARTICLE.**

14 **[(2)] (3)** “Health care provider” does not include any nursing
15 institution conducted by and for those who rely upon treatment by spiritual means
16 through prayer alone in accordance with the tenets and practices of a recognized
17 church or religious denomination.

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

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