

SENATE BILL 143

D3

5lr1038

By: **Senators Pugh, Benson, Conway, Klausmeier, Middleton, and Nathan–Pulliam**
Introduced and read first time: January 29, 2015
Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Health Care Malpractice Claims – Notice of Intent**

3 FOR the purpose of requiring a claimant to send a notice of intent to file a claim to a health
4 care provider at least a certain number of days before filing a claim with the Director
5 of the Health Care Alternative Dispute Resolution Office against the health care
6 provider for a medical injury; requiring the notice of intent to contain certain
7 information and to be sent in a certain manner; authorizing the Director to waive
8 the notice requirement on motion and for good cause shown; providing for the
9 application of this Act; and generally relating to health care malpractice claims.

10 BY adding to

11 Article – Courts and Judicial Proceedings
12 Section 3–2A–03B
13 Annotated Code of Maryland
14 (2013 Replacement Volume and 2014 Supplement)

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

17 **Article – Courts and Judicial Proceedings**

18 **3–2A–03B.**

19 **(A) AT LEAST 180 DAYS BEFORE FILING A CLAIM UNDER THIS SUBTITLE**
20 **AGAINST A HEALTH CARE PROVIDER FOR A MEDICAL INJURY, THE CLAIMANT SHALL**
21 **SEND A WRITTEN NOTICE OF INTENT TO FILE A CLAIM TO THE HEALTH CARE**
22 **PROVIDER.**

23 **(B) THE NOTICE OF INTENT SHALL STATE THE TIME, PLACE, AND CAUSE OF**
24 **THE INJURY.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(C) THE NOTICE OF INTENT SHALL BE SENT:**

2 **(1) BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, BEARING A**
3 **POSTMARK FROM THE UNITED STATES POSTAL SERVICE; AND**

4 **(2) BY FIRST-CLASS MAIL.**

5 **(D) ON MOTION AND FOR GOOD CAUSE SHOWN, THE DIRECTOR MAY WAIVE**
6 **THE NOTICE REQUIREMENT UNDER THIS SECTION.**

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

10 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2015.