

SB0773/338570/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 773
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “exempting” in line 3 down through “proceeding;” in line 5; strike beginning with “providing” in line 9 down through “party;” in line 14 and substitute “establishing that a certain health care provider shall be deemed to have met a certain requirement during the pendency of a claim under certain circumstances;”; in line 14, strike “commence a new” and substitute “refile the same”; in the same line, after “action” insert “once”; and in line 15, strike “previous”.

AMENDMENT NO. 2

On page 2, in line 4, strike the brackets; in lines 4 and 5, strike “**SUBJECT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH, DISCOVERY**”; strike in their entirety lines 6 through 10, inclusive; in line 12, after “**TO**” insert “**THE**”; strike beginning with “, **REGARDLESS**” in line 12 down through “**PROVIDER’S**” in line 14; in line 18, strike “**50%**” and substitute “**25%**”; strike beginning with “**CALENDAR**” in line 20 down through “**OCCURRED**” in line 21 and substitute “**12 MONTHS IMMEDIATELY BEFORE THE DATE WHEN THE CLAIM WAS FIRST FILED**”; strike in their entirety lines 22 through 33, inclusive, and substitute:

“(III) ONCE A HEALTH CARE PROVIDER MEETS THE REQUIREMENTS OF SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE HEALTH CARE PROVIDER SHALL BE DEEMED TO BE A QUALIFIED EXPERT AS TO SUBPARAGRAPH (II) OF THIS PARAGRAPH DURING THE PENDENCY OF THE CLAIM.”;

and in line 34, strike “**(VI)**” and substitute “**(IV)**”.

(Over)

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On page 3, in line 1, strike “A PARTY MAY COMMENCE A NEW” and substitute “UNLESS THERE IS A SHOWING OF BAD FAITH, A PARTY MAY REFILE THE SAME”; in line 5, strike “180” and substitute “120”; after line 5, insert:

“(V) A CLAIM OR AN ACTION MAY BE REFILED UNDER SUBPARAGRAPH (IV) OF THIS PARAGRAPH ONLY ONCE.”;

and in line 7, strike “or pending”.