Article - Courts and Judicial Proceedings

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§9–402.

(a) (1) In this subsection, "legally protected health care" has the meaning stated in § 2–312 of the State Personnel and Pensions Article.

(2) (i) To request issuance of a subpoena under this section, a party shall submit a foreign subpoena to a clerk of the circuit court for the county in which discovery is sought to be conducted in this State.

(ii) The request under subparagraph (i) of this paragraph shall include a sworn, written statement signed under penalty of perjury by the party seeking enforcement, or the party's counsel, that no portion of the subpoena is intended or anticipated to further any investigation or proceeding related to legally protected health care, unless the out–of–state proceeding is:

1. Based in tort, contract, or statute;

2. A claim for which a similar or equivalent claim would exist in the State; and

3. A. Brought by the patient who received legally protected health care, or the patient's legal representative; or

B. Based on conduct that would be prohibited under the laws of this State.

(3) A request for the issuance of a subpoena under this subtitle does not constitute an appearance in the courts of this State.

(b) When a party submits a foreign subpoena to a clerk of court in this State, the clerk, in accordance with that court's procedure, shall promptly issue a subpoena for service upon the person to which the foreign subpoena is directed.

(c) A subpoena under subsection (b) of this section shall:

(1) Incorporate the terms used in the foreign subpoena; and

(2) Contain or be accompanied by the names, addresses, and telephone numbers of all counsel of record in the proceeding to which the subpoena relates and of any party not represented by counsel.

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