

STRICKEN NAMES PURSUANT TO SUBSECTION (C), AND SHALL SELECT THE FIRST MUTUALLY AGREEABLE PERSON IN EACH CATEGORY AS THE ARBITRATORS.

(E) THE PARTIES MAY, WITHIN THE TIME FOR RETURNING THEIR LISTS TO THE DIRECTOR, AGREE IN WRITING UPON A SINGLE ARBITRATOR. IN THAT EVENT, THEY SHALL ADVISE THE DIRECTOR IN WRITING OF THEIR CHOICE, AND THE ONE ARBITRATOR SHALL CONSTITUTE THE ARBITRATION PANEL.

3-2A05. ARBITRATION OF CLAIM.

(A) ALL ISSUES OF FACT AND LAW RAISED BY THE CLAIM AND RESPONSE SHALL BE REFERRED BY THE DIRECTOR TO THE ARBITRATION PANEL.

(B) THE PROVISIONS OF SECTIONS 3-212 THROUGH 3-217 AND 3-220 OF THIS ARTICLE AND THE PROVISIONS OF CHAPTER 400 OF THE MARYLAND RULES (DEPOSITIONS AND DISCOVERY) ARE APPLICABLE TO PROCEEDINGS UNDER THIS SUBTITLE.

(C) THE ATTORNEY MEMBER OF THE PANEL SHALL BE CHAIRMAN AND HE SHALL DECIDE ALL PREHEARING PROCEDURES INCLUDING ISSUES RELATING TO DISCOVERY.

(D) THE ARBITRATION PANEL SHALL FIRST DETERMINE THE ISSUE OF LIABILITY WITH RESPECT TO A CLAIM REFERRED TO IT. IF THE ARBITRATION PANEL DETERMINES THAT THE HEALTH CARE PROVIDER IS NOT LIABLE TO THE CLAIMANT OR CLAIMANTS THE AWARD SHALL BE IN FAVOR OF THE HEALTH CARE PROVIDER. IF THE ARBITRATION PANEL DETERMINES THAT A HEALTH CARE PROVIDER IS LIABLE TO THE CLAIMANT OR CLAIMANTS, IT SHALL THEN CONSIDER, ASSESS, AND APPORTION APPROPRIATE DAMAGES AGAINST ONE OR MORE OF THE HEALTH CARE PROVIDERS THAT IT HAS FOUND TO BE LIABLE.

(E) THE AWARD SHALL INCLUDE AN ASSESSMENT OF COSTS, [[INCLUDING THE ARBITRATORS' FEES]] [[OTHER THAN THE COSTS PROVIDED IN THE STATE BUDGET]] INCLUDING THE ARBITRATORS' FEES.

(F) THE ARBITRATION PANEL SHALL DELIVER ITS AWARD TO THE DIRECTOR IN WRITING, WHO SHALL CAUSE A COPY OF IT TO BE SERVED ON EACH PARTY.

(G) A PARTY MAY APPLY TO THE ARBITRATION PANEL TO MODIFY OR CORRECT AN AWARD AS TO LIABILITY, DAMAGES, OR COSTS IN ACCORDANCE WITH SECTION 3-222 OF THIS ARTICLE.

(H) SUBJECT TO SECTION 3-2A06, THE AWARD OF THE PANEL SHALL BE FINAL AND BINDING ON THE PARTIES. AFTER THE TIME FOR EITHER REJECTING OR MODIFYING THE AWARD HAS EXPIRED THE DIRECTOR SHALL FILE A COPY OF THE AWARD WITH THE CIRCUIT COURT HAVING PROPER VENUE, AS PROVIDED IN TITLE 6, SUBTITLE 2 OF THIS ARTICLE AND THE COURT SHALL CONFIRM THE AWARD. UPON CONFIRMATION THE AWARD SHALL CONSTITUTE A FINAL JUDGMENT.