

Health Care Malpractice Claims - Panel Selection

FOR the purpose of modifying the time periods for party selection of an arbitration panel to hear a health care malpractice claim under certain conditions; and renumbering certain provisions.

BY repealing and reenacting, with amendments,

Article - Courts and Judicial Proceedings
Section 3-2A-04(c)
Annotated Code of Maryland
(1974 Volume and 1978 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That section(s) of the Annotated Code of Maryland be repealed, amended, or enacted to read as follows:

Article - Courts and Judicial Proceedings

3-2A-04.

(c) (1) Within [30] 15 days after delivery of the list, a party may object in writing stating the reasons therefor to the inclusion of any arbitrator on the list. If the Director finds a reasonable basis for the objection, he shall replace the name of the arbitrator with the name of another arbitrator. Within [the same 30-day.] 30 DAYS AFTER DELIVERY OF THE INITIAL LIST OR, IF AN ARBITRATOR IS REPLACED, WITHIN 30 DAYS AFTER DELIVERY OF THE REPLACEMENT LIST, each party shall strike from the list in each category any name or names that are unacceptable and return a copy of the list with his strikes to the Director. A party may not strike more than two names in any category. [If,

(1)] (2) IF:

(I) The claim is against more than one health care provider, whether directly by a claimant or as a result of a third-party claim, the health care providers claimed against shall be treated as a single party and shall exercise their strikes jointly;

[(2)] (II) There is more than one claimant, the claimants shall be treated as a single party and shall exercise their strikes jointly;

[(3)] (III) Within the [30-day] TIME period SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION, multiple claimants or multiple health care providers fail to agree on their strikes in any category, they shall notify the Director of their disagreement, and he shall make the strikes on their behalf with respect to that category;