

(Senate Bill 985)

AN ACT concerning

The Health Care Malpractice Act

FOR the purpose of granting additional powers to the Director of the Health Claims Arbitration Office; amending certain provisions pertaining to the appointment of an arbitration panel and otherwise pertaining to the procedural provisions for an action brought under the Health Care Malpractice Act; allowing the collection of legal fees without prior approval of the arbitration panel or court, except if the fee is in dispute; and, in general, amending the Health Care Malpractice Act to facilitate its operation.

BY repealing and reenacting, with amendments,

Article - Courts and Judicial Proceedings

Section 3-2A-02(b); 3-2A-03(b) and (c); 3-2A-04(a) and (b); 3-2A-06(a) and (b); and 3-2A-07

Annotated Code of Maryland

(1980 Replacement Volume and 1980 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 BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That section(s) of the Annotated Code of Maryland be repealed, amended, or enacted to read as follows: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-02.

(b) A claim filed under this subtitle and an initial pleading filed in any subsequent action may not contain a statement of the amount of damages sought other than that they are [less than or] more than a required jurisdictional amount.

3-2A-03.

(b) (1) The Director shall receive the salary and may employ the staff provided in the State budget. He shall HAVE THE POWERS AND perform the duties set forth in this subtitle.

(2) THE DIRECTOR SHALL HAVE SUBPOENA POWER IN ANY CLAIM FOR WHICH A PANEL CHAIRMAN HAS NOT BEEN APPOINTED AND IN ANY CLAIM FOR WHICH A CHAIRMAN IS NOT PERFORMING HIS DUTIES IN A TIMELY FASHION.

(3) THE DIRECTOR MAY ADOPT REASONABLE RULES AND REGULATIONS TO GOVERN PROCEDURES UNDER THIS SUBTITLE.