

(3) ~~THE CHAIRMAN SHALL APPLY THE RULES OF EVIDENCE COMMONLY APPLIED BY JUDGES SITTING WITHOUT A JURY IN CIVIL CASES, INCLUDING RULES OF PRIVILEGE, EXCEPT THAT:~~

(i) PROPERLY AUTHENTICATED HOSPITAL RECORDS AND THE RECORDS OF TREATING PHYSICIANS HEALTH CARE PROVIDERS ARE ADMISSIBLE WITHOUT THE NECESSITY OF CALLING THE PHYSICIAN, SUBJECT TO REASONABLE NOTICE AND THE RIGHT OF THE OPPOSING PARTY TO DEPOSE;

(ii) ~~DEPOSITIONS OF PHYSICIANS ARE ADMISSIBLE;~~
AND

(iii) ~~REPORTS OF NONTREATING PHYSICIANS ARE ADMISSIBLE WHERE 30 DAYS NOTICE IS GIVEN OF THE INTENTION TO OFFER THE REPORT OR ANY LESSER PERIOD THAT IS ALLOWED BY THE PANEL CHAIRMAN UPON A SHOWING OF GOOD CAUSE AND COMPLIANCE WITH THE RULES OF DISCOVERY, AND THE PARTY GIVING NOTICE AGREES NOT TO CALL THE MAKER OF THE REPORT AT THE ARBITRATION HEARING.~~

(c) The attorney member of the panel shall be chairman and he shall decide all prehearing procedures including issues relating to discovery AND MOTIONS IN LIMINE. THE CHAIRMAN SHALL RULE IN CAMERA ON ANY MOTION IN LIMINE.

(D) A PARTY MAY NOT PRESENT TESTIMONY FROM MORE THAN 2 EXPERTS IN A DESIGNATED SPECIALTY BEFORE AN ARBITRATION PANEL UNLESS THE PANEL CHAIRMAN, FOR GOOD CAUSE SHOWN, PERMITS ADDITIONAL EXPERTS. ~~EXCEPT FOR GOOD CAUSE SHOWN, THE PARTY MAY ONLY USE THESE SAME 2 EXPERTS IN THE CIRCUIT COURT ON APPEAL.~~

[(d)] (E) 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)] (F) The award shall include an assessment of costs, including the arbitrators' fees. IF THERE IS NO PANEL DETERMINATION, THE PANEL CHAIRMAN SHALL ASSESS COSTS.

[(f)] (G) The arbitration panel shall make its award and deliver it to the Director in writing within 1 year from the date on which all defendants have been served AND WITHIN 5- 10 DAYS AFTER THE CLOSE OF THE HEARING. The Director shall cause a copy of it to be served on each party WITHIN 15 DAYS OF HAVING RECEIVED IT FROM THE ARBITRATION PANEL.

[(g)] (H) A party may apply to the arbitration panel to modify or correct an award as to liability, damages, or costs in accordance with § 3-222 of this article.