

emergency measure; and generally relating to waiver of arbitration of certain health care malpractice claims.

BY repealing and reenacting, without amendments,

Article - Courts and Judicial Proceedings  
Section 3-2A-06A  
Annotated Code of Maryland  
(1984 Replacement Volume and 1987 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article - Courts and Judicial Proceedings

3-2A-06A.

(a) At any time before the hearing of a claim with the Health Claims Arbitration Office, the parties may agree mutually to waive arbitration of the claim, and the provisions of this subsection then shall govern all further proceedings on the claim.

(b) (1) The claimant shall file with the Director a written election to waive arbitration which must be signed by all parties or their attorneys of record in the arbitration proceeding.

(2) After filing, the written election shall be mutually binding upon all parties.

(c) (1) Within 60 days after filing the election to waive arbitration, the plaintiff shall file a complaint and a copy of the election to waive arbitration with the circuit court or United States District Court.

(2) After filing the complaint, the plaintiff shall serve a summons and a copy of the complaint upon the attorney of record for all parties in the health claims arbitration proceeding.

(3) Failure to file a complaint within 60 days of filing the election to waive arbitration may constitute grounds for dismissal of the complaint upon motion by an adverse party and upon a finding of prejudice to that party due to the delay in the filing of the complaint.

(d) After filing the election to waive arbitration, the plaintiff may not join an additional health care provider as a defendant in any action brought under subsection (c) of this section unless a written election to waive arbitration has been filed by that health care provider under subsection (b) of this section.