

WILLIAM DONALD SCHAEFER, Governor

serve certificates of qualified experts on claimants all other parties to the claim or their attorneys of record; specifying that the deadline for defendants to file and serve certificates of qualified experts runs from the date of service by claimants; authorizing the Director of the Health Claims Arbitration Office to exercise discretion in the making of certain strikes; eliminating the applicability to health claims arbitration actions of a certain provision regarding transcripts in the Maryland Uniform Arbitration Act; specifying the circumstances under which the Director is to file a copy of the award with the circuit court after the time for either rejecting or modifying has expired; and generally relating to health claims arbitration.

BY repealing and reenacting, with amendments,

Article - Courts and Judicial Proceedings  
Section 3-2A-04(b)(1) and (2), and (d)(2), and 3-2A-05(b) and (i)  
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-04.

(b) Unless the sole issue in the claim is lack of informed consent:

(1) A claim filed after July 1, 1986, shall be dismissed, without prejudice, if the claimant fails to file ~~with the Director AND--SERVE ON THE DEFENDANT A CERTIFICATE OF A QUALIFIED EXPERT~~ a certificate of a qualified expert ~~with the Director AND--SERVE ON THE DEFENDANT A CERTIFICATE OF A QUALIFIED EXPERT~~ attesting to departure from standards of care, and that the departure from standards of care is the proximate cause of the alleged injury, within 90 days from the date of the complaint. THE CLAIMANT SHALL SERVE A COPY OF THE CERTIFICATE ON ALL OTHER PARTIES TO THE CLAIM OR THEIR ATTORNEYS OF RECORD IN ACCORDANCE WITH THE MARYLAND RULES.

(2) A claim filed after July 1, 1986, shall be adjudicated in favor of the claimant on the issue of liability, if the defendant disputes liability and fails to file ~~a certificate of a qualified expert-- WITH THE DIRECTOR AND--SERVE ON THE CLAIMANT A CERTIFICATE OF A QUALIFIED EXPERT~~ a certificate of a qualified expert ~~WITH THE DIRECTOR AND--SERVE ON THE CLAIMANT A CERTIFICATE OF A QUALIFIED EXPERT~~ attesting to compliance with standards of care, or that the departure from standards of care is not the proximate cause of the alleged injury, within 120 days from the date the claimant [filed] SERVED the certificate of qualified expert set forth in paragraph (1) of