

~~Section 3-2A-01 through 3-2A-09, inclusive
Annotated Code of Maryland
(1989 Replacement Volume and 1994 Supplement)~~

BY adding to

Article - Courts and Judicial Proceedings
Section ~~3-2A-01~~ 3-2A-06A(f) and 3-2A-06B
Annotated Code of Maryland
(1989 Replacement Volume and 1994 Supplement)

~~SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 3-2A-01 through 3-2A-09, inclusive, of Article Courts and Judicial Proceedings of the Annotated Code of Maryland be repealed.~~

~~SECTION 2. AND BE IT FURTHER ENACTED~~ 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-01.~~

~~(A) (1) (I) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, UNLESS THE SOLE ISSUE IN AN ACTION FOR HEALTH CARE MALPRACTICE FILED AFTER OCTOBER 1, 1994 IS LACK OF INFORMED CONSENT, THE ACTION SHALL BE DISMISSED, WITHOUT PREJUDICE, IF THE PLAINTIFF FAILS TO FILE WITH THE COURT IN WHICH THE ACTION WAS FILED A CERTIFICATE OF A QUALIFIED EXPERT ATTESTING TO A DEPARTURE FROM STANDARDS OF CARE AND THAT THE DEPARTURE IS THE PROXIMATE CAUSE OF THE ALLEGED INJURY.~~

~~(II) THE PLAINTIFF SHALL FILE THE CERTIFICATE WITHIN 90 DAYS FROM THE DATE OF THE COMPLAINT.~~

~~(III) THE PLAINTIFF SHALL SERVE A COPY OF THE CERTIFICATE ON ALL OTHER PARTIES TO THE ACTION OR THEIR ATTORNEYS OF RECORD IN ACCORDANCE WITH THE MARYLAND RULES.~~

~~(2) IN LIEU OF DISMISSING THE ACTION, THE COURT SHALL GRANT AN EXTENSION OF NO MORE THAN 90 DAYS FOR FILING THE CERTIFICATE REQUIRED BY THIS SUBSECTION IF:~~

~~(I) THE LIMITATIONS PERIOD APPLICABLE TO THE ACTION HAS EXPIRED; AND~~

~~(II) THE FAILURE TO FILE THE CERTIFICATE WAS NEITHER WILLFUL NOR THE RESULT OF GROSS NEGLIGENCE.~~

~~(B) (1) UNLESS THE SOLE ISSUE IN AN ACTION FOR HEALTH CARE MALPRACTICE FILED AFTER OCTOBER 1, 1994 IS LACK OF INFORMED CONSENT, THE ACTION MAY BE ADJUDICATED IN FAVOR OF THE PLAINTIFF ON THE ISSUE OF LIABILITY IF THE DEFENDANT DISPUTES LIABILITY AND FAILS TO FILE A~~