

~~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.~~

~~(2) THE DEFENDANT SHALL FILE THE CERTIFICATE WITHIN 120 DAYS FROM THE DATE THE PLAINTIFF SERVED THE CERTIFICATE OF A QUALIFIED EXPERT REQUIRED BY SUBSECTION (A) OF THIS SECTION ON THE DEFENDANT.~~

~~(3) THE DEFENDANT 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.~~

~~(C) THE ATTORNEY REPRESENTING EACH PARTY TO THE ACTION, OR THE PARTY PROCEEDING PRO SE, SHALL FILE THE APPROPRIATE CERTIFICATE WITH A REPORT OF THE ATTESTING EXPERT ATTACHED. DISCOVERY IS AVAILABLE AS TO THE BASIS OF THE CERTIFICATE.~~

~~(D) AN ATTESTING EXPERT MAY NOT DEVOTE ANNUALLY MORE THAN 20 PERCENT OF THE EXPERT'S PROFESSIONAL ACTIVITIES TO ACTIVITIES THAT DIRECTLY INVOLVE TESTIMONY IN PERSONAL INJURY CLAIMS.~~

~~(E) AN EXTENSION OF THE TIME ALLOWED FOR FILING A CERTIFICATE OF A QUALIFIED EXPERT UNDER THIS SECTION SHALL BE GRANTED FOR GOOD CAUSE SHOWN.~~

~~(F) FOR PURPOSES OF THE CERTIFICATION REQUIREMENTS OF THIS SECTION:~~

~~(1) A PARTY MAY NOT SERVE AS A PARTY'S EXPERT; AND~~

~~(2) A CERTIFICATE MAY NOT BE SIGNED BY:~~

~~(I) A PARTY;~~

~~(II) AN EMPLOYEE OR PARTNER OF A PARTY; OR~~

~~(III) AN EMPLOYEE OR STOCKHOLDER OF A PROFESSIONAL CORPORATION OF WHICH A PARTY IS A STOCKHOLDER.~~

~~SECTION 3. AND BE IT FURTHER ENACTED, That a health care malpractice claim that was filed with the Director of the Health Claims Arbitration Office prior to the effective date of this Act and that is pending as of January 1, 1997 shall be transferred to a court of competent jurisdiction.~~

~~3-2A-06A.~~

~~(F) THE PROVISIONS OF THIS SECTION APPLY ONLY IF NO PARTY WAIVES ARBITRATION OF THE CLAIM UNDER THE PROVISIONS OF § 3-2A-06B OF THIS SUBTITLE.~~