

(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.

(e) In any case subject to this section, the procedures of § 3-2A-06(f) of this subtitle shall apply.

(F) (1) IF THE PARTIES MUTUALLY AGREE TO A NEUTRAL CASE EVALUATION, THE CIRCUIT COURT OR UNITED STATES DISTRICT COURT, TO WHICH THE CASE HAS BEEN TRANSFERRED AFTER THE WAIVER OF ARBITRATION, SHALL MAY REFER THE CASE TO THE HEALTH CLAIMS ARBITRATION OFFICE NOT LATER THAN 6 MONTHS AFTER A COMPLAINT IS FILED UNDER SUBSECTION (C) OF THIS SECTION.

(2) (I) ON RECEIPT OF THE CASE, THE DIRECTOR SHALL SEND TO THE PARTIES A LIST OF SIX ATTORNEYS WHO:

1. MEET THE QUALIFICATIONS LISTED IN § 3-2A-03(C)(3) OF THIS SUBTITLE; AND

2. HAVE TRIED AT LEAST THREE HEALTH CARE MALPRACTICE CASES.

(II) EACH PARTY MAY STRIKE TWO NAMES FROM THE LIST.

(III) IF THE CLAIM IS AGAINST MORE THAN ONE HEALTH CARE PROVIDER, WHETHER DIRECTLY BY A CLAIMANT OR AS A RESULT OF A THIRD-PARTY CLAIM, THE HEALTH CARE PROVIDERS CLAIMED AGAINST SHALL BE TREATED AS A SINGLE PARTY AND SHALL EXERCISE THEIR STRIKES JOINTLY.