

~~(H) "MEDICAL EXPENSES" MEANS ANY COSTS THAT HAVE BEEN OR WILL BE INCURRED BY OR ON BEHALF OF A CLAIMANT OR PLAINTIFF AS A RESULT OF A MEDICAL INJURY, INCLUDING THE COSTS OF MEDICAL AND HOSPITAL, REHABILITATIVE, RESIDENTIAL AND CUSTODIAL CARE AND SERVICE, SPECIAL EQUIPMENT OR FACILITIES, AND RELATED TRAVEL.~~

⊕ (H) "NONECONOMIC DAMAGES" MEANS:

(1) IN A CLAIM FOR PERSONAL INJURY, PAIN, SUFFERING, INCONVENIENCE, PHYSICAL IMPAIRMENT, DISFIGUREMENT, LOSS OF CONSORTIUM, OR OTHER NONPECUNIARY INJURY; OR

(2) IN A CLAIM FOR WRONGFUL DEATH, MENTAL ANGUISH, EMOTIONAL PAIN AND SUFFERING, LOSS OF SOCIETY, COMPANIONSHIP, COMFORT, PROTECTION, CARE, MARITAL CARE, PARENTAL CARE, FILIAL CARE, ATTENTION, ADVICE, COUNSEL, TRAINING, GUIDANCE, OR EDUCATION, OR OTHER NONECONOMIC DAMAGES AUTHORIZED UNDER SUBTITLE 9 OF THIS TITLE.

3-2A-02.

(c) (1) In any action for damages filed under this subtitle, the health care provider is not liable for the payment of damages unless it is established that the care given by the health care provider is not in accordance with the standards of practice among members of the same health care profession with similar training and experience situated in the same or similar communities at the time of the alleged act giving rise to the cause of action.

(2) (I) ~~THIS PARAGRAPH APPLIES TO AN ACTION FOR WHICH AN INITIAL COMPLAINT IS FILED IN A COURT~~ A CLAIM OR ACTION FILED ON OR AFTER JANUARY 1, 2005.

(II) 1. IN ADDITION TO ANY OTHER QUALIFICATIONS, A HEALTH CARE PROVIDER WHO ATTESTS IN A CERTIFICATE OF A QUALIFIED EXPERT OR TESTIFIES IN RELATION TO A PROCEEDING BEFORE A PANEL OR COURT CONCERNING A DEFENDANT'S COMPLIANCE WITH OR DEPARTURE FROM STANDARDS OF CARE:

A. SHALL HAVE HAD ~~ACTIVE~~ CLINICAL EXPERIENCE, PROVIDED CONSULTATION RELATING TO ~~ACTIVE~~ CLINICAL PRACTICE, OR TAUGHT MEDICINE IN THE DEFENDANT'S SPECIALTY OR A RELATED FIELD OF HEALTH CARE, OR IN THE FIELD OF HEALTH CARE IN WHICH THE DEFENDANT PROVIDED CARE OR TREATMENT TO THE PLAINTIFF PLAINTIFF, WITHIN 5 YEARS OF THE DATE OF THE ALLEGED ACT OR OMISSION GIVING RISE TO THE CAUSE OF ACTION; AND

B. EXCEPT AS PROVIDED IN ITEM 2 OF THIS SUBPARAGRAPH, IF THE DEFENDANT IS BOARD CERTIFIED IN A SPECIALTY, SHALL BE BOARD CERTIFIED IN THE SAME OR A RELATED SPECIALTY AS THE DEFENDANT.

2. ITEM (II)1 B OF THIS SUBPARAGRAPH DOES NOT APPLY IF: