

~~BE OTHERWISE DISCOVERABLE IF THE INFORMATION IS REASONABLY NECESSARY IN ORDER TO OBTAIN A CERTIFICATE OF A QUALIFIED EXPERT, OR~~

~~(I) MAY WAIVE OR MODIFY THE REQUIREMENT FOR THE FILING OF THE CERTIFICATE OF A QUALIFIED EXPERT.~~

~~(2) THE TIME FOR FILING THE CERTIFICATE SHALL BE SUSPENDED UNTIL THE COURT RULES ON THE REQUEST AND, ABSENT AN ORDER TO THE CONTRARY, THE CERTIFICATE SHALL BE FILED WITHIN THE LATER OF:~~

~~(I) 90 DAYS FROM THE DATE OF THE COURT'S RULING, OR~~

~~(II) 30 DAYS OF THE DATE THAT THE PARTY OR PERSON FROM WHOM INFORMATION DESCRIBED IN THIS SECTION IS SOUGHT MEETS THE REQUIREMENTS OF A COURT ORDER UNDER THIS SECTION.~~

(B) (1) UPON WRITTEN REQUEST MADE BY THE CLAIMANT WITHIN 30 DAYS OF THE DATE THE CLAIM IS SERVED, THE DEFENDANT SHALL PRODUCE DOCUMENTARY EVIDENCE THAT WOULD BE OTHERWISE DISCOVERABLE, IF THE DOCUMENTARY EVIDENCE IS REASONABLY NECESSARY IN ORDER TO OBTAIN A CERTIFICATE OF A QUALIFIED EXPERT.

(2) THE TIME FOR FILING A CERTIFICATE OF A QUALIFIED EXPERT SHALL BEGIN ON THE DATE ON WHICH THE DEFENDANT'S PRODUCTION OF THE DOCUMENTARY EVIDENCE UNDER PARAGRAPH (1) OF THIS SUBSECTION IS COMPLETED.

(3) THE DEFENDANT'S FAILURE TO PRODUCE THE REQUESTED DOCUMENTARY EVIDENCE UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL CONSTITUTE A WAIVER OF THE REQUIREMENT THAT THE CLAIMANT FILE A CERTIFICATE OF A QUALIFIED EXPERT AS TO THAT DEFENDANT.

(C) (1) UPON WRITTEN REQUEST BY THE CLAIMANT AND A FINDING OF GOOD CAUSE BY THE COURT, THE COURT MAY WAIVE OR MODIFY THE REQUIREMENT FOR THE FILING OF THE CERTIFICATE OF A QUALIFIED EXPERT.

(2) THE TIME FOR FILING THE CERTIFICATE OF MERIT OF A QUALIFIED EXPERT SHALL BE SUSPENDED UNTIL THE COURT RULES ON THE REQUEST AND, ABSENT AN ORDER TO THE CONTRARY, THE CERTIFICATE SHALL BE FILED WITHIN 90 DAYS OF THE COURT'S RULING.

(D) DISCOVERY BY THE DEFENDANT AS TO THE BASIS OF THE CERTIFICATE OF A QUALIFIED EXPERT SHALL BE AVAILABLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not be construed to extend or otherwise modify any applicable statute of limitation or statute of repose.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall be construed only prospectively and may not be applied or interpreted to have any effect on or application to any claim filed before the effective date of this Act.