

HOUSE BILL 779

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71r1685
CF 71r1816

By: **Delegates Shank and Morhaim**

Introduced and read first time: February 9, 2007

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Medical Malpractice – Medical Liability Division Task Force**

3 FOR the purpose of stating the intent of the General Assembly that medical liability
4 claims be addressed efficiently and effectively in the State judicial system and
5 that the Chief Judge of the Court of Appeals consider, based on a certain study,
6 the feasibility of the establishment of a medical liability division for
7 administering medical liability claims in the State; establishing the Medical
8 Liability Division Task Force to study the creation of a medical liability division
9 in appropriate circuit courts; establishing the membership of the Task Force;
10 providing staff support for the Task Force; prohibiting a member of the Task
11 Force from receiving certain compensation; requiring the Task Force to issue a
12 certain report by a certain date; providing that the report include certain
13 information and be submitted to certain persons; providing for the termination
14 of this Act; and generally relating to the establishment of the Medical Liability
15 Court Division Force.

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
17 MARYLAND, That:

18 It is the intent of the General Assembly that:

19 (1) medical liability claims be addressed efficiently and effectively in
20 the State judicial system; and

21 (2) the Chief Judge of the Court of Appeals of Maryland consider the
22 feasibility of the establishment of a medical liability division in Maryland, based on a

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 study to be completed by the Medical Liability Division Task Force, in order to enable
2 the circuit courts to handle medical liability claims in the most coordinated, efficient,
3 and responsive manner.

4 SECTION 2. AND BE IT FURTHER ENACTED, That:

5 (a) There is a Medical Liability Division Task Force.

6 (b) The Task Force shall be composed of:

7 (1) the President of the Maryland State Bar Association, or the
8 President's designee;

9 (2) five members of the appropriate sections of the Maryland State
10 Bar Association appointed by the President of the Maryland State Bar Association;

11 (3) the President of the Medical and Chirurgical Faculty of Maryland,
12 or the President's designee;

13 (4) the President of the Maryland Hospital Association, or the
14 President's designee;

15 (5) three members of the Maryland Judiciary, appointed by the Chief
16 Judge of the Court of Appeals, all of whom shall have experience in medical liability
17 cases;

18 (6) two members of the Senate of Maryland, appointed by the
19 President of the Senate;

20 (7) two members of the House of Delegates, appointed by the Speaker
21 of the House; and

22 (8) two members, appointed by the Governor, who shall have practical
23 or research expertise in medical liability issues.

24 (c) (1) The President of the Maryland State Bar Association or the
25 President's designee shall be the chair of the Task Force.

26 (2) The chair shall be responsible for convening regular meetings of
27 the Task Force.

28 (d) The Administrative Office of the Courts and the Department of
29 Legislative Services shall provide staff support for the Task Force.

1 (e) A member of the Task Force may not receive compensation for serving on
2 the Task Force but is entitled to reimbursement for expenses under the Standard
3 State Travel Regulations, as provided in the State budget.

4 (f) The Task Force shall study the feasibility of the establishment of a
5 medical liability division in appropriate circuit courts for administering medical
6 liability claims in Maryland.

7 (g) The report shall include:

8 (1) input from both the Maryland medical community and legal
9 community;

10 (2) a review of the experience of other states in proposing and creating
11 specialty courts for resolving medical liability disputes;

12 (3) consideration of each operational aspect of establishing a medical
13 liability division, including:

14 (i) the benefits and costs to the State and the State judicial
15 system that are associated with the establishment of a medical liability division in
16 Maryland and efficiencies to be gained or lost;

17 (ii) the criteria for determining the type and monetary
18 thresholds of matters to be assigned and the procedures for assignment of matters to a
19 medical liability division;

20 (iii) the level of expertise and training that should be required of
21 judges presiding in a medical liability division, and the potential for use of
22 independent expert witnesses;

23 (iv) a case management plan for the prompt and efficient
24 scheduling and disposition of claims assigned to a medical liability division, which
25 shall identify those matters that are appropriate for assignment to a specific judge
26 who shall be responsible for the entire case;

27 (v) the feasibility of establishing an expedited appeals process
28 for matters assigned to a medical liability division;

29 (vi) the use of alternative dispute resolution in medical liability
30 claims;

1 (vii) the feasibility of establishing an electronic filing system for
2 pleadings and papers in medical liability claims;

3 (viii) ways in which a medical liability division might be designed
4 to help facilitate efforts to improve patient safety; and

5 (ix) the potential for creating a medical liability division pilot
6 project on a limited basis; and

7 (4) any other matters that the Task Force considers relevant to its
8 consideration of the feasibility of establishing a medical liability division.

9 (h) The Task Force shall issue a final report of its findings and
10 recommendations to the Chief Judge of the Court of Appeals, the Governor, the
11 President of the Senate, the Speaker of the House of Delegates, the House Judiciary
12 Committee, the Senate Judicial Proceedings Committee, and, in accordance § 2-1246
13 of the State Government Article, the General Assembly on or before December 1,
14 2007.

15 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 July 1, 2007. It shall remain effective for a period of 1 year and, at the end of June 30,
17 2008, with no further action required by the General Assembly, this Act shall be
18 abrogated and of no further force and effect.