



The Maryland State Medical Society

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TO: The Honorable Joseph F. Vallario, Jr., Chairman
Members, House Judiciary Committee
The Honorable Sam Arora

FROM: Joseph A. Schwartz, III
Pamela Metz Kasemeyer
J. Steven Wise

DATE: February 20, 2013

RE: **LETTER OF CLARIFICATION** – House Bill 509 – *Maryland False Claims Act of 2013*

The Maryland State Medical Society (MedChi), which represents over 7,500 Maryland physicians and their patients, seeks a Letter of Clarification and an amendment to House Bill 509.

House Bill 509 proposes to extend the current provisions of the Maryland False Health Claims Act (Health Claims Act) to other claims against the State. The Health Claims Act was enacted by the General Assembly in 2010 and, within the last month, this Committee was briefed on the experience since its enactment.

While House Bill 509 mimics most provisions of the Health Claims Act, MedChi believes it is necessary for an amendment to establish that it does not change the provisions of the Health Claims Act. If enacted, there could be some legal confusion. Accordingly, while MedChi takes “no position” on House Bill 509, it would ask for the following amendment so that legal confusion would not occur.

AMENDMENT TO HB 509
(First Reading File Bill)

On page 20, in line 21, after “(A)” insert “EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION,” and after 34, insert:

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(D) NOTWITHSTANDING ANY OTHER PROVISION OF THE THIS SUBTITLE,
NO ACTION FOR CIVIL, STATUTORY DAMAGES OR PENALTIES
CONCERNING CLAIMS SUBMITTED TO OR OBLIGATIONS ARISING FROM
THE STATE HEALTH PROGRAM SHALL BE BROUGHT BY A PRIVATE CITIZEN
OR THE STATE UNDER THIS SUBTITLE OR ANY PROVISION OTHER THAN
THE MARYLAND FALSE HEALTH CLAIMS ACT, HEALTH GENERAL ARTICLE
§§2-601 ET SEQ.”

MedChi would thank the sponsor and the Committee for its consideration of this amendment.

For more information call:

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