

# MedChi

*The Maryland State Medical Society*

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TO: The Honorable Brian E. Frosh, Chairman  
Members, Senate Judicial Proceedings Committee  
The Honorable Catherine Pugh

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

DATE: February 27, 2014

RE: **SUPPORT** – Senate Bill 702 – *Health Care Malpractice Claims – Definition of “Health Care Provider”*

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The Maryland State Medical Society (MedChi), which represents over 8,000 Maryland physicians and their patients, supports Senate Bill 702.

Senate Bill 702 changes the coverage of the Maryland laws relating to malpractice claims so as to include certain “health care providers” who may be sued for medical malpractice.

When the present malpractice system was set up, many of the current “health care providers” did not exist. For example, “nurse practitioners” and “physician assistants” were not yet licensed provider groups and, hence, they are not covered by the malpractice law. This may result in an anomaly where a malpractice suit is brought against both the physician and a nurse practitioner working with the doctor or against a doctor and a physician assistant, and the malpractice law applies to the physician and not to the nurse practitioner or physician assistant. Hence, the lawsuit against the physician must proceed through the arbitration system and is subject to the cap on non-economic damages and various other rules relating to medical malpractice cases in Maryland; the case against the nurse practitioner or physician assistant is not subject to any of these rules. The passage of Senate Bill 702 would resolve this situation.

For these reasons, MedChi would urge a favorable report on this bill.

**For more information call:**

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