

MedChi

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TO: The Honorable Joseph F. Vallario Jr., Chair
Members, House Judiciary Committee
The Honorable Samuel L. Rosenberg

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

DATE: March 11, 2015

RE: **SUPPORT** – House Bill 402 - *Task Force to Study the Establishment of Health Courts*

The Maryland State Medical Society (MedChi), which represents more than 8,000 Maryland physicians and their patients, supports House Bill 402.

House Bill 402 would create a Task Force to consider and make recommendations on the establishment of “health courts,” and to the feasibility of assigning medical malpractice cases to a single judge throughout the litigation process. In the last 40 years, Maryland has experienced three separate malpractice “crises” where medical malpractice insurance was either completely unavailable (the mid 1970s), or so expensive that extraordinary legislative action had to be taken (1986, 2004). In responding to these past crises, the General Assembly has created special rules for the filing of medical malpractice cases (Certificate of Merit requirement) and imposed special controls on outcomes and procedures (cap on non-economic damages and special requirements for medical experts).

MedChi believes that these changes – while certainly appropriate – have been ad hoc response to the problems in the medical malpractice system. A more thorough review of the system is advisable. House Bill 402 is a vehicle to provide that more thorough view.

The Task Force created by House Bill 402 is large and representative of all parties in the medical malpractice world. MedChi believes it is particularly helpful that the Administrative Office of the Courts is to provide staff to the Task Force because, ultimately, it will be the Court of Appeals which will be responsible for the establishment of “health courts.” One model that already exists is the establishment of certain “tracks” within the circuit court system such as those that exist for “business and technology” cases. MedChi would request a favorable report on House Bill 402.

For more information call:

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