2019 KEY LEGISLATIVE ISSUE

OPPOSE WEAKENING MARYLAND’S MEDICAL LIABILITY ENVIRONMENT

The Problem: Trial lawyers continue to advocate for measures that would weaken Maryland’s current medical malpractice laws. These have included:

- Tripling the non-economic damage cap in medical malpractice cases. Maryland’s cap remains one of the most liberal in the nation and increases each year by $15,000. For causes of action arising in 2018, the cap will be $815,000.
- Eliminating the 20% rule for expert witnesses. The current law precludes as an expert a person who devotes annually more than 20 percent of their professional activities to testifying in personal injury cases. Elimination would have the effect of allowing “professional witnesses” to testify in Maryland medical malpractice cases.
- Revising the standards for how punitive damages may be applied and in what type of cases, which may include medical malpractice causes.

2018 Session: During the 2018 Session, eliminating the 20% rule for expert witnesses was the top priority for trial lawyers. Both the House of Delegates and the Senate passed different versions of the bill, causing a conference committee to be appointed. The conference committee voted to eliminate the 20% rule. In an historic vote, MedChi lobbied hard to defeat the bill and it died on the House floor 41-89. It is anticipated that trial lawyers will once again advocate for its repeal.

The Solution: Oppose legislation that would eliminate the 20% for expert witnesses. In addition, opposed measures that would: 1) triple the cap on non-economic damages in medical malpractice cases; and 3) authorize the imposition of punitive damages.

What to Do: Call/write/e-mail members of the Senate Judicial Proceedings Committee and the House Judiciary Committee to ask them to oppose any bills which will aggravate the present medical malpractice environment. Contact MedChi for legislative contact information at 1-800-492-1056.