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TO: The Honorable Bobby A. Zirkin, Chair  
Members, Senate Judicial Proceedings Committee  
The Honorable Victor R. Ramirez

FROM: Danna L. Kauffman  
Pamela Metz Kasemeyer  
J. Steven Wise

DATE: March 23, 2017

RE: **OPPOSE** – Senate Bill 1037 – *Health Care Malpractice Qualified Expert  
– Limitation on Testimony in Personal Injury Claims – Repeal*

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On behalf of the Maryland State Medical Society (MedChi), the Maryland Chapter of the American College of Emergency Physicians (MDACEP), and the Maryland Section of the American Congress of Obstetricians and Gynecologists (MDACOG), we **oppose** Senate Bill 1037, which eliminates the “20 Percent Rule.”

Under the Rule, a health care provider may not devote annually more than 20 percent of the expert’s professional activities to activities that directly involve testimony in personal injury claims. The General Assembly established this Rule for two main reasons: 1) to prevent witnesses without an adequate background in the specific clinical issues from testifying as experts; and 2) to bar witnesses from testifying who make their living primarily by testifying rather than by caring for patients, the so-called “professional witness.” Because of this Rule, both ill-founded lawsuits and erroneous conclusions in medical liability litigation have been curtailed. The Rule has served its purpose, and we are unaware of any needed reasons to change it.

MedChi, MDACEP, and MDACOG strongly urge an unfavorable vote.

**For more information call:**

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