



The Maryland State Medical Society

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TO: The Honorable Joseph F. Vallario, Jr., Chairman
Members of the House Judiciary Committee
The Honorable Robert A. Zirkin

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

DATE: March 15, 2005

RE: **SUPPORT** – House Bill 274 – *Health Care Malpractice – Time Limits - Minors*

The Maryland State Medical Society (MedChi) which represents over 7,200 Maryland physicians and their patients supports House Bill 274.

MedChi is extremely appreciative of the efforts of the General Assembly in enacting House Bill 2 which contains some reforms and provided for a state subsidy of malpractice premiums in the near future. However, it believes that the reforms in House Bill 2 were not sufficient and that, unless further systemic reforms are effected, the promise of House Bill 2 will not be fulfilled. To that end, MedChi believes that a comprehensive set of reforms are necessary as outlined in its position paper entitled “**The Case for Medical Liability Reform Now, The Disease and the Cure.**” This position paper is attached to MedChi’s position paper on House Bill 1215 which is also being considered today.

House Bill 274 is an attempt to reduce the statute of limitations for injury for children under the age of 11 years old. At the present time, the child has until age 21 to file a lawsuit, even if the injury occurred at the child’s birth. House Bill 274 would allow a child injured at birth to file a lawsuit until the age of 19 which would give the child a year after he or she reaches the age of majority to initiate their own lawsuit. Obviously, most lawsuits are filed by parents on behalf of their children prior to the child reaching 18.

House Bill 274 is similar to legislation passed by the House of Delegates two years ago which was, however, unsuccessful in the Senate. MedChi believes that any reasonable accommodation in the statute of limitations that may reduce lawsuits is desirable, particularly where the medical injury occurred over 20 years earlier and when relevant witnesses may be retired or deceased.

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MedChi is grateful to the Governor and the General Assembly for their leadership in the area of malpractice reform and respectfully urges a favorable report on House Bill 274.

For more information call:

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