

# MedChi

*The Maryland State Medical Society*

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**TO:** The Honorable Brian E. Frosh, Chairman  
Members, Senate Judicial Proceedings Committee  
The Honorable Kathleen Dumais

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

**DATE:** April 5, 2013

**RE:** **SUPPORT** – House Bill 1310 – *Health Care Malpractice Claims – Definition of “Health Care Provider”*

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The Maryland State Medical Society (MedChi), which represents over 7,500 Maryland physicians and their patients, supports House Bill 1310.

House Bill 1310, as amended by the House, 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” were not yet a licensed provider group 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, and the malpractice law applies to the physician and not to the nurse practitioner. 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 is not subject to any of these rules. The passage of House Bill 1310 would resolve this situation.

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

**For more information call:**

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