

# MedChi

*The Maryland State Medical Society*

1211 Cathedral Street  
Baltimore, MD 21201-5516  
410.539.0872  
Fax: 410.547.0915

1.800.492.1056

www.medchi.org

TO: The Honorable Joseph F. Vallario, Jr., Chairman  
Members, House Judiciary Committee  
The Honorable Kathleen Dumais

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

DATE: February 5, 2014

RE: **SUPPORT** – House Bill 395 – *Health Care Malpractice Claims – Definition of “Health Care Provider”*

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The Maryland State Medical Society (MedChi), which represents over 8,000 Maryland physicians and their patients, supports House Bill 395.

House Bill 395 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” and “physician assistants” were not yet licensed provider groups 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 or against a doctor and a physician assistant, and the malpractice law applies to the physician and not to the nurse practitioner or physician assistant. 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 or physician assistant is not subject to any of these rules. The passage of House Bill 395 would resolve this situation.

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

**For more information call:**

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