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

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

DATE: March 2, 2016

RE: **SUPPORT** – House Bill 992 – *Health Care Malpractice Claims – Health Care Alternative Dispute Resolution Office – Repeal*

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On behalf of the Maryland State Medical Society (MedChi) and the Maryland Chapter of the American College of Emergency Physicians (MDACEP) we support House Bill 992, which repeals the Health Care Alternative Dispute Resolution Office (Office).

Established in 1976, the Health Claims Arbitration Office, now the “Health Claims Alternative Dispute Resolution Office”, was originally created to hold down the spiraling costs associated with medical malpractice litigation. *See Md. Code Ann., Jud’l Proceedings § 3-2A-01 et seq.* MedChi and MDACEP submit that, rather than holding down those costs, it has contributed to delays and perhaps resulted in even higher costs to the parties. As noted years ago in a FY 2007 Budget Analysis of the Office, the notion that the Office is resolving medical malpractice cases, saving the parties money and keeping cases from proceeding to the courts, is no longer the case: “[T]he workload focuses more on its role as an information repository and less on its arbitration services.” Most indicative of its lost value in resolving cases is that either party, plaintiff or defendant, can opt out of the process entirely, and many do.

At the time the Office was established, perhaps the opportunities within the judicial process for settling cases or engaging in alternative dispute resolution were more limited than they are today. But, subsequent to the creation of the Office, the Maryland Courts created the “Information Report” that is required to be filed with the inception of each civil case, including medical malpractice cases. *See Md. Rules 2-111 and 16-202.* The Report offers the plaintiff the opportunity to engage in a settlement conference, mediation, arbitration, or even a neutral evaluation, which, if elected, are arranged by the court. In other words, other opportunities remain for “out of court” resolutions of these matters aside from the Office, and it is our view that those options would be of equal or greater value to the parties and generally proceed parallel to the litigation, and therefore time is not wasted on an entirely separate process, as some would argue it currently is, under the Office.

Therefore, MedChi and MDACEP support the elimination of the Office, both as a cost savings and a procedural efficiency measure, and therefore request a favorable vote on House Bill 992.

**For more information call:**

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