TO: The Honorable Luke Clippinger, Chair Members, House Judiciary Committee The Honorable Samuel I. Rosenberg
FROM: J. Steven Wise Pamela Metz Kasemeyer Danna L. Kauffman Richard A. Tabuteau
DATE: March 14, 2019
RE: SUPPORT – House Bill 1323 – Civil Actions – Health Care Malpractice Claims (Life Care Act 2019)

The Maryland State Medical Society (MedChi), the largest physician organization in Maryland, supports House Bill 1323.

House Bill 1323 adopts what is commonly known as the Daubert standard for expert testimony in medical liability cases. This would align Maryland’s threshold for acceptable expert witness testimony with the federal courts and 31 states and the District of Columbia. The Daubert standard requires the testimony of an expert witness: 1) to be based upon sufficient facts or data; 2) to be the product of reliable principles and methods; and 3) that the principles and methods be applied reliably to the facts of the case. Daubert requires that the conclusion of the expert’s witness testimony sufficiently relies upon generally accepted facts or data through a logical/scientific methodology. By utilizing the Daubert standard in medical liability cases, the accuracy and validity of expert testimony in Maryland can be more objectively relied upon.

For these reasons, MedChi supports House Bill 1323.

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