TO: The Honorable Bobby A. Zirkin, Chair
   Members, Senate Judicial Proceedings Committee
   The Honorable Robert Cassilly

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

DATE: February 14, 2019

RE: SUPPORT – Senate Bill 323 – Medical Malpractice – Discovery

On behalf of the Maryland State Medical Society (MedChi), the Maryland Chapter of the American College of Emergency Physicians (MDACEP), and the Maryland Section of the American College of Obstetricians and Gynecologists (MDACOG), we support Senate Bill 323.

Senate Bill 323 makes two principal changes to the statute governing healthcare malpractice claims. First, it specifies that a deposition is allowed on the basis of the certificate of qualified expert filed by the claimant. Second, it prohibits a deposition of a defendant from occurring until the plaintiff has filed the certificate of qualified expert. In this way, it saves the defendant from the time and costs associated with a deposition until the plaintiff has met the threshold requirement of having an expert attest that there was a departure from the standard of care.

For these reasons, the above-named organizations support Senate Bill 323.

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