



*The Maryland State Medical Society*

**News: For Immediate Release**

Additional Information Contact:

Gene M. Ransom, CEO

Office: 410-539-0872 x 3305

## **MEDCHI FILES AMICUS BRIEF TO SUPPORT RADIOLOGY PRACTICE**

BALTIMORE, July 9, 2013 — MedChi, The Maryland State Medical Society, has filed an Amicus Curiae brief in Maryland’s highest court, the Court of Appeals, supporting the radiology practice of Groover, Christie & Merritt, P.C., against a plaintiff seeking to institute a class action against them based on an alleged violation of the balance billing provisions of the Maryland Health Maintenance Organization (HMO) and Consumer Protection Acts. The plaintiff alleged that the practice had billed him for a procedure that was covered under his HMO plan. Although the practice billing agents initially instructed the plaintiff to disregard the bill and then attempted to refund his payment when he paid despite their instructions, the plaintiff instead elected to file a class action law suit. The plaintiff’s action was dismissed in the trial court, and after appeal to the Court of Special Appeals, by that court as well. The Court of Special Appeals held that the HMO Act does not create a private cause of action for patients. In addition, the Court held that the Consumer Protection Act explicitly exempts professional services from its purview and that exemption includes the billing for professional services.

MedChi’s amicus brief, prepared by William Blackford of Blackford & Flohr, argues in support of the lower court’s decision, stating that the Consumer Protection Act should not be read to encompass medical practitioners as there is already a strong regulatory system in place and that “extending liability to medical practitioners under the CPA would have a deleterious effect on the affordability and availability of health care, as well as on the efficient operation of the current regulatory system.”

MedChi President Brian H. Avin, M.D., commented “As the one organization that acts on behalf of all Maryland physicians, MedChi’s intervention here to ward off trial lawyer inspired attempts to institute frivolous litigation demonstrates once again why it is so important that all Maryland physicians join together to represent our profession.”

### About MedChi

MedChi, The Maryland State Medical Society, is a non-profit membership association of Maryland physicians. It is the largest physician organization in Maryland. The mission of MedChi is to serve as Maryland's foremost advocate and resource for physicians, their patients and the public health of Maryland. For more information, please visit [www.medchi.org](http://www.medchi.org).