

A008-0405

10 **AN ACT CONCERNING**

20 Medical Injury Compensation – Claimant Recovery

30 FOR the purpose of providing that a person having a claim against a health care provider
40 for damages due to a medical injury occurring on or after a certain date is entitled to a
50 certain amount of the money recovered; providing that an attorney who violates certain
60 provisions of this Act is subject to disbarment, suspension, or other disciplinary action; and
70 providing for the application of certain provisions of this Act.

80 BY adding to

90 Article – Courts and Judicial Proceedings
100 Section 3-2A-07.1
110 Annotated Code of Maryland
120 (2002 Replacement Volume and 2004 Supplement)

130 SECTION 1. BE IT ENACTED BY THE MARYLAND STUDENT LEGISLATURE,
140 That the Laws of Maryland read as follows:

150 Article – Courts and Judicial Proceedings

160 3-2A-07.1.

170 (A) (1) IN THIS SECTION, “RECOVERED” MEANS THE NET SUM
180 RECOVERED BY THE CLAIMANT AFTER DEDUCTING ANY DISBURSEMENTS 190
190 OR COSTS INCURRED IN CONNECTION WITH PROSECUTION OR
200 SETTLEMENT OF THE CLAIM.

210 (2) FOR PURPOSES OF THIS SUBSECTION, COSTS OF MEDICAL
220 CARE INCURRED BY THE CLAIMANT AND THE ATTORNEY’S OFFICE
230 OVERHEAD COSTS OR CHARGES ARE NOT DEDUCTIBLE DISBURSEMENTS
240 OR COSTS.

250 (B) A PERSON HAVING A CLAIM AGAINST A HEALTH CARE PROVIDER
260 FOR DAMAGES DUE TO A MEDICAL INJURY OCCURRING ON OR AFTER
270 JULY 1, 2006, IS ENTITLED TO NOT LESS THAN:

280 (1) 70% OF THE FIRST \$250,000 RECOVERED; AND

290 (2) 90% OF ANY AMOUNT RECOVERED IN EXCESS OF \$250,000.

300 (C) THE REQUIREMENTS ESTABLISHED UNDER SUBSECTION (B) OF
310 THIS SECTION APPLY REGARDLESS OF:

320 (1) WHETHER THE AMOUNT RECOVERED IS BY SETTLEMENT,
330 AWARD, OR VERDICT;

340 (2) WHETHER THE PERSON FOR WHOM THE AMOUNT IS
350 RECOVERED IS A RESPONSIBLE ADULT, A MINOR, OR A PERSON WHO IS
360 MENTALLY INCOMPETENT;

370 (3) THE NUMBER OF DEFENDANTS INVOLVED IN THE CLAIM.

380 (D) AN ATTORNEY WHO VIOLATES THIS SECTION IS SUBJECT TO

390 DISBARMENT, SUSPENSION, OR OTHER DISCIPLINARY ACTION IN
400 ACCORDANCE WITH TITLE 16, CHAPTER 700 OF THE MARYLAND RULES.

410 SECTION 2. BE IT FURTHER ENACTED, That this Act shall take effect on July 1, 420
2006.

430 **MANDATES:** Governor Robert L. Ehrlich, Jr.
440 Senate President Thomas V. "Mike" Miller
450 Senate Minority Leader J. Lowell Stoltzfus
460 House Speaker Michael Busch
470 House Minority Leader George C. Edwards
480 Del. Joseph F. Vallario, Jr., Chair of the House Judiciary Committee
490 Del. Gail H. Bates

SPONSOR:

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