



Maryland
Hospital Association

Senate Bill 681 - Health Care Malpractice Claims - Health Care Provider - Definition

Position: *Support*

February 18, 2025

Senate Judicial Proceedings Committee

MHA Position:

On behalf of the Maryland Hospital Association's (MHA) member hospitals and health systems, we appreciate the opportunity to comment in support of Senate Bill 681. SB 681 aims to clarify the definition of "health care provider" to ensure all employees working at hospitals who are licensed, certified, registered, or otherwise authorized to deliver health care services are subject to the Maryland Healthcare Malpractice Claims Act. This bill does not limit a patient's ability to file a claim—it simply ensures that all medical professionals are subject to the same legal process when claims arise from the delivery of medical care.

Under current Maryland law, there is a distinction between personal injury and wrongful death claims and medical malpractice claims. Maryland's dedicated medical malpractice statute was designed to address the unique challenges associated with health care-related legal claims. Medical malpractice cases involve complex medical evaluations that require specialized knowledge, making expert testimony essential. These standards should apply across all hospital-based providers to promote fairness and legal consistency.

SB 681 simply clarifies the definition of a health care provider to include only those individuals who provide direct health services within hospitals. The bill does not extend these provisions to non-clinical hospital staff, such as administrative personnel or security workers, ensuring the scope remains focused on professionals actively involved in patient care. This bill promotes fairness by ensuring that all professionals delivering patient care are treated equitably under the law while also upholding the integrity of the health care system through a consistent and comprehensive malpractice framework.

Maryland hospitals are engaging in creative and collaborative efforts to grow the workforce to meet the needs of patients and adapt to new care delivery models. For example, MHA supported 2024 legislation to create a new category of health care workers: limited scope X-ray machine operators. This bill would support innovation at Maryland hospitals by ensuring that claims against new health care provider types, like limited scope X-ray machine operators, would be filed under Maryland's medical malpractice statute.

For these reasons, we request a favorable report SB 681.

For more information, please contact:

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