

A. THE DEFENDANT WAS PROVIDING CARE OR TREATMENT TO THE PLAINTIFF UNRELATED TO THE AREA IN WHICH THE DEFENDANT IS BOARD CERTIFIED; OR

B. THE HEALTH CARE PROVIDER TAUGHT MEDICINE IN THE DEFENDANT'S SPECIALTY OR A RELATED FIELD OF HEALTH CARE.

3-2A-04.

(a) (1) (I) ~~THIS PARAGRAPH APPLIES TO A CLAIM FILED BEFORE JANUARY 1, 2005.~~

(H) A person having a claim against a health care provider for damage due to a medical injury shall file [his] THE claim with the Director[, ] and, if the claim is against a physician, the Director shall forward copies of the claim to the State Board of Physicians.

(HH) (II) The Director shall cause a copy of the claim to be served upon the health care provider by the appropriate sheriff in accordance with the Maryland Rules.

(IV) (III) The health care provider shall file a response with the Director and serve a copy on the claimant and all other health care providers named therein within the time provided in the Maryland Rules for filing a responsive pleading to a complaint.

(V) (IV) The claim and the response may include a statement that the matter in controversy falls within one or more particular recognized specialties.

~~(VI) EACH CERTIFICATE OF A QUALIFIED EXPERT DESCRIBED IN THIS SECTION SHALL BE FILED WITH THE DIRECTOR FOR A CLAIM SUBJECT TO THIS PARAGRAPH.~~

(2) (I) 1. ~~A PERSON MAY NOT FILE A CLAIM WITH THE DIRECTOR UNDER PARAGRAPH (1) OF THIS SUBSECTION ON OR AFTER JANUARY 1, 2005.~~

2. ~~THIS PARAGRAPH APPLIES TO A CLAIM FILED ON OR AFTER JANUARY 1, 2005.~~

(H) ~~A PERSON WHO HAS A CLAIM FOR A MEDICAL INJURY AGAINST A HEALTH CARE PROVIDER SHALL FILE A COMPLAINT IN A COURT AS PROVIDED BY THE MARYLAND RULES.~~

(HH) 1. ~~THE CLERK OF THE COURT SHALL FORWARD A COPY OF A COMPLAINT TO THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE.~~

2. ~~IF THE CLAIM IS AGAINST A PHYSICIAN, THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE SHALL FORWARD A COPY OF THE COMPLAINT TO THE STATE BOARD OF PHYSICIANS.~~

(IV) ~~THE PERSON WHO FILES A CLAIM OR RESPONSE SHALL CAUSE A COPY OF THE CLAIM OR RESPONSE TO BE SERVED ON EACH OTHER PARTY IN ACCORDANCE WITH THE MARYLAND RULES.~~