

Circuit Court for Baltimore City
Case No.: C-24-CV-24-004294

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND*

No. 1939

September Term, 2025

JOHN A. SMITH

v.

MEDSTAR HARBOR HOSPITAL

Zic,
Tang,
Zarnoch, Robert A.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: July 8, 2026

*This is a per curiam opinion. Under Rule 1-104, the opinion is not precedent within the rule of stare decisis, nor may it be cited as persuasive authority.

On April 19, 2024, John A. Smith, representing himself, filed a complaint in the Circuit Court for Baltimore City in which he appeared to assert a medical malpractice claim against Medstar Harbor Hospital based on an allegation that an IV may have been improperly inserted into his hand during an emergency room visit on June 3, 2021. (Case No. 24-C-24-001849.) Medstar Harbor Hospital moved to dismiss the complaint, noting that on April 19, 2024, Mr. Smith had also filed a document with the Health Care Alternative Dispute Resolution Office (“HCADRO”) raising the same claims, but he did not include a certificate of qualified expert or waive arbitration pursuant to the Health Care Malpractice Claims Act. Because Mr. Smith failed to comply with these statutory requirements (which are a condition precedent to filing suit in the circuit court), Medstar Harbor Hospital maintained that the complaint must be dismissed. On July 5, 2024, the circuit court granted the motion and dismissed the complaint. Mr. Smith did not appeal. On July 12, 2024, the circuit court docketed a letter Mr. Smith addressed to the court in which he asked the judge to put the “case on hold” pending an investigation by the Board of Physicians. The papers lacked a certificate of service and, thus, we assume that Mr. Smith failed to serve Medstar Harbor Hospital with a copy of this letter. Based on the docket entries, the circuit court took no action on the request.

On December 11, 2024, Mr. Smith filed a second complaint with the circuit court against Medstar Harbor Hospital (Case No. C-24-CV-24-004294), in which he appears to have made the same allegations as in the first complaint. Medstar Harbor Hospital moved to dismiss the complaint for (1) failure to comply with the HCADRO requirements and (2) based on the expiration of the three-year statute of limitations. Mr. Smith responded with

a series of exhibits (medical records and the like), but he did not address the grounds for dismissal raised by Medstar Harbor Hospital. In a later response, he did acknowledge the three-year statute of limitations, but he seemed to maintain that the complaint was not time-barred because he had filed the first complaint within the limitations period. On October 31, 2025, the circuit court dismissed the complaint with prejudice, after finding a failure to comply with the Health Care Malpractice Claims Act and because it was filed more than three years after the date the injury was discovered.

Mr. Smith filed a notice of appeal to which he attached a letter to the judge stating, among other things, that “[t]he director of the H.C.A.R.O dismissed my case on October 22, 2024 because I didn’t have a certified medical expert.”

On appeal, Mr. Smith seems to assert that the circuit court should not have dismissed his second complaint (the only case before us on appeal) based on statute of limitations grounds. In essence, he claims that the second complaint was timely because the first complaint was filed within the three-year limitations period and the second complaint should relate back. He does not address his failure to comply with the procedures set forth in the Health Care Malpractice Claims Act, including his failure to obtain a certificate of qualified expert.

Because Mr. Smith failed to comply with the requirement to file a certificate of qualified expert with the HCADRO, the Director dismissed his claim. *See* MD CODE ANN., Courts & Judicial Proceedings § 3-2A-04(b)(1) (generally, a claim filed with the HCADRO shall be dismissed if the claimant fails to file a certificate of a qualified expert attesting to departure from standards of care and that said departure is the proximate cause

of the alleged injury). The circuit court did not err in then dismissing the complaint given Mr. Smith's failure to comply with the Health Care Malpractice Claims Act. We are also not persuaded that the circuit court erred in dismissing the complaint on the additional or alternative ground that the statute of limitations had run. *See Puppolo v. Adventist Healthcare, Inc.*, 215 Md. App. 517, 532 (2013) (observing that if a proper certificate of qualified expert has not been filed with the HCADRO, the matter should not have been in court in the first place; and the HCADRO is the proper forum to determine whether the limitations period has expired or was tolled).

**JUDGMENT OF THE CIRCUIT COURT
FOR BALTIMORE CITY AFFIRMED.
COSTS TO BE PAID BY APPELLANT.**