

RONALD DOHERTY

v.

CARY MEDICAL CENTER

Submitted on Briefs April 27, 2004
Decided May 4, 2004

Panel: SAUFLEY, C.J., and CLIFFORD, DANA, ALEXANDER, CALKINS,
and LEVY, JJ.

MEMORANDUM OF DECISION

Ronald Doherty appeals from the judgment of the Superior Court (Aroostook County, *Mills, C.J.*) dismissing his complaint. The court found that Doherty failed to comply with the requirements of the pre-litigation screening panel process, pursuant to 24 M.R.S.A. § 2903 (2000).

Doherty failed to serve and file a notice of claim, as required by the Maine Health Security Act, prior to commencing his action for professional negligence. *See* 24 M.R.S.A. §§ 2853, 2903 (2000 & Supp. 2003). Although he subsequently filed a notice of claim with the Superior Court on June 24, 2003, there is no indication in the record that the notice was ever served on Cary Medical Center.

The Act requires, among other things, the filing and service of a notice of claim *before* the commencement of an action for professional negligence. 24 M.R.S.A. § 2903. Until Doherty complies with the Act, he cannot commence this lawsuit.

The entry is:

Judgment affirmed.

For plaintiff:

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