

STATE OF MICHIGAN
COURT OF APPEALS

DALE BRADSHAW,

Plaintiff-Appellant,

v

WEST SHORE MEDICAL CENTER and
MUNSON HEALTH CARE, d/b/a MUNSON
HOME HEALTH,

Defendants-Appellees.

UNPUBLISHED

April 6, 2006

No. 258764

Manistee Circuit Court

LC No. 04-011537-NH

Before: Donofrio, J. (concurring in result only)

I concur in the result because I am required to do so pursuant to MCR 7.215(J)(1) and the decided case of *Sturgis Bank & Trust Co v Hillsdale Comm Health Ctr*, 268 Mich App 484; 708 NW2d 453 (2005). (Affidavits executed by the nurse and the nurse practitioner were sufficient for purposes of MCL 600.2912d(1) and the relevant subsection of MCL 600.2169 even if the nurse and the nurse practitioner did not have the expertise or qualifications necessary to establish proximate cause.) MCL 600.2912d provides, “[t]he plaintiff in an action alleging medical malpractice...shall file with the complaint an affidavit of merit signed by a health professional who... meets the requirements for an expert witness under section 2169.” The language of the statute does not relegate the inquiry to only one subsection. The affidavit of merit must include among other specified requirements a statement identifying the manner in which the breach of the standard of practice or care was the proximate cause of the injury alleged. MCL 600.2912d(1)(d). Section 2169 of the Revised Judicature Act, MCL 600.2169 contains two of five subparts that pertain to qualifications. I would hold that the affidavit of merit as required by MCL 600.2912d meet the criteria of MCL 600.2169(1), and that the expert be qualified as an expert, subpart (2), MCL 600.2169(2) to provide the requisite information concerning the statement on proximate cause of the injury alleged in an affidavit of merit.

/s/ Pat M. Donofrio