

Circuit Court for Anne Arundel County
Case No.: C-02-CV-23-002154

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 590

September Term, 2024

DWIGHT DOUGLAS LARCOMB

v.

SPRINGFIELD HOSPITAL CENTER, *et al.*

Shaw,
Ripken,
Meredith, Timothy E.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: March 31, 2025

*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.

Dwight Douglas Larcomb, appellant, sued Springfield Hospital Center and the State of Maryland, appellees, in the Circuit Court for Anne Arundel County alleging medical malpractice, negligence, and violation of federal constitutional rights. Larcomb had been committed, by the Circuit Court for Frederick County, to the Maryland Department of Health and placed at the Hospital to receive a competency evaluation.

Larcomb alleged that, while he was a patient at the Hospital, another patient struck him in the head with a closed fist. Larcomb further alleged that the patient who struck him had a violent history, and that the Hospital knew or should have known that this assault would occur. He also claimed that he did not receive proper medical treatment after the assault. According to Larcomb, due to his complex medical history, the Hospital was required to have him evaluated by a neurologist. In his view, his constitutional rights had also been violated because he was “placed in constant grave danger with deliberate indifference to his safety.”

The Hospital and the State jointly moved to dismiss because Larcomb had not followed the statutory process for his medical malpractice and negligence claims. They further argued that the Hospital and the State are not “persons” subject to liability under 42 U.S.C. § 1983. On March 11, 2024, the court dismissed all but Larcomb’s negligence claim. It delayed ruling on this claim to give Larcomb the chance to file an affidavit demonstrating compliance with the Maryland Tort Claims Act. Larcomb did not file an affidavit, so the court dismissed his remaining claim. This appeal followed.

We review “the grant of a motion to dismiss for legal correctness.” *Rounds v. Maryland-Nat’l Cap. Park & Plan. Comm’n*, 441 Md. 621, 635 (2015). In doing so, “we

view the well-pleaded facts of the complaint in the light most favorable to [Larcomb],” and we will affirm the dismissal only if the complaint “does not disclose, on its face, a legally sufficient cause of action.” *Tavakoli-Nouri v. State*, 139 Md. App. 716, 725 (2001) (cleaned up).

We first address Larcomb’s constitutional claim. This claim is best characterized as seeking damages for deliberate indifference to medical needs, in violation of the Eighth Amendment, which must proceed under 42 U.S.C. § 1983. This statute creates a cause of action against any “*person*” who, under color of law, subjects another person “to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws[.]” 42 U.S.C. § 1983 (emphasis added). The State of Maryland is not a “person[.]” within the meaning of § 1983. *See Will v. Michigan Dep’t of State Police*, 491 U.S. 58, 71 (1989). As a State agency, the Hospital is also not a “person[.]” *See Va. Off. for Prot. & Advoc. v. Reinhard*, 405 F.3d 185, 189 (4th Cir. 2005). Thus, because neither defendant was a “person,” the circuit court did not err in dismissing Larcomb’s constitutional claim.

We next address Larcomb’s medical malpractice claim. Under the Health Claims Act, a plaintiff claiming a “medical injury” committed by a “health care provider” and more than \$30,000 in damages must first file their claims with the Health Claims Arbitration Office (“HCAO”). Md. Code Ann., Cts. & Jud. Proc. (“CJP”) § 3-2A-02(a)(1). The Hospital is a “health care provider” within the meaning of the Act. *See* CJP § 3-2A-01(f)(1). Further, Larcomb’s claim was for a “medical injury,” which the Act defines as an “injury arising or resulting from the rendering *or failure to render* health care.” CJP § 3-2A-01(g) (emphasis added). Larcomb concedes he did not comply with the

Act’s requirements. But despite his suggestion on appeal, the Act applies equally to claims by committed patients. *Long v. Rothbaum*, 68 Md. App. 569, 576 (1986). Therefore, because he failed to first file with the HCAO, the circuit court did not err in dismissing Larcomb’s medical malpractice claim.

Finally, we address Larcomb’s negligence claim. Under the Maryland Tort Claims Act, a claimant must “submit[] a written claim to the Treasurer . . . within 1 year after the injury . . . that is the basis of the claim[.]” Md. Code Ann., State Gov’t § 12-106(b)(1). This requirement is a condition precedent to filing suit in a circuit court. *Id.* For the first time on appeal, Larcomb asserts that an unspecified individual contacted the Treasurer about his claim. Nothing in the record supports this assertion. Here, the injury that is the basis of Larcomb’s claim occurred in January 2022. He therefore had until January 2023 to submit his claim to the Treasurer. The circuit court gave Larcomb the chance to file an affidavit showing that he complied with the Act. He failed to do so. Thus, because he failed to submit a written claim to the Treasurer within one year after his injury, the circuit court did not err in dismissing Larcomb’s negligence claim.

**JUDGMENT OF THE CIRCUIT
COURT FOR ANNE ARUNDEL
COUNTY AFFIRMED. COSTS TO
BE PAID BY APPELLANT.**