

## Medical Malpractice – Required Contents of Affidavit of Merit and Response Table<sup>1</sup>

Required Contents of Affidavit of Merit	Required Contents of Response to Affidavit of Merit (Affidavit of Meritorious Defense)
<p>The applicable standard of care. See <a href="#">MCL 600.2912d(1)(a)</a>.</p>	<p>The factual basis for each defense to the claims made against the defendant in the complaint. See <a href="#">MCL 600.2912e(1)(a)</a>.</p>
<p>The health professional’s opinion that the applicable standard of care was breached by the health professional or health facility receiving the notice. See <a href="#">MCL 600.2912d(1)(b)</a>.</p>	<p>The standard of practice or care that the health professional or health facility named as a defendant in the complaint claims to be applicable to the action and that the health professional or health facility complied with that standard. See <a href="#">MCL 600.2912e(1)(b)</a>.</p>
<p>The actions that should have been taken or omitted by the health professional or health facility in order to have complied with the applicable standard of practice or care. See <a href="#">MCL 600.2912d(1)(c)</a>.</p>	<p>The manner in which it is claimed by the health professional or health facility named as a defendant in the complaint that there was compliance with the applicable standard of practice or care. See <a href="#">MCL 600.2912e(1)(c)</a>.</p>
<p>The manner in which the breach of the standard of practice or care was the proximate cause of the injury alleged in the notice. See <a href="#">MCL 600.2912d(1)(d)</a>.</p>	<p>The manner in which the health professional or health facility named as a defendant in the complaint contends that the alleged injury or alleged damage to the plaintiff is not related to the care and treatment rendered. See <a href="#">MCL 600.2912e(1)(d)</a>.</p>

<sup>1</sup>See the Michigan Judicial Institute’s *Civil Proceedings Benchbook*, Chapter 9, for more information.

