

MEDICAL MUTUAL

Liability Insurance Society of Maryland

Bill: Senate Bill 879 – Public Health – Maryland Infant Lifetime Care Trust Funded by HSCRC and Maryland Patient Safety Center Duties

Date: March 5, 2020

Position: *SUPPORT*

Bill Summary

Senate Bill 879 establishes the Maryland Infant Lifetime Care Trust (the “Trust”) to provide payment for economic and health care services to infants who experience a birth-related neurological injury. First, the bill creates a seven-member Board of Trustees to oversee the Trust, and a Trust Administrator, appointed by the Board of Trustees, to serve as the administrative head of the Trust. Second, Maryland hospitals providing obstetrical services fund the Trust, and one million dollars will be allocated each year to study improving maternal and fetal outcomes in Maryland. Third, Senate Bill 879 does not alter a claimant’s access to the courts and instead imposes a system where a claimant’s eligibility for the Trust is determined after settlement or judgment. After a settlement or judgment, the Trust then ascertains whether an injury qualifies as a birth-related neurological injury, and once confirmed that the injury does qualify, the Trust disperses compensation for services needed for a claimant’s lifetime care.

Medical Mutual’s Position

Medical Mutual supports Senate Bill 879. Currently, there are three birth-related injury funds that operate in the United States: the Florida Birth-Related Neurological Injury Compensation Association, the Virginia Birth-Related Neurological Injury Compensation Program, and the New York State Medical Indemnity Fund. Senate Bill 879 incorporates the system set forth in the New York State Medical Indemnity Fund by creating the Trust and also allowing claimants to litigate an alleged medical malpractice claim in the court system. If a judgment or settlement is entered in favor of a claimant and the Trust determines that the claimant is eligible for payments from the Trust, the Trust provides compensation for the remainder of the claimant’s lifetime.

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As a mutual company, Medical Mutual is owned by its physician policyholders, and we strive to offer affordable medical professional liability insurance. Medical Mutual supports Senate Bill 879, because it creates a system that balances the need to control medical malpractice costs to ensure that Maryland women continue to have access to quality obstetrical services in all regions of the State with the need to provide lifetime care to infants who experience a birth-related neurological injury.

For the reasons contained herein, Medical Mutual respectfully requests a ***FAVORABLE*** report of ***SENATE BILL 879***.

For more information contact:

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