

BY: Delegates Morhaim and Zirkin

AMENDMENTS TO HOUSE BILL NO. 2  
(First Reading File Bill)

AMENDMENT NO. 1

On page 4, in line 35, after "date;" insert "creating a Task Force to Study Administrative Compensation for Patient Injury Claims; providing for the membership, co-chairs, and staffing of the Task Force; prohibiting a member of the Task Force from receiving certain compensation; authorizing a member of the Task Force to be reimbursed for certain expenses; providing for the duties of the Task Force; requiring the Task Force to submit a certain report to the Governor and the General Assembly by a certain date;".

AMENDMENT NO. 2

On page 54, after line 19, insert:

"SECTION 14. AND BE IT FURTHER ENACTED, That:

(a) There is a Task Force to Study Administrative Compensation for Patient Injury Claims.

(b) The Task Force consists of the following members:

(1) one member of the Senate of Maryland, appointed by the President of the Senate;

(2) one member of the House of Delegates, appointed by the Speaker of the House;

(3) the Attorney General, or the Attorney General's designee;

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- (4) a circuit court judge, appointed by the Chief Judge of the Court of Appeals;
  - (5) the Secretary of the Department of Health and Mental Hygiene, or the Secretary's designee;
  - (6) the Chairman of the State Board of Physicians, or the Chairman's designee;
  - (7) the State Insurance Commissioner, or the Commissioner's designee;
  - (8) the Chairman of the State Workers' Compensation Commission, or the Chairman's designee; and
  - (9) the following members appointed by the Governor, in consultation with the President of the Senate and the Speaker of the House:
    - (i) one representative of the Medical and Chirurgical Faculty of Maryland;
    - (ii) one representative of the Medical Mutual Liability Insurance Society of Maryland;
    - (iii) one representative of the Maryland Hospital Association;
    - (iv) one representative of the Maryland State Bar Association;
    - (v) one representative of the Maryland Defense Council;
    - (vi) one representative of the Maryland Trial Lawyers Association; and
    - (vii) one representative of the health insurance industry.
- (c) The President of the Senate and the Speaker of the House shall designate the co-chairs of the Task Force.
- (d) The State Workers' Compensation Commission, the University of Maryland Medical System, and the Johns Hopkins University Bloomberg School of Public Health jointly shall provide staff support to the Task Force.
- (e) A member of the Task Force;

(1) may not receive compensation; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) The Task Force shall:

(1) study the feasibility of developing a statewide no fault system, based on a workers' compensation model, that would compensate medically injured patients administratively instead of through the courts by creating a quasi-governmental entity that would be the sole remedy for injured patients;

(2) gather and analyze data on the cost of compensating medical injuries through the existing tort system and compare the cost of a no fault system with that of the existing tort system;

(3) investigate the financial, policy, and legal issues critical to the design of a no fault system;

(4) study other medical no fault systems such as in Sweden, New Zealand, and the states of Virginia and Florida, and other medical no fault pilot programs as proposed in Utah, Colorado, and Massachusetts; and

(5) study the feasibility of developing a pilot program, based on a workers' compensation model, that:

(i) would be conducted in a selected community-based hospital and a hospital affiliated with an academic institution, with a second community-based hospital and second hospital affiliated with an academic institution serving as the control group;

(ii) would be limited to a high-risk medical specialty such as the practice of

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obstetrics;

(iii) would use an administrative tribunal to hear medical injury claims instead of a jury, with the tribunal's decision being the exclusive remedy for the claim, and with the claimant having a limited right of appeal of the tribunal's decision to an administrative law judge; and

(iv) would compensate injured patients according to a schedule of damages for specific injuries.

(g) The Task Force shall report its findings and recommendations to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly, on or before June 30, 2007.

SECTION 15. AND BE IT FURTHER ENACTED, That Section 14 shall remain effective through June 30, 2007, and, at the end of June 30, 2007, with no further action required by the General Assembly, Section 14 of this Act shall be abrogated and of no further force and effect."

AMENDMENT NO. 3

On page 54, in line 20, strike "14." and substitute "15."; and in the same line, strike "Section 12" and substitute "Sections 12 and 13".