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By: **Delegates Morhaim, Boutin, Bromwell, Cardin, Hammen, Hurson, Kach,  
Oaks, Rosenberg, Shank, and Zirkin**

Introduced and read first time: February 1, 2005

Assigned to: Health and Government Operations

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A BILL ENTITLED

1 AN ACT concerning

2                                   **Task Force on Administrative Compensation for Birth-Related Neurological**  
3                                   **Injury**

4 FOR the purpose of establishing a Task Force on Administrative Compensation for  
5 Birth-Related Neurological Injury; establishing the membership of the Task  
6 Force; providing staff support for the Task Force; prohibiting a member of the  
7 Task Force from receiving certain compensation; authorizing a member of the  
8 Task Force to be reimbursed for certain expenses; providing for the duties of the  
9 Task Force; requiring the members of the Task Force to be appointed by a  
10 certain date; requiring the Task Force to issue an interim report and a final  
11 report of its findings and recommendations by certain dates; providing for the  
12 termination of the Task Force; and generally relating to the Task Force on  
13 Administrative Compensation for Birth-Related Neurological Injury.

14       SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
15 MARYLAND, That:

16       (a)       There is a Task Force on Administrative Compensation for Birth-Related  
17 Neurological Injury.

18       (b)       The Task Force shall be composed of the following members:

19               (1)       three members of the Senate of Maryland, appointed by the President  
20 of the Senate as follows:

21                       (i)       one member from the Senate Finance Committee;

22                       (ii)       one member from the Senate Judicial Proceedings Committee;

23 and

24                       (iii)       one member from the Senate Education, Health, and  
25 Environmental Affairs Committee;

26               (2)       three members of the House of Delegates, appointed by the Speaker  
27 of the House as follows:

- 1 (i) one member from the House Health and Government  
2 Operations Committee;
- 3 (ii) one member from the House Economic Matters Committee; and
- 4 (iii) one member from the House Judiciary Committee;
- 5 (3) the Secretary of Health and Mental Hygiene, or the Secretary's  
6 designee;
- 7 (4) the Attorney General, or the Attorney General's designee;
- 8 (5) the Maryland Insurance Commissioner, or the Commissioner's  
9 designee;
- 10 (6) the Chairman of the State Board of Physicians, or the Chairman's  
11 designee;
- 12 (7) two health care consumers, one of whom shall be appointed by the  
13 President of the Senate and one of whom shall be appointed by the Speaker of the  
14 House;
- 15 (8) the Chairman of the State Workers' Compensation Commission, or  
16 the Chairman's designee; and
- 17 (9) the following members appointed by the Governor, in consultation  
18 with the President of the Senate and the Speaker of the House:
- 19 (i) two representatives of the Medical and Chirurgical Faculty of  
20 Maryland, one of whom shall be a physician practicing obstetrics;
- 21 (ii) two representatives of the medical professional liability  
22 insurance industry;
- 23 (iii) one representative of the Maryland Hospital Association;
- 24 (iv) one representative of the Maryland State Bar Association;
- 25 (v) one representative of the Maryland Defense Council, Inc.;
- 26 (vi) one representative of the Maryland Trial Lawyers Association;  
27 and
- 28 (vii) one representative of the health insurance industry.
- 29 (c) The Governor shall designate the chair of the Task Force.
- 30 (d) The Department of Health and Mental Hygiene, in consultation with the  
31 State Workers' Compensation Commission and other appropriate State agencies,  
32 shall provide staff support to the Task Force.

1 (e) A member of the Task Force may not receive compensation for serving on  
2 the Task Force, but is entitled to reimbursement for expenses under the Standard  
3 State Travel Regulations, as provided in the State budget.

4 (f) The Task Force shall:

5 (1) study the administrative compensation programs for birth-related  
6 neurological injury established in Virginia and Florida;

7 (2) investigate the financial, policy, administrative, and legal issues  
8 critical to the design of an administrative compensation program for birth-related  
9 neurological injury;

10 (3) examine the impact of an administrative compensation program for  
11 birth-related neurological injury on the supply of physicians practicing obstetrics and  
12 on the availability of affordable obstetrical liability coverage for those physicians; and

13 (4) develop a pilot program that:

14 (i) would be limited to the medical specialty of obstetrics;

15 (ii) would be conducted with voluntary participation by  
16 community-based hospitals and at least one hospital affiliated with an academic  
17 institution with a control group of at least one community-based hospital and one  
18 hospital affiliated with an academic institution;

19 (iii) would designate an agency instead of a jury to administer  
20 birth-related neurological injury claims, with the agency's decision being the  
21 exclusive remedy for a claim, and with the claimant having a limited right of appeal  
22 of the agency's decision to an administrative law judge;

23 (iv) would compensate injured patients for reasonable and  
24 necessary medical expenses and life care according to a schedule of damages; and

25 (v) would be implemented by December 1, 2008.

26 (g) The Task Force shall:

27 (1) be appointed, organize, and begin its deliberations no later than  
28 November 1, 2005;

29 (2) submit an interim report of its findings and recommendations to the  
30 Governor and, in accordance with § 2-1246 of the State Government Article, to the  
31 General Assembly on or before December 1, 2006; and

32 (3) in the same manner, as provided in item (2) of this subsection, on or  
33 before December 1, 2007, submit a final report that shall include recommendations  
34 for legislation necessary to implement and oversee the pilot program.

35 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
36 October 1, 2005. It shall remain effective for a period of 2 years and 3 months and, at

- 1 the end of December 31, 2007, with no further action required by the General
- 2 Assembly, this Act shall be abrogated and of no further force and effect.