

HOUSE BILL 338

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HB 107/06 – HGO

71r1945

By: **Delegates Morhaim and Shank**

Introduced and read first time: February 1, 2007

Assigned to: Health and Government Operations

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
20 President of the Senate as follows:

21 (i) one member from the Finance Committee;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (ii) one member from the Judicial Proceedings Committee; and
- 2 (iii) one member from the Education, Health, and
3 Environmental Affairs Committee;
- 4 (2) three members of the House of Delegates, appointed by the
5 Speaker of the House as follows:
- 6 (i) one member from the Health and Government Operations
7 Committee;
- 8 (ii) one member from the Economic Matters Committee; and
- 9 (iii) one member from the Judiciary Committee;
- 10 (3) the Secretary of Health and Mental Hygiene, or the Secretary's
11 designee;
- 12 (4) the Attorney General, or the Attorney General's designee;
- 13 (5) the Maryland Insurance Commissioner, or the Commissioner's
14 designee;
- 15 (6) the Chairman of the State Board of Physicians, or the Chairman's
16 designee;
- 17 (7) two health care consumers, one of whom shall be appointed by the
18 President of the Senate and one of whom shall be appointed by the Speaker of the
19 House;
- 20 (8) the Chairman of the State Workers' Compensation Commission, or
21 the Chairman's designee; and
- 22 (9) the following members appointed by the Governor:
- 23 (i) two representatives of the medical professional liability
24 insurance industry;
- 25 (ii) one representative of a Maryland hospital;
- 26 (iii) one representative of the Maryland State Bar Association;

- 1 (iv) one representative of the Maryland Defense Council, Inc.;
- 2 (v) one representative of the Maryland Trial Lawyers
3 Association;
- 4 (vi) one representative of the health insurance industry;
- 5 (vii) one representative of an advocacy group representing
6 patients with birth-related neurological injuries;
- 7 (viii) two physicians, each of whom has practiced obstetrics in the
8 past 10 years; and
- 9 (ix) two physicians, each of whom has practiced pediatrics in the
10 past 10 years.

11 (c) The Governor shall designate the chair of the Task Force.

12 (d) The Department of Health and Mental Hygiene, in consultation with the
13 State Workers' Compensation Commission and other appropriate State agencies, shall
14 provide staff support to the Task Force.

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

18 (f) The Task Force shall:

19 (1) study the administrative compensation programs for birth-related
20 neurological injury established or proposed in other states;

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

24 (3) examine the impact of an administrative compensation program
25 for birth-related neurological injury on the supply of physicians practicing obstetrics
26 and on the availability of affordable obstetrical liability coverage for those physicians.

27 (g) The Task Force shall:

28 (1) be appointed, organize, and begin its deliberations no later than
29 November 1, 2007;

1 (2) submit an interim report of its findings and recommendations to
2 the Governor and, in accordance with § 2-1246 of the State Government Article, the
3 General Assembly on or before December 1, 2008; and

4 (3) in the same manner as provided in item (2) of this subsection, on or
5 before December 1, 2009, submit a final report.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2007. It shall remain effective for a period of 2 years and 3 months and, at
8 the end of December 31, 2009, with no further action required by the General
9 Assembly, this Act shall be abrogated and of no further force and effect.