

HOUSE BILL 283

D3
HB 338/07 – HGO & JUD

9lr1909

By: **Delegates Frank and Morhaim**

Introduced and read first time: January 29, 2009

Assigned to: Health and Government Operations and Judiciary

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 BY adding to

15 Article – Health – General

16 Section 13-2801 through 13-2803 to be under the new Subtitle “Subtitle 28.

17 Task Force on Administrative Compensation for Birth-Related
18 Neurological Injury”

19 Annotated Code of Maryland

20 (2005 Replacement Volume and 2008 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
22 MARYLAND, That the Laws of Maryland read as follows:

23 **Article – Health – General**

24 **SUBTITLE 28. TASK FORCE ON ADMINISTRATIVE COMPENSATION FOR**
25 **BIRTH-RELATED NEUROLOGICAL INJURY.**

26 **13-2801.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **THERE IS A TASK FORCE ON ADMINISTRATIVE COMPENSATION FOR**
2 **BIRTH-RELATED NEUROLOGICAL INJURY.**

3 **13-2802.**

4 **(A) THE TASK FORCE SHALL BE COMPOSED OF THE FOLLOWING**
5 **MEMBERS:**

6 **(1) THREE MEMBERS OF THE SENATE OF MARYLAND,**
7 **APPOINTED BY THE PRESIDENT OF THE SENATE AS FOLLOWS:**

8 **(I) ONE MEMBER FROM THE FINANCE COMMITTEE;**

9 **(II) ONE MEMBER FROM THE JUDICIAL PROCEEDINGS**
10 **COMMITTEE; AND**

11 **(III) ONE MEMBER FROM THE EDUCATION, HEALTH, AND**
12 **ENVIRONMENTAL AFFAIRS COMMITTEE;**

13 **(2) THREE MEMBERS OF THE HOUSE OF DELEGATES, APPOINTED**
14 **BY THE SPEAKER OF THE HOUSE AS FOLLOWS:**

15 **(I) ONE MEMBER FROM THE HEALTH AND GOVERNMENT**
16 **OPERATIONS COMMITTEE;**

17 **(II) ONE MEMBER FROM THE ECONOMIC MATTERS**
18 **COMMITTEE; AND**

19 **(III) ONE MEMBER FROM THE JUDICIARY COMMITTEE;**

20 **(3) THE SECRETARY OF HEALTH AND MENTAL HYGIENE, OR THE**
21 **SECRETARY'S DESIGNEE;**

22 **(4) THE ATTORNEY GENERAL, OR THE ATTORNEY GENERAL'S**
23 **DESIGNEE;**

24 **(5) THE MARYLAND INSURANCE COMMISSIONER, OR THE**
25 **COMMISSIONER'S DESIGNEE;**

26 **(6) THE CHAIRMAN OF THE STATE BOARD OF PHYSICIANS, OR**
27 **THE CHAIRMAN'S DESIGNEE;**

1 (7) TWO HEALTH CARE CONSUMERS, ONE OF WHOM SHALL BE
2 APPOINTED BY THE PRESIDENT OF THE SENATE AND ONE OF WHOM SHALL BE
3 APPOINTED BY THE SPEAKER OF THE HOUSE;

4 (8) THE CHAIRMAN OF THE STATE WORKERS' COMPENSATION
5 COMMISSION, OR THE CHAIRMAN'S DESIGNEE; AND

6 (9) THE FOLLOWING MEMBERS APPOINTED BY THE GOVERNOR:

7 (I) TWO REPRESENTATIVES OF THE MEDICAL
8 PROFESSIONAL LIABILITY INSURANCE INDUSTRY;

9 (II) ONE REPRESENTATIVE OF A MARYLAND HOSPITAL;

10 (III) ONE REPRESENTATIVE OF THE MARYLAND STATE BAR
11 ASSOCIATION;

12 (IV) ONE REPRESENTATIVE OF THE MARYLAND DEFENSE
13 COUNCIL, INC.;

14 (V) ONE REPRESENTATIVE OF THE MARYLAND TRIAL
15 LAWYERS ASSOCIATION;

16 (VI) ONE REPRESENTATIVE OF THE HEALTH INSURANCE
17 INDUSTRY;

18 (VII) ONE REPRESENTATIVE OF AN ADVOCACY GROUP
19 REPRESENTING PATIENTS WITH BIRTH-RELATED NEUROLOGICAL INJURIES;

20 (VIII) TWO PHYSICIANS, EACH OF WHOM HAS PRACTICED
21 OBSTETRICS IN THE PAST 10 YEARS; AND

22 (IX) TWO PHYSICIANS, EACH OF WHOM HAS PRACTICED
23 PEDIATRICS IN THE PAST 10 YEARS.

24 (B) THE GOVERNOR SHALL DESIGNATE THE CHAIR OF THE TASK
25 FORCE.

26 (C) THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, IN
27 CONSULTATION WITH THE STATE WORKERS' COMPENSATION COMMISSION AND
28 OTHER APPROPRIATE STATE AGENCIES, SHALL PROVIDE STAFF SUPPORT TO
29 THE TASK FORCE.

1 (D) A MEMBER OF THE TASK FORCE MAY NOT RECEIVE COMPENSATION
2 FOR SERVING ON THE TASK FORCE, BUT IS ENTITLED TO REIMBURSEMENT FOR
3 EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED
4 IN THE STATE BUDGET.

5 **13-2803.**

6 (A) THE TASK FORCE SHALL:

7 (1) STUDY THE ADMINISTRATIVE COMPENSATION PROGRAMS
8 FOR BIRTH-RELATED NEUROLOGICAL INJURY ESTABLISHED OR PROPOSED IN
9 OTHER STATES;

10 (2) INVESTIGATE THE FINANCIAL, POLICY, ADMINISTRATIVE, AND
11 LEGAL ISSUES CRITICAL TO THE DESIGN OF AN ADMINISTRATIVE
12 COMPENSATION PROGRAM FOR BIRTH-RELATED NEUROLOGICAL INJURY; AND

13 (3) EXAMINE THE IMPACT OF AN ADMINISTRATIVE
14 COMPENSATION PROGRAM FOR BIRTH-RELATED NEUROLOGICAL INJURY ON
15 THE SUPPLY OF PHYSICIANS PRACTICING OBSTETRICS AND ON THE
16 AVAILABILITY OF AFFORDABLE OBSTETRICAL LIABILITY COVERAGE FOR THOSE
17 PHYSICIANS.

18 (B) THE TASK FORCE SHALL:

19 (1) BE APPOINTED, ORGANIZE, AND BEGIN ITS DELIBERATIONS
20 NO LATER THAN NOVEMBER 1, 2009;

21 (2) SUBMIT AN INTERIM REPORT OF ITS FINDINGS AND
22 RECOMMENDATIONS TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246
23 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON OR
24 BEFORE DECEMBER 1, 2010; AND

25 (3) IN THE SAME MANNER AS PROVIDED IN ITEM (2) OF THIS
26 SUBSECTION, ON OR BEFORE DECEMBER 1, 2011, SUBMIT A FINAL REPORT.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2009. It shall remain effective for a period of 2 years and 3 months and, at
29 the end of December 31, 2011, with no further action required by the General
30 Assembly, this Act shall be abrogated and of no further force and effect.