

The Infant Lifetime Care Trust

Care for Infants. Justice for Families.

March 2020



The Facts About Maryland's Medical Liability System

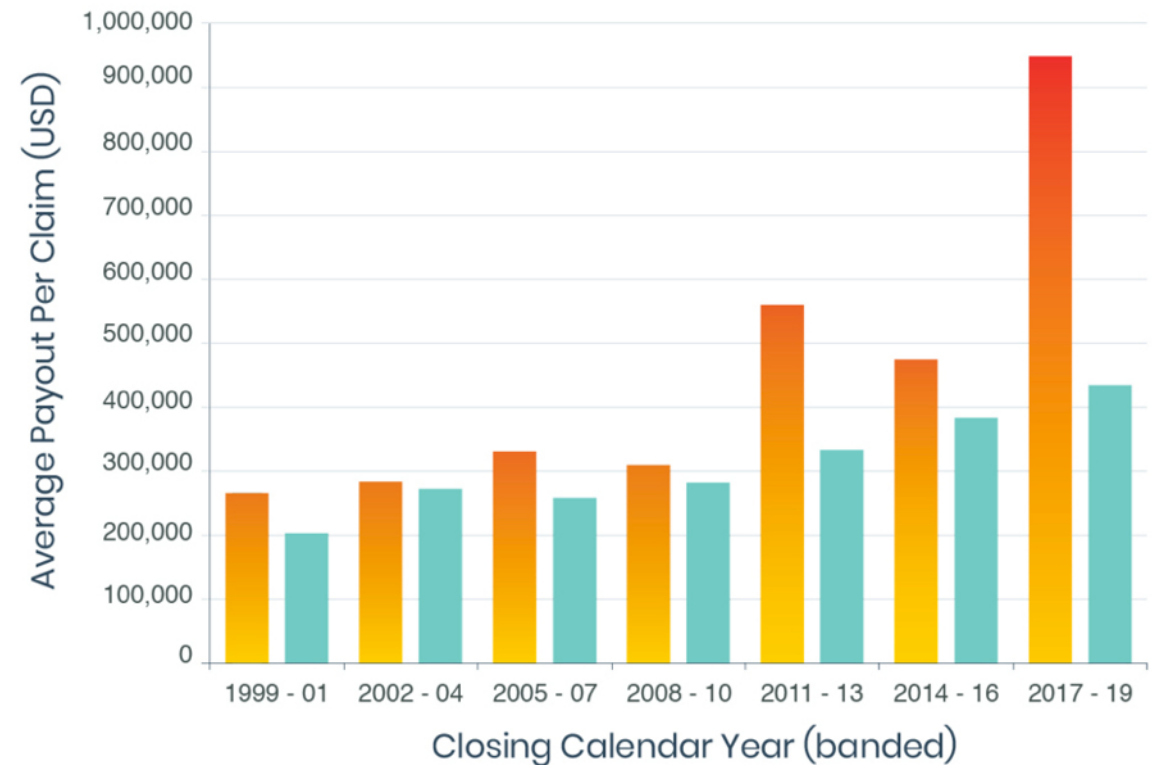
The current medical liability system is unsustainable

Today's system **fails to guarantee care** for the state's most vulnerable infants and leads to rising health care costs.

Claims associated with Maryland liability cases significantly and **consistently exceed national averages.**


Worse still, over the last 12 years, Maryland **claims increased by more than 300%**, while claims in all other states went up by 50%

Maryland's Hospital Liability Claims Far Exceed the Rest of U.S.



Legend

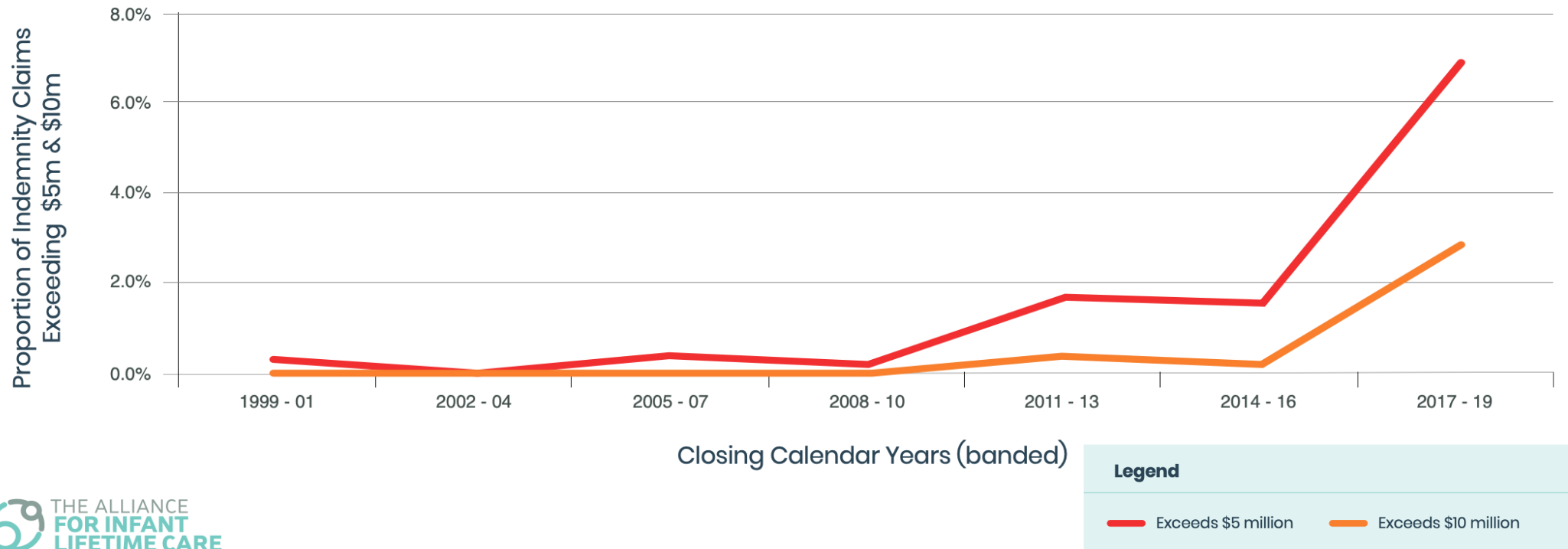
 Maryland

 National (Excl. MD)

Rising claims are destabilizing the state's health care system

Claims exceeding \$10 million appeared for the first time ten years ago and have risen sharply since.

Maryland has half the national average of medical liability claims, yet the state's payouts are **double the national average**.



Rising health care costs fall on all Marylanders

As hospitals face rising liability costs, they may have to shutter services, end community programs, or **reduce maternity care** throughout the state.

Four hospitals in Maryland have **significantly reduced their obstetrics programs**, and three counties in Maryland have only one OB/GYN to provide maternity care.

Three Maryland hospitals have ceased offering obstetric care since 2012, and similar closures in DC further **threaten access for Marylanders**.

A Common-Sense Solution

The Infant Lifetime Care Trust



To guarantee care and address a medical liability crisis, the Trust would cover the **lifetime cost of care** for infants who suffer a neurological injury at birth.



Families would still be able to **hold hospitals and doctors accountable** – their right to a jury trial would remain unchanged.



Maryland hospitals that deliver babies would pay an estimated **\$30 million annually** to fund the Trust.

How the Trust Would Work



The Trust would **cover medical and supportive care** for anyone receiving a court approved settlement or verdict for a birth-related neurological injury.



Injured infants would have access to **guaranteed lifetime care**, instead of lump sum payments that may or may not be sufficient.



Patients' **personal physicians** would determine the care they need – and the Trust would be required to pay the costs of this care.

Holding Hospitals Accountable

Hospitals would still be held accountable in court if a mistake has been made, and may be **liable for damages**, plaintiff legal fees, and loss of income.

The Trust would be **overseen by a state agency**, and an administrative appeals process would address any disputes regarding payments.



A Single, Common-Sense Adjustment

DAMAGES	CURRENT SYSTEM	INFANT LIFETIME CARE TRUST
Future Medical Expenses	Lump sum estimated by jury or settlement process; no guarantee that care will be covered for life.	The Infant Lifetime Care Trust guarantees coverage for lifetime care, as determined by patients' own physicians
Non-Economic Damages (e.g. compensation for pain and suffering)	Lump sum (Determined by jury or settlement)	No change
Lost Earnings	Lump sum (Determined by jury or settlement)	No change
Past Medical Expenses	Lump sum (Determined by jury or settlement)	No change
Legal Fees	30-40% of lump sum (Determined by plaintiff and lawyer)	No change

The Infant Lifetime Care Trust's Six Guarantees

1. Guaranteed care for life
2. Guaranteed permanent solvency
3. Guaranteed physician-directed benefits
4. Guaranteed benefits whenever needed
5. Guaranteed long-term decreases in Medicaid spending
6. Guaranteed improvement in Maryland's ability to retain Ob-Gyns

Thank You