



## Maryland Maternity Access Coalition releases statement on State Legislative Report on Access to Obstetrical Care

*Warning of a 'significant threat to access', another legislative task force recommends No-Fault Birth Injury Fund*

For Immediate Release

[Task force recommends no-fault birth injury fund](#),  
*Baltimore Sun, 12/1/2015*

Contact: Kate Leisner  
info@mdmaternityaccess.org  
386-307-4683

**BALTIMORE, MD (December 2, 2015)** – Today, a Maryland coalition of mothers, doctors, and nonprofit medical institutions aimed at protecting access to maternity care released a statement regarding [a new report commissioned by the Maryland General Assembly](#) concerning access to obstetrical care. The report, authored by a working group of health care and legal experts authorized by the state to make recommendations for legislation, has now recommended that the state create a No-Fault Birth Injury Fund in order to protect access to care for Maryland mothers and babies.

According to the 26-page report released before the 2016 legislative session, “Increasing medical liability costs in obstetrics represent a significant threat to access. The work group recommends the establishment of a No-Fault Birth Injury Fund to stabilize medical liability costs and provide a clear and critical incentive for hospitals to continue to provide this vital community service. Such a fund would provide direct, timely compensation, medical care and other services, without the uncertainty of protracted litigation, to children who suffer a devastating birth injury.”

“Independent academic evaluations of similar programs in other states have generally found that the programs have responded to the needs of injured children and their families, improved the efficiency and speed of adjudication of claims, and have stabilized the liability environment,” the report continues.

The new report marks the second time in as many years that a group of experts convened by the Maryland General Assembly has recommended the establishment of a No-Fault Birth Injury Fund. In late 2014, a Department of Health & Mental Hygiene Task Force urged the Maryland General Assembly to pursue a fund—paid for by hospitals – to reduce medical liability risk in the field of obstetrics, in order to safeguard women’s access to maternity care ([State panel recommends creation of a birth injury fund](#), Baltimore Sun, 12/24/14).

The report also highlights the recent closures of three maternity wards at Maryland hospitals in Prince George’s County, Baltimore City and the eastern shore and other reductions of related services. “This relatively recent trend of service cutback and closure is of significant concern and should be closely tracked,” the report states.

“This new report is another stark reminder that Maryland is facing a looming crisis in access to obstetrical care. A majority of experts agree that our state seems to be repeating the mistakes of Philadelphia, where more than 13 hospitals closed their maternity wards over a decade and women now struggle to access care,” said **Beth Laverick, President of the Maryland Maternity Access Coalition**. “This report and the continued reduction of obstetrical services throughout the state is a major wake-up call for the General Assembly to take action to address the crisis by implementing a No-Fault Birth Injury Fund that would help families and protect access to care.”

“The simple truth is that with a No-Fault Birth Injury Fund, we can protect access to care while ensuring more babies will get the lifetime care they need because it is based on the injury, not the outcome of a lawsuit,” Laverick concluded.

The report refers directly to similar birth injury funds that have been successfully in operation since the late 1980s in Florida and Virginia. Supporting the report’s findings, Executive Director of the Florida Birth-Related Neurological Injury Compensation Association (NICA), Kenney Shipley, said: “Over our 26 years, NICA has been studied by numerous national experts, actuarial firms, auditors, legislative groups and others and has been determined to be effective in meeting all goals and to be financially stable.”

In addition to the two state task force reports, the independent state agency that regulates all Maryland hospitals has also expressed serious concerns regarding liability costs. “...Costs related to birth injury, have been increasing in recent years...the Commission is concerned about the high cost of claims in Maryland and impact those costs could have on access to critical services, such as obstetrics, in certain jurisdictions in the state,” The Health Services Cost Review commission wrote in a letter to legislators last session.

The proposed fund enjoys bi-partisan support from voters across the state. [A statewide poll of voters released earlier this year](#) – conducted by OpinionWorks of Annapolis – found that Maryland voters support creating a birth injury fund by a 3-to-1 margin, with 62 percent in favor and only 21 percent opposed. In the poll, voters strongly support the concept of families giving up their right to sue in exchange for being guaranteed an award from the fund if a child suffers a permanent birth injury.

---

## **About the Maryland Maternity Access Coalition**

The Maryland Maternity Access Coalition is a broad coalition of concerned citizens, organizations, and healthcare providers formed to protect and preserve access to high-quality maternity care for the women of Maryland. For more information on the Maryland Maternity Access Coalition, visit the coalition's Facebook page and website at [www.facebook.com/MarylandMaternityAccess](http://www.facebook.com/MarylandMaternityAccess) and [www.Mdmaternityaccess.org](http://www.Mdmaternityaccess.org)

## **National Experts on Birth Injury Funds**

Kenney Shipley, Executive Director, Florida Birth-Related Neurological Injury Compensation Association, [850-488-8191](tel:850-488-8191), [kshipley@nica.com](mailto:kshipley@nica.com)

George Deebo, Executive Director, Virginia Birth-Related Neurological Injury Compensation Program, [804-330-2471](tel:804-330-2471), [gdeebo@vabirthinjury.com](mailto:gdeebo@vabirthinjury.com)

Michelle Mellow, Professor of Law, Stanford Law School, and Professor of Health Research and Policy, Stanford University School of Medicine, [650-715-3894](tel:650-715-3894), [mmello@law.stanford.edu](mailto:mmello@law.stanford.edu)

Report on Access to Obstetric Services in Maryland, December 1, 2015:

<http://www.mhaonline.org/docs/default-source/Resources/obstetric-services-final-report-12-1-15.pdf?sfvrsn=2>

###