



Poll Shows Widespread, Bipartisan Voter Support of Maryland Birth Injury Fund

Legislation would protect families and access to maternity services for Maryland mothers

For Immediate Release

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[Birth Injury Fund Poll Memo, OpinionWorks, Annapolis, 2016](#)

BALTIMORE, MD (February 2, 2016) – Today, the Maryland Maternity Access Coalition hosted a press conference in Annapolis to release [a new statewide poll](#) showing that Marylanders overwhelmingly support the creation of a Birth Injury Fund – paid for by hospitals– to compensate families and provide care for children who suffer permanent birth injuries. The poll of 500 randomly selected Maryland voters – conducted by [OpinionWorks](#) [www.opinionworks.com] of Annapolis – found that 7 out of 10 Marylanders support creating a fund, with 71 percent of Maryland voters in favor of the Birth Injury Fund and only 16 percent opposed – up 9 percentage points since 2015.

According to the poll, both Democrat and Republican voters overwhelmingly want the legislature to stop delaying and pass a Birth Injury Fund now over the objections of the Trial Lawyers, one of Annapolis’s most powerful special interest groups. Voters also strongly support the concept of families giving up their right to sue in exchange for being guaranteed an award from the fund for lifetime health care expenses and other benefits, with 64 percent believing such a trade-off is fair and only 30 percent saying it is unfair.

“Not only does recent polling data prove that the public overwhelmingly prefers creating a Birth Injury Fund over pursuing compensation through the courts, but now we see that that support is actually growing,” said Steve Raabe, president of OpinionWorks, who is also the statewide political pollster for The Baltimore Sun. “There is also a growing sense of urgency where voters want the Democratic legislature and Republican Governor to get together and support the Birth Injury Fund, across party lines.”

The release of the poll comes just after the Maryland General Assembly filed [bill HB0377](#) calling for the establishment of a Birth Injury Fund. The fund – paid for by hospitals – will help injured children and their families while protecting access to quality maternity health care. With

a Birth Injury Fund, more babies who suffer birth injuries will get the lifetime care they need because acceptance into the program is based on the injury, not the outcome of a lawsuit. Delegate Dan Morhaim is the lead House sponsor on the legislation with 39 sponsors from both political parties, including the Chairman of the Health & Government Operations Committee, Del. Pete Hammen, and both the Majority Leader, Del. Kumar Barve, and Minority Leader, Del. Nick Kipke.

“Maryland faces very real problems in terms of access to maternity healthcare, a fact that has sparked widespread concern among healthcare experts. Now, the majority of Maryland voters are voicing that same concern,” Delegate Morhaim said. “Marylanders agree that it is the responsibility of the legislature to protect women and children’s access to healthcare. Adopting best practices from birth injury funds in other states, we’ve crafted legislation that will solve this growing crisis while helping Maryland children and families.”

The legislation comes on the heels of a [State Task Force on Access to Obstetrical Care report](#) that recommended that the state create a No-Fault Birth Injury Fund ([Task Force recommends No-Fault Birth Injury Fund, Baltimore Sun](#), 12/1/15) in order to protect access to care for Maryland mothers and babies, marking the second year that a state-sponsored healthcare task force has recommended the fund. In 2014, a state health department report also urged the General Assembly to pursue the creation of a Birth Injury Fund on the same grounds ([State panel recommends creation of a birth injury fund](#), Baltimore Sun, 12/24/14).

“This situation is preventing families from obtaining much-needed medical assistance and compensation in the event of a birth injury,” said Carmela Coyle, President & CEO of the Maryland Hospital Association “With this bill, we can stop rerouting money to trial lawyers, and instead make sure that remuneration goes directly to the mother and child without forcing families into lengthy trials that they may not even win.”

“The simple truth is that birth injuries can occur even under circumstances where the highest quality of care was delivered. They are amongst the most expensive and devastating injuries that occur, regardless of the basis for their occurrence,” said Dr. Benjamin Stallings, speaking on behalf of MedChi and Dimensions Healthcare System. “Creating a no-fault system as reflected in the proposed Maryland Birth Injury Fund will provide a fair and equitable approach to properly and comprehensively ensure that these infants and their families receive the care they need and deserve.”

According to Jan Kriebs, CNM, Legislative Chair of the Maryland Affiliate of the American College of Nurse Midwives [<http://maryland.midwife.org>], costs associated with medical liability fees are hurting obstetric care providers across the board, including midwives. “Midwives play a vital role in caring for mothers and babies in Maryland, but are unable to provide that care when the cost of liability insurance is unaffordable,” Ms. Kriebs said. “The No-Fault Birth Injury Fund will guarantee healthcare coverage to babies who have severe neurologic injuries and will help stabilize the liability environment for the many midwives who deliver babies in hospitals, as well as for the hospitals and physicians.”

The Maryland Maternity Access Coalition – a coalition comprised of concerned citizens, organizations, and health providers – believes that Maryland’s worsening litigation environment is creating a growing risk that hospitals and doctors could be forced to reduce access to care. Birth injury funds similar to the proposed bill have successfully been in operation in Florida [<https://www.nica.com>] and Virginia [<http://www.vabirthinjury.com>] since the late 1980s.

The telephone poll interviewed 500 randomly selected registered Maryland voters, from January 6 through January 11, 2016. The calls were made by live interviewers to both landline and cellular numbers. The margin of error is no more than ± 4.5 percent.

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 and www.Mdmaternityaccess.org

The Birth Injury Fund Poll Memo can be accessed [here](#).

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RESOURCES

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
- George Deebo, Executive Director, Virginia Birth-Related Neurological Injury Compensation Program, [804-330-2471](tel:804-330-2471), 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

Documents & Reports

- [Birth Injury Fund Poll Memo, OpinionWorks Annapolis, 2016](#)
- [Department of Legislative Services 2016 Legislative Issue Papers](#)
- [2015 Report on Access to Obstetric Services in Maryland](#)
- [2014 Report on Access to Obstetric Services in Maryland](#)