

To: Maryland Maternity Access Coalition

**From: Steve Raabe, President
OpinionWorks, LLC**

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Subject: Maryland Voter Poll on Birth Injury Compensation

The Maryland Maternity Access Coalition commissioned this statewide poll of 500 randomly-selected Maryland voters to measure public attitudes about the best method of compensating families when babies experience permanent birth injuries.

This poll finds that the public overwhelmingly prefers creation of a birth injury fund over compensating families through the courts. A large majority of voters would give up the right to sue as a fair requirement of accepting compensation from such a fund. Support is so strong that voters want the Governor and Legislature to get together across party lines and pass it this year.

This telephone survey of 500 randomly-selected Maryland registered voters was conducted February 3-11, 2015, using trained and supervised live interviewers. The findings have a potential sampling error of no more than ± 4.5 percent at the 95% confidence level. A more detailed methodology statement is found at the end of this summary.

Findings

Increase in Awareness of this Issue

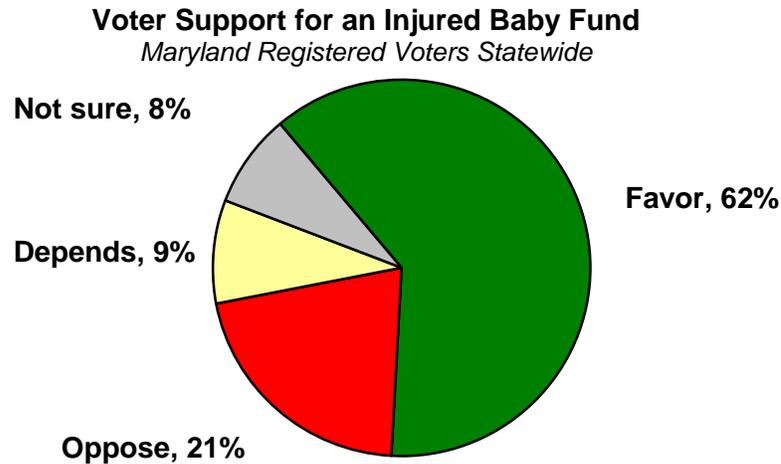
Over the past year, there has been an increase in awareness of birth injuries as an issue in Maryland. In our poll one year ago, 57% of voters said they had heard about the issue of “babies who are severely injured during childbirth either through natural causes or accidental negligence during childbirth, and who suffer permanent, lifetime disability as a result.”

Today, 69% are aware of the issue – an increase of 12 percentage points. Increasingly, this is an issue that is on the minds of voters.

Overwhelming Support for Creation of a Birth Injury Fund

To help families cope with the significant costs of care that may result from a permanent birth injury, voters overwhelmingly support the creation of a special fund that would pay the lifetime cost of care, rather than requiring families to seek compensation through the courts. Such a fund is sometimes called an injured baby fund or a birth injury fund.

By three-to-one, a strong majority of Maryland voters favor creating a birth injury fund, with 62% in favor and only 21% opposed to creating such a fund.



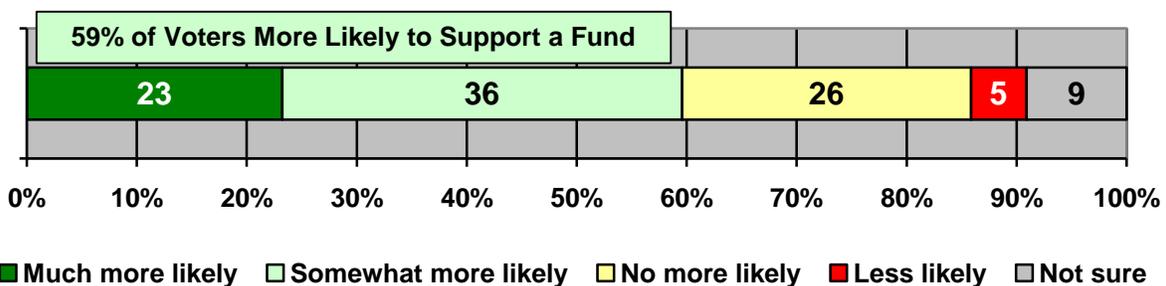
“When a baby is injured during birth, the family will have to cope with significant health care costs, and the child may need special care throughout its life. Right now in Maryland, the only remedies for the family are to find a lawyer and sue the doctor and hospital, or to pay the child’s expenses themselves.

“There is a proposal in the state legislature to create a special fund paid for by hospitals to cover the lifetime cost of care for children who experience permanent birth injuries, rather than requiring the family to seek compensation through the courts. Would you generally favor or oppose the idea of creating such an injured baby fund”

These numbers are nearly identical to the support measured in our poll one year ago, when 64% favored and 21% opposed creating a birth injury fund.

Furthermore, 59% of voters said they would be *more likely to support creating a birth injury fund* after hearing that a top recommendation of a Maryland State Department of Health workgroup was the “creation of a no-fault birth injury fund for Maryland, similar to ones that have been successful since the late 1980s in Virginia and Florida.”

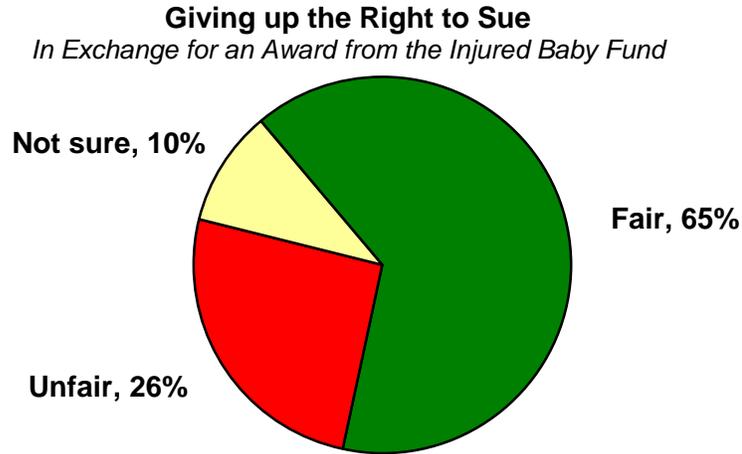
Impact of Knowing about DHMH Workgroup Recommendation



“Recently, a Maryland State Department of Health workgroup issued a report urging legislators to safeguard women’s access to prenatal care. Their top recommendation was creation of a No-Fault Birth Injury Fund for Maryland, similar to ones that have been successful since the late 1980s in Virginia and Florida. Does hearing this make you much more likely, somewhat more likely, or no more likely to support creating a birth injury fund – also known as an injured baby fund – here in Maryland?”

Giving up the Right to Sue

Nearly two-thirds of voters (65%) believe that it is fair to give up the right to sue in exchange for accepting an award from a birth injury fund. Only 26% think giving up the right to sue would be unfair.

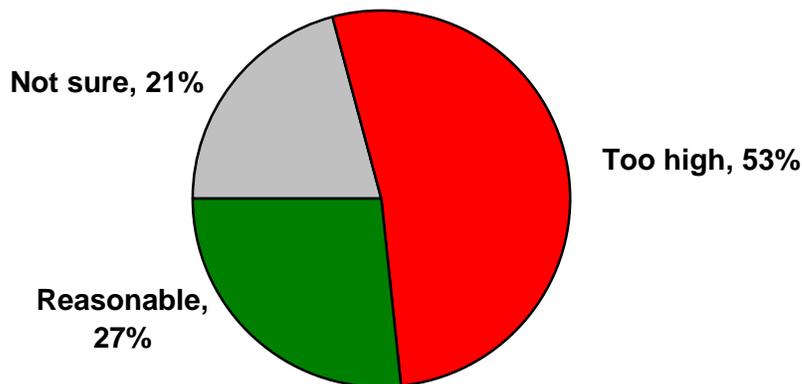


“Babies who suffer birth injuries would get the lifetime care they need because acceptance into the program is based on the injury, not the outcome of a lawsuit. In exchange for receiving this award, the family would give up its right to sue. Does giving up the right to sue seem like a fair or an unfair requirement of receiving an award from the {injured baby fund/birth injury fund}?”

Concern about the Size of Legal Awards

Voters’ strong support for creating a birth injury fund in Maryland is explained in part by their underlying concern about the size of court judgments. Only one-fourth (27%) believe that a recent \$20.6 million judgment against a hospital was reasonable. A two-to-one majority (53%) believe that award was too high.

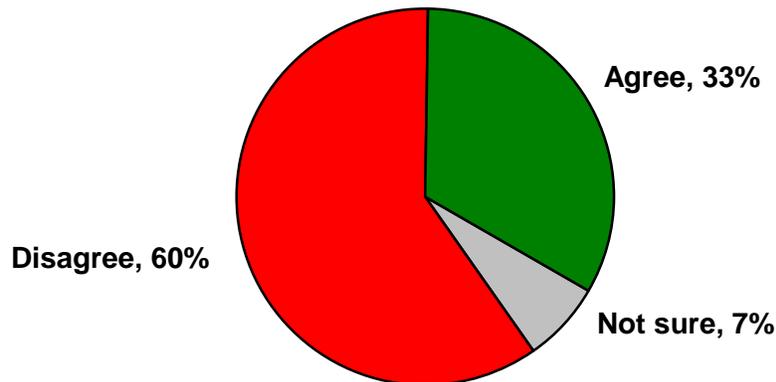
Voter Concern about the Size of a Recent \$20.6 Million Court Judgment



“Recently a court made a \$20.6 million judgment against a hospital when a child was born with cerebral palsy. Does this seem like a reasonable award to you, or too high?”

By about two-to-one voters reject the argument that “the only way to stop (hospitals and doctors) from making mistakes is to get their attention through large legal awards.” Only 33% of voters agree with that assertion, while 60% disagree.

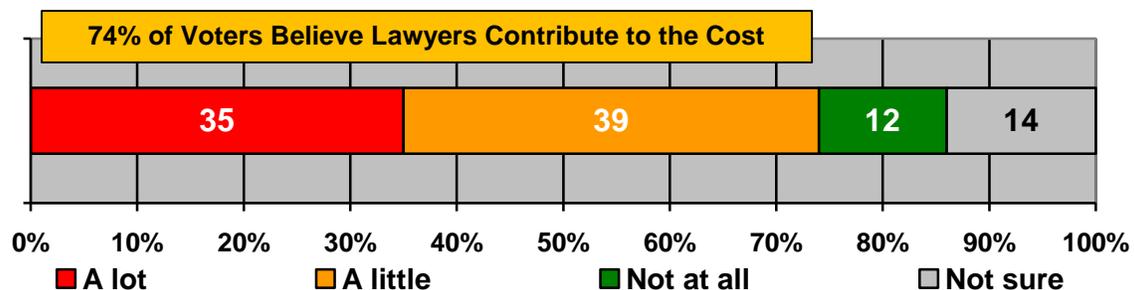
Are Large Legal Awards Needed to Stop Medical Mistakes?



“Trial lawyers who oppose this legislation say hospitals and doctors make a lot of money, and frequently make mistakes. The only way to stop them from making mistakes is to get their attention through large legal awards. Do you agree or disagree with this argument?”

As a basic outlook, voters are strongly inclined to believe that trial lawyers contribute to the high cost of health care because of lawsuits against doctors and hospitals. Three-quarters (74%) of Maryland voters think trial lawyers contribute to high health care costs, with one in three (35%) thinking trial lawyers contribute “a lot” to those costs.

Contribution of Trial Lawyers to High Cost of Health Care



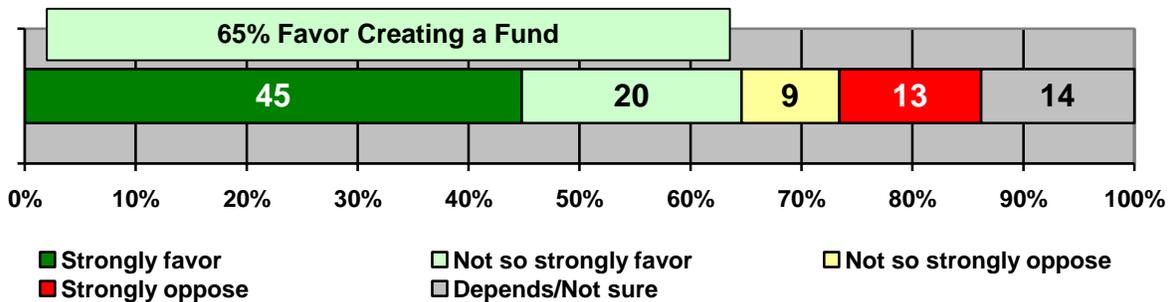
“Do you tend to think that trial lawyers contribute a lot, a little, or not at all to the high cost of health care because of lawsuits against doctors and hospitals?”

Strong Informed Support for a Birth Injury Fund

After hearing and commenting on this series of facts, voters were asked again to express their support or opposition for creating a birth injury fund. **Nearly two-thirds of voters (65%) said they favor creating the fund, with 45% of voters favoring it strongly.** This compares to only 22% opposition, with only 13% opposing the concept strongly.

Informed Support for Creating and Injured Baby Fund

Strength of Support or Opposition after Hearing Facts



*“We have discussed a lot of facts. Just summing everything up, how do you feel now? Do you favor or oppose creating {an injured baby fund/a birth injury fund} in Maryland?”
 (If favor or oppose): “Do you feel that way strongly or not so strongly?”*

Support for creation of a birth injury fund is strong across the state, with solid majorities in both major parties supporting the measure. These subgroup numbers are found below.

Support for an Injured Baby Fund by Subgroup

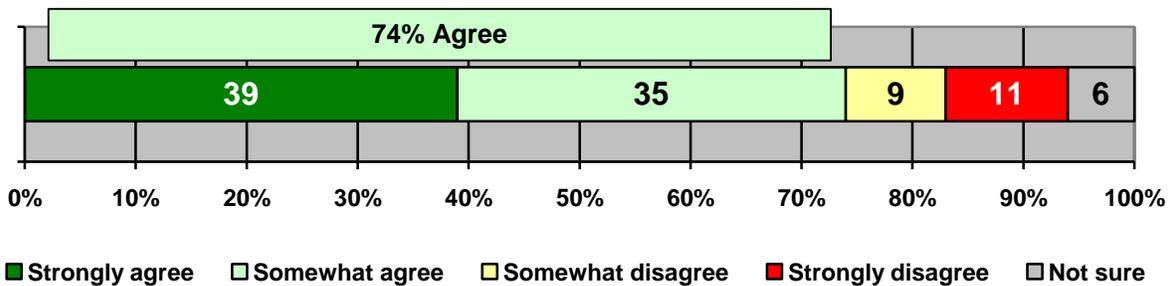
Voter Group	Favor	Oppose	Margin
All Voters	65%	22%	+ 43%
Women	66%	21%	+ 45%
Men	63%	22%	+ 41%
Whites	61%	23%	+ 38%
African-Americans	81%	13%	+ 68%
All Others	53%	29%	+ 24%
Baltimore City	70%	12%	+ 58%
Baltimore County	64%	20%	+ 44%
Montgomery County	57%	30%	+ 27%
Prince George’s County	68%	23%	+ 45%
Central Maryland (Anne Arundel, Baltimore City, Baltimore County, Carroll, Charles, Frederick, Harford, Howard, Montgomery, Prince George’s)	64%	21%	+ 43%
Rural Counties (14 counties in Western Maryland, Southern Maryland, Eastern Shore)	65%	24%	+ 41%
Democrats	69%	19%	+ 50%
Republicans	52%	30%	+ 22%
Unaffiliated Voters/Third Parties	68%	18%	+ 50%

Numbers may not always appear to add correctly due to rounding.

In fact, support is so strong across party lines that voters of all stripes see this issue as an opportunity for “a common sense reform that both the Democratic legislature and Republican Governor could get together and support, across party lines.” Three-quarters of votes (74%) see that opportunity for the Governor and General Assembly.

A Common Sense Reform across Party Lines

An Opportunity for the Democratic Legislature and Republican Governor

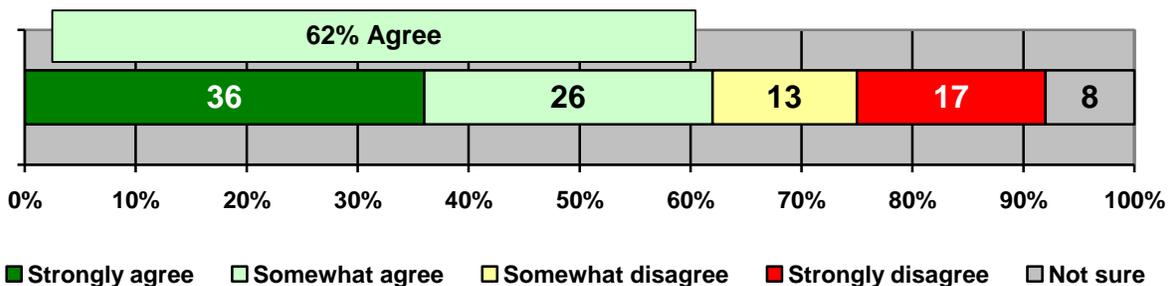


“Please tell me whether you strongly agree, somewhat agree, somewhat disagree, or strongly disagree with this statement. The {injured baby fund/birth injury fund} sounds like a common sense reform that both the Democratic legislature and Republican Governor could get together and support, across party lines.”

Support is so strong that by more than two-to-one (62% to 30%), voters believe the birth injury fund is “important and should be passed into law this year, rather than being delayed until a future year.”

A Desire to Pass It Now

Important and Should Be Passed into Law this Year



“Do you strongly agree, somewhat agree, somewhat disagree, or strongly disagree with this statement? The {injured baby fund/birth injury fund} is important and should be passed into law this year, rather than being delayed until a future year.”

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How This Poll Was Conducted

OpinionWorks interviewed 500 randomly-selected registered voters across Maryland by telephone February 3–11, 2015. The interviews were conducted by trained and supervised live interviewers who are skilled in opinion research best practices.

The poll has a potential sampling error of no more than $\pm 4.5\%$ at a 95% confidence level, meaning that at least 95% of the time the survey results would differ by no more than that margin if every registered voter in Maryland had been interviewed.

Interviewees were drawn randomly from the database of registered voters, supplied by the State Board of Elections and matched with landline and cellular telephone numbers by a commercial vendor. The sample was balanced geographically and by political party during interviewing, and respondents were screened to ensure that only registered voters were interviewed. Weights were applied to bring the voter sample into compliance with the demographic breakdown of the registered voter population.

Brief Background on OpinionWorks

OpinionWorks conducts frequent opinion studies at the state and local level across the country. We are the polling organization for *The Baltimore Sun* newspaper in Maryland, and have polled for numerous other media throughout the Mid-Atlantic region. We have conducted statewide surveys for the court systems in Florida and Utah; for the health departments in West Virginia and the District of Columbia; for public universities in New York, Maryland, and Utah; and for conservation agencies and advocates in Pennsylvania, Maryland, Virginia, and Delaware. In addition to these public surveys, we assess donor and customer relationships for a variety of non-profit and for-profit entities nationally.