



2017 Legislative Agenda

Maryland's Behavioral Health Crisis

Problem:

Marylanders suffering from **mental health and substance use disorders** are unable to get the care they need for these chronic, complex diseases.

Solution:

Recruit and retain a quality behavioral health **workforce**, expand access to **telehealth** for behavioral health patients, and **ensure timely assessments and transitions** to appropriate care settings.

How legislators can help:

Support a predictable annual rate increase for community behavioral health providers, **pass legislation** that expands telehealth services, and **block legislation** that prevents the efficient delivery of care for behavioral health patients.

Maryland's Hidden Health Care Tax

Problem:

Maryland's **\$364 million tax** on hospital bills **raises health costs for Marylanders** and threatens Maryland's eligibility for more than \$2 billion annually in federal funds.

Solution:

Uphold the agreement to **reduce the Medicaid tax** on patients' hospital bills by at least \$25 million annually.

How legislators can help:

During budget negotiations, **keep the commitment** to a \$25 million annual spend-down and support efforts to accelerate and eliminate the tax.

Maryland's Out-of-Control Liability Costs

Problem:

Maryland's **litigious medical malpractice environment** hinders the states' work to provide efficient, low-cost health care.

Solution:

Eliminate the litigation lottery to curb "defensive medicine," and ensure that health care resources are spent on patients and not diverted to trial lawyers.

How legislators can help:

Reject attempts to raise the state's cap on non-economic damages and support legislation to create a **no-fault birth injury fund** that improves access to care, lowers costs, and ensures that **families, not trial lawyers**, receive the compensation they deserve.

Fast Facts

Maryland's Behavioral Health Crisis

- The crisis is exacting a heavy toll on Maryland's families. From 2012 to 2015, drug- and alcohol-related intoxication **deaths jumped 58 percent**.
- In 2014, just **14 percent** of the psychiatrists listed on Maryland's health exchange were accepting new patients and were available for an appointment within 45 days.
- Emergency Department visits by behavioral health patients **increased 11 percent** between 2013 and 2015.
- Due to a lack of community resources, the readmissions rate for mental health and substance use disorder patients in 2015 was **16.3 percent**, nearly 4 percentage points above the readmissions rate for non-behavioral health patients.

Maryland's Hidden Health Care Tax

- The tax was implemented in 2009 as a **temporary \$19 million assessment** to bolster the state's struggling Medicaid budget.
- The tax has increased by more than **1,800 percent**, ballooning to \$364 million a year.
- Marylanders' hospital bills **increase by 2.3 percent** as a result of this tax, but the funds go to the state, not to hospitals.
- The tax **hinders the innovative work the state is doing** to keep costs down and expand care beyond hospital walls.
- The tax **threatens the success** of the Medicare waiver, which could jeopardize more than \$2 billion annually in federal funds for the state.

Maryland's Out-of-Control Liability Costs

- **Maryland ranks ninth** in the nation in per capita medical malpractice payouts. In 2015, Maryland's total medical malpractice payout amount was more than \$108 million.
- Defensive medical orders — doctors and others protecting themselves from exposure to liability by ordering unnecessary tests, procedures, etc. — account for **13 percent** of all hospital spending; in Maryland, this translates to **\$2.1 billion in unnecessary spending**.
- This climate hits obstetricians and gynecologists hard: they face the third-most lawsuits among specialists. And **half of all claims** against ob-gyns are found without merit.
- In a 2015 American Congress of Obstetricians and Gynecologists survey, **14 percent** of OBs said they were treating fewer high-risk patients, and **4 percent** stopped practicing. Also, of the 20 percent of licensed ob-gyns who provide only gynecologic care, **84 percent** had previously provided obstetric care.

Contact

Pete Baron, Director,
Government Relations
pbaron@mhaonline.org

Brian Frazee, Director,
Government Relations
bfrazee@mhaonline.org

Jennifer Witten, Director,
Government Relations
jwitten@mhaonline.org

Jane Krienke
Legislative Aide
jkrienke@mhaonline.org