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specifically for
*The Maryland
Association for
Justice*

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Click on *Find Legislation:*

By Number. Enter the bill
number. For example:

sb170 would be the budget
bill. You can read the bill
summary, text,
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passed and eventually
whether the governor
signed or vetoed the bill.

A view of the
State House from
our Annapolis office



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Law Offices of Alexander & Cleaver

Out of Annapolis 2017: Government Relations Report for The Maryland Association for Justice

The 2017 Session and Beyond

The 2017 Maryland General Assembly session marked the third year of Governor Hogan's term and saw ten legislators appointed to the House or Senate since the conclusion of the 2016 legislative session, including seven new Delegates as well as three Delegates being appointed to the Senate.

In addition, there were some leadership changes in both chambers. In the House, Speaker Busch appointed Delegate Anne Kaiser (D-Montgomery) to Chair the powerful Ways & Means Committee. Following the resignation of Chairman Pete Hammen to join Mayor Catherine Pugh's administration, the House Government Operations Committee received a new Chair in Delegate Shane Pendergrass (D-Howard) and Delegate Eric Bromwell (D-Baltimore County) as Vice Chair. Finally, the Speaker tapped Delegate Bill Frick (D-Montgomery) as Majority Leader.

In the Senate, President Miller elevated Senator Bill Ferguson (D-Baltimore City) to Chair the Executive Nominations Committee. With the retirement of Senator Lisa Gladden (D-Baltimore City), the Senate President appointed Senator Delores Kelley (D-Baltimore County) as Vice Chair of the Judicial Proceedings Committee.

During the 2017 legislative session, the budget was only one among several other big issues, including legislation to require paid sick leave, address prescription drug price gouging, combat the opioid and heroin epidemic, ban hydraulic fracturing, and modest changes to Maryland tax code.

Budget

Due to significant and surprising revenue write downs, the Governor and General Assembly faced budget shortfalls of approximately \$400 million. Keeping his campaign pledge to restrain spending, Governor Hogan offered an FY18 budget with only 1% spending growth. Without much rancor, the budget process moved relatively smoothly through the legislature. Looking ahead, state fiscal leaders are concerned about federal budget reductions and their projected impacts on the Maryland economy and state revenues. While there is \$860 million set aside in the state's rainy day fund and an additional \$100.2 million projected positive fund balance for FY18, it is estimated that there will be a \$666 million budget shortfall for FY19 – and it is estimated that over the next 4 years, there will be a \$4.5 billion cumulative state budget shortfall. These are issues that we will be monitoring closely for clients over the next 9 months leading to the 2018 General Assembly session.

Paid Sick Leave

Paid, or earned sick leave, has been seriously debated among the Democratic leadership in the legislature for the last four years. This session, Governor Hogan also proposed legislation that would have required businesses with 50 or more employees to offer 40 hours of paid time off annually. In addition, the Hogan Administration offered tax credits to incentivize employers with less than 50 employees to provide paid sick leave to their employees. Ultimately, the legislature advanced a different version of the legislation that would require businesses with 15 or more employees to offer paid sick leave. Certain businesses with less than 15 employees would be required to offer unpaid sick leave. The bill passed with a slight majority that could override the veto threatened by the Hogan Administration. We are still awaiting action from the Governor on this issue.



As the President of the Government Relations Division, I want to thank you for choosing Alexander & Cleaver as your government relations team.

With the dust now settling on the 2017 General Assembly Session, look for us to reach out to you soon to begin strategizing about how best to utilize the 9-month interim to advance your issues before 2018 Session convenes next January. Our work is only beginning.

In the meantime, we hope to see you at our 2017 Legislative Wrap-up with House/Senate Majority/Minority Leaders on April 26, 2017, at our Annapolis office. In addition, please feel free to call on me anytime at (410) 974-9000.

—Robert Garagiola



Prescription Drug Pricing

As a result of news reports on prescription drug pricing, two bills were introduced with the stated purpose of addressing perceived pricing concerns. One bill, sought to increase drug pricing transparency by requiring drug manufacturers to submit annual detailed reports to the Department of Health. The reports would be publicly posted on the Department's website and all information subject to freedom of information requests. The Senate version of the bill was rewritten as a study of drug pricing transparency laws and initiatives from around the country. Ultimately, the bill failed to pass. The second bill, one of Attorney General Brian Frosh's top priorities, would address how drug manufacturers price their drugs. It was passed by the legislature, but Governor Hogan has not yet decided whether to veto the bill. If it becomes law, it will make Maryland the first state in the nation to give the Attorney General the legal standing to investigate and sue generic and off-patent pharmaceutical manufacturers if he believes that the company's drug price increase is unconscionable.

Opioid Epidemic

In a bi-partisan effort, the Maryland General Assembly, working with the Administration, unanimously passed a package of bills to help address Maryland's epidemic of opioid abuse. These bills require a provider to prescribe the lowest effective dose of an opioid, increase access to overdose-reversal drugs, enhance substance abuse treatment protocols for hospitals, and require opioid education programs in schools.

Fracking Ban

In a surprise announcement about two-thirds into the session, Governor Hogan announced that he would support legislation that would ban hydraulic fracturing in Maryland. Hydraulic fracturing – or fracking – is a mechanism to draw out shale gas from deep in the ground. Some saw fracking as an economic development opportunity while others saw environmental concerns, particularly with respect to possible water and air contamination. A bill was signed into law banning the practice on April 5, 2017.

Tax Credits

Finally, there were several bills making changes to the tax code – mostly in the form of targeted tax credits or tax reductions – related to manufacturing, research and development, cybersecurity, and first responders.

As we look to the fourth year in the term and the election season heating up as we march toward 2018, you can be sure there will be much to do over the next nine months before the 2018 General Assembly session. The budget, tax issues, health care, environmental and labor issues will certainly take center stage. On top of the many unresolved issues the General Assembly may take up in 2018, there will be also be an extra layer of electoral politics to consider as the Governor, Comptroller, and entire General Assembly are all up for election. Republicans and Democrats alike will be dually focused on accomplishing goals during the next session to help gain advantage in the June 2018 primary election. Now is the time to lay the groundwork to have the best opportunity to impact state policy in the coming year.

If you would like more information on any of these issues, or others that were not addressed, please do not hesitate to contact us at (410) 974-9000.

Sine Die Report

Introduction

The Maryland Association for Justice (MAJ) had a productive 2017 legislative session. Throughout the session, your Alexander & Cleaver (A&C) lobbying team worked hard to ensure the success of bills that MAJ championed and the failure of bills that would be detrimental to the civil justice system.

During the 2017 General Assembly session, legislators introduced 2,879 bills, proposed constitutional amendments, and resolutions. The session runs for 90 days from early January through mid-April. The A&C team (Rob Garagiola, Lorenzo Bellamy, Camille Fesche, and Josh Howe) and the MAJ Legislative Committee met every Monday during this time to set our strategy for the upcoming week. The work included reviewing upcoming bill hearings, planning meetings with legislators, and working on bills and amendments.

In total, the legislative committee tracked approximately 230 bills and testified at approximately 65 hearings. During the week, members of the legislative team worked diligently to advocate on behalf of MAJ by testifying before seven of the legislature's ten standing committees, attending meetings with legislators, drafting one-pagers explaining MAJ's positions on bills, and making phone calls to the legislature's leadership. We kicked off the session with our annual cocktail reception at Red Red Wine on Main Street in downtown Annapolis. This reception continues to draw a significant number of legislators, including those in leadership. We were delighted at the number of legislators

from both parties who attended. MAJ members were able to speak with legislators about MAJ's mission and their work as attorneys who represent Marylanders across the state. Our feedback from the event assured us that the legislators who attended left with a better understanding of MAJ's goals and a positive impression of the organization.

In addition to the kick off reception, members of the MAJ Legislative Committee hosted a joint dinner for the House Judiciary and Senate Judicial Proceedings committees in February. Committee dinners are often the most effective ways for associations like MAJ to get to know and build relationships with senators and delegates that preside over issues of interest to the Association.

Looking forward, the legislative committee will meet periodically during the interim to review the 2017 bills and begin working on MAJ's priorities for the 2018 legislative session. We look forward to hitting the ground running in 2018.

The following report summarizes the most important pieces of legislation from the 2017 legislative session.

Primary Legislation

HB 5 | SB 403 - Private Passenger Motor Vehicle Liability Insurance - Enhanced Underinsured Motorist Coverage (Del. Barkley – Sen. Astle)

This bill was MAJ's number one priority this session. It was introduced in previous sessions and every year it was reworked during the interim in order to sharpen the language, address detractors' concerns, and advance the issue. During the 2016 interim the A&C team met with legislators and developed collateral material for legislators to understand the potential gaps in UIM coverage.

The bill requires insurance companies to sell enhanced underinsured motorist coverage under a private passenger motor vehicle liability insurance policy. The law's effective date is July 1, 2018.

Members from MAJ and A&C testified before the Economic Matters and Finance Committees early in session. The house version of the bill flew through the committees and was defended by sponsors on the respective chamber floors. The bill was presented to the Governor before the end of session with overwhelmingly bipartisan support. The Governor allowed the bill to be enacted without his signature prior to the end of the legislative session.

SB 1037 - Health Care Malpractice Qualified Expert - Limitation on Testimony in Personal Injury Claims – Repeal (Sen. Ramirez)

This bill would have repealed the "20% rule," which is the requirement that a health care provider who also does work as qualified expert devote no more than 20% of the provider's professional activities to activities that directly involve testimony in personal injury claims.

The bill got off to a late start, but with the help of

the bill sponsor, and the diligent work from the MAJ legislative team in coordination with A&C, the bill received a full hearing before the Judicial Proceedings Committee. MAJ legislative committee members well versed in the issues created by this rule for medical malpractice cases, clearly presented the issue and gained support for the concept during the hearing. This A&C team will continue to educate the members of Senate Judicial Proceedings and House Judiciary on the issue over the interim to set the bill up for the 2018 legislative session.

SB 836 – Civil Actions – Punitive Damages (Sen. Norman)

Owens-Illinois v. Zenobia, 325 Md. 420 (1992) changed the way in which punitive damages are awarded in Maryland. Under current law, punitive damages may be awarded only if there has been a determination of "actual malice."

This bill would redefine when punitive damages may be awarded by providing that punitive damages may be awarded in a civil action if the plaintiff proves by clear and convincing evidence that the defendant acted with wantonness (reckless indifference for the rights of others), fraud, or malice. The bill also requires the trier of fact to consider a defendant's liability for punitive damages and ability to pay any imposed punitive damages. Unfortunately, despite our hard work, this bill did not receive a vote this session.

Interestingly, this year we have seen punitive damages appear in a few pieces of legislation which were not spearheaded by MAJ. We believe this to be a positive result of our efforts to educate legislators. MAJ and A&C will continue to advocate for the availability of punitive damages.

SB 911 – Courts – Direct Action Against Insurer (Sen. Zirkin)

This bill would cause the court to inform civil

juries that the defendant has insurance and the insurance company is available to help with victim recovery should the victim agree to the defendant's insurance caps. Specifically the bill requires that an insurance policy be construed to make the insurer directly liable. Importantly, this bill would ensure that a third party claimant has a right of direct action against an insurer. Despite our hard work with the bill sponsor, this bill did not receive a vote this session. MAJ and A&C will continue to support the bill's sponsor next year in the effort to increase just recovery for victims.

HB 1347 | SB 877 – Maryland No – Fault Birth Injury Fund (Del. Cullison – Sen. Kelley)

This bill was MAJ's defensive priority for this session. During the interim, the A&C team along with members from the MAJ legislative committee met with co-sponsors from last year's bill to educate them on the bill's problems. We managed to peel off 12 cosponsors from last year's bill.

This bill, like last year's bill, would establish the Maryland No-Fault Birth Injury Fund to provide compensation to children who were harmed by a birth-related neurological injury. It would provide compensation to the injured victim, on a no-fault basis, for a limited class of catastrophic injuries that result in unusually high costs for custodial care and rehabilitation. Further, the bill would allow insurance companies to pass the costs of the financing and administering of the Fund along to its insureds. The bill received hearings in both the House and Senate, but as a result of our constant vigilance, it was not voted on in committee and expired on Sine Die. MAJ will continue to monitor for such legislation to ensure a birth injury fund is not established in Maryland.

HB 777 | SB 783 - Patient Early Intervention Programs (Del. Dumais – Sen. Cassilly)

This bill became a defensive priority when it was

surprisingly voted out of the Senate Judicial Proceedings Committee. The bill authorizes a hospital or related institution to establish a "patient early intervention program." Statements made by a party during a discussion held while the program is in place are inadmissible in a medical malpractice law suit. Quick action from the MAJ legislative committee in coordination with A&C and other legislative allies caused the bill to be recommitted back to the Judicial Proceedings committee where it remained on Sine Die.

Motor Vehicles

HB 31 - Motor Vehicle Administration - Public Records Inspections - Young Persons (Del. Conaway)

This bill would prohibit the Motor Vehicle Administration from opening to public inspection specified records of specified driver's license suspensions that apply to specified young persons until the date that the suspension commences. MAJ opposed this bill because it would harm tort victims by denying them access to the tortfeasor's driving record. MAJ opposed this bill before the committee, and it received an unfavorable report.

HB 916 - Motor Vehicle Insurance - Discrimination in Underwriting and Rating – Prohibitions (Del. Sydnor)

This bill would prohibit an automobile insurer from increasing the premium for a widow or widower based solely on the insured's change in marital status. MAJ supported this bill to protect auto insurance consumers from premium increases. This bill unanimously passed the House of Delegates and is awaiting Governor Hogan's approval.

HB1295 | SB 533 - Low-Cost Automobile Insurance Program (Del. Brooks – Sen. Benson)

This bill would establish a Low-Cost Automobile Insurance Program and making it a part of the Maryland Automobile Insurance Fund. The Low-Cost Program would sell automobile insurance to Marylanders making under a certain level of income. MAJ opposed this bill because the Low-Cost Program would offer liability coverage in the amounts of \$15,000/ \$30,000, which is half of current Maryland minimums. This bill received an unfavorable report by the House Economic Matters Committee and no vote in the Senate Finance Committee.

HB 1541 – SB 910 - Maryland Automobile Insurance Fund – Operations (Del. Brooks – Sen. Middleton)

The bill would repeal an exception for the Maryland Automobile Insurance Fund from specified provisions of law governing the imposition of a specified premium tax. The bill would also alter provisions of law governing prior approval rate making to exclude the Fund. In addition, the bill would exempt the Fund from the requirements of the Open Meetings Act. MAJ opposed this legislation. Unfortunately, despite our best efforts, the Senate version of this bill made it through both houses and is awaiting the Governor's approval.

SB 290 - Motor Vehicle Liability Insurance Policies - Placement and Reinstatement (Sen. Middleton)

This bill would authorize the Maryland Automobile Insurance Fund to sell motor vehicle liability insurance policy to a person that commutes to a full-time job in the State of Maryland and resides in a state that is immediately adjacent to this State. MAJ opposed this bill on policy grounds, but unfortunately the bill made it through both houses and is awaiting

Governor Hogan's approval.

SB 534 - Motor Vehicle Insurance - Discrimination in Underwriting and Rating – Prohibitions (Sen. Benson)

This bill would prohibit an automobile insurer from refusing to underwrite, canceling, refusing to renew, rating a risk, or increasing a renewal premium based, in whole or in part, on the marital status or employment or occupation of or education level attained by the insured or applicant. It also would repeal specified provisions of law authorizing an insurer to use the credit history of an applicant to rate a new policy of private passenger motor vehicle insurance. MAJ supported this legislation as it allows for insureds to retain adequate coverage at agreeable premium amounts. The bill made it through both houses and is currently awaiting Governor Hogan's approval.

SB 1058 - Aggressive Drunk Driving - Punitive Damages (Sen. Brochin)

Senator Brochin introduced this bill, which is the same as the bill introduced last year by then Senator (now Congressman) Raskin. This bill would provide that a person who causes personal injury or wrongful death while operating or attempting to operate a motor vehicle, and who has a 0.15 or more alcohol concentration in the person's blood or breath or who refuses to submit to a chemical test for alcohol concentration, is liable for punitive damages. Liability for punitive damages is limited to the person operating or attempting to operate the motor vehicle. Unfortunately, the contentious nature of punitive damages meant that this bill received an unfavorable report. As discussed above, MAJ will continue to pursue punitive damage legislation to ensure better victim recovery.

Torts & Claims

HB219 | SB 106 – Carroll County – Local Government Tort Claims Act (Carroll County Delegation – Sen. Ready)

This bill would remove a reference to a specified public transportation provider in Carroll County from the definition of "local government" under the Local Government Tort Claims Act and allow Carroll County to designate whichever bus company it contracts with as "local government." MAJ vehemently opposed this bill because the bus company contracted by Carroll County would be considered "local government" throughout the state, even if the bus company commits a tort in another county. Unfortunately, this bill has the support of the Carroll County Delegation and passed through both Houses. The bills were signed into law by Governor Hogan.

HB 222 | SB 528 - Courts - Concealment of Public Hazards (Sunshine in Litigation Act) (Del. Morales – Sen. Kelley)

The bill would prohibit a court from entering an order or a judgment that conceals information related to a public hazard, and any confidentiality provisions that conceal information related to a public hazard are unenforceable. In addition, the bill provides that a substantially affected person, including news media, has standing to contest an order, a judgment, an agreement, or a contract that violates the law and may bring an action for declaratory judgment. MAJ supported this bill, unfortunately it received an unfavorable report from House Judiciary and was withdrawn.

HB 540 | SB 947 – Hate Crimes – Civil Remedy (Del. Kramer – Sen. Smith)

This bill would provide that a person who is aggrieved by a violation of specified hate crime laws may bring a civil action against the person or persons who committed the violation in a court of competent jurisdiction. The court may impose

an injunction and award specified damages. MAJ testified in favor of this bill with an amendment that would take out a "loser pays" provision. Unfortunately, this bill received unfavorable reports in both house committees.

HB 604 | SB 802 - Courts and Judicial Proceedings - Venue - Health Care (Del. Sydnor – Sen. Kelley)

This bill would specify that the venue for the purposes of specified health care proceedings would occur the county where an alleged negligent act or omission occurred. MAJ opposed this bill and as a result both versions of the bill failed in committee.

HB772 | SB 287 - Civil Action - Unauthorized Access to Computers and Data (Del. Lisanti – Sen. Lee)

This bill would authorize a victim of a specified offense to bring a civil action for damages against the tortfeasor, and includes the possibility of recovering reasonable attorney's fees and court costs. MAJ supported this bill and offered an amendment that would change the "actual damages" provision to "compensatory damages." MAJ conferred with the sponsor to approve the amendments, but both house committees gave unfavorable reports on this legislation.

HB 849 | SB 615 - Courts - Physical Invasion of Privacy - Civil Cause of Action (Del. Moon – Sen. Ramirez)

This bill would prohibit a person from knowingly entering onto the land or into the airspace (ex. using a drone) above the land of another person without permission or otherwise committing a trespass in order to capture a visual image, sound recording, or other physical impression of the person(s) on their private land. MAJ was asked by the sponsors to support the bill because it creates a civil cause of action. MAJ testified before the House Judiciary where the bill

was voted unfavorable. The Senate version of the bill did not receive a hearing.

HB 1373 | SB 336 - Maryland Tort Claims Act - Certain Claim Requirement
(Del. Wilkins – Sen. Manno)

The bill would repeal the requirement that a claimant make a specified motion and show good cause before a court may entertain a specified action under the Maryland Tort Claims Act. This bill further requires a court to entertain an action under the Maryland Tort Claims Act even if a claimant fails to submit a specified written claim. MAJ supported this bill, unfortunately the bills received unfavorable reports from their respective committees.

HB 1385 | SB 961 - Vehicle Laws - Rental Vehicles – Security
(Del. Valderrama – Sen. Klausmeier)

This bill would establish that the owner of a rental vehicle may satisfy a specified insurance requirement by maintaining a specified security that is secondary to any other valid and collectible coverage. It requires a motor vehicle rental company to disclose specified information about a person that rents or is authorized to drive a rental vehicle to a specified person under specified circumstances. MAJ supported this bill with amendments, however it failed in the House Economic Matters committee, and did not receive a vote in Senate Finance Committee.

HB 1436 - Civil Actions - Duty to Render Assistance (Del. Lisanti)

This bill requires an individual to provide reasonable assistance to specified individuals who are under threat of or have incurred serious physical injury if providing assistance does not endanger self or others. It establishes a civil penalty of \$250 for a violation and provides civil immunity for a specified individual who renders reasonable assistance to specified individuals.

MAJ opposed this bill due to the immunities given to those attempting to provide care. The bill received an unfavorable report from the House Judiciary Committee.

HB 1459 | SB 682 - Civil Actions - Noneconomic Damages
(Del. Anderson – Sen. Ramirez)

This bill would increase the maximum amount of noneconomic damages that may be recovered in specified wrongful death actions or survival actions. It provides that a jury may be informed of specified limitations on noneconomic damages in specified civil actions. MAJ offered multiple panels of testifiers to support this legislation. The bills did not receive votes out of committee but MAJ will continue to educate the legislature on the benefits of raising the catastrophic injury cap.

SB 143 – Injury to or Death of Pet – Damages
(Sen. Zirkin)

This bill would provide that a person who tortuously causes an injury to or death of a pet while acting through an animal under the person's ownership is liable to the owner of the pet for compensatory damages. It repeals the \$7,500 cap on compensatory damages. MAJ supported this legislation and the bill is awaiting the Governor's signature for codification.

SB 144 - Civil Actions – Pre-litigation Discovery of Insurance Coverage (Sen. Zirkin)

This bill would authorize the pre-litigation discovery of insurance coverage information relating to claims involving vehicle accidents applicable to claims involving any tort involving death or bodily injury. It provides that an insurer is only required to provide a claimant with documentation of the applicable limits of coverage in a specified automobile insurance policy, homeowner's insurance policy, or renter's insurance policy. MAJ supported this bill. The bill moved unanimously out of the Senate but

received an unfavorable report from the House Judiciary Committee.

SB 443 - Courts - Forcible Entry Into Vehicle to Assist Trapped Animal – Immunity
(Sen. Salling)

This bill would establish that a person is not criminally or civilly liable for damage resulting from the forcible entry into a motor vehicle for the purpose of removing an animal from the vehicle under specified circumstances. MAJ opposed this bill because of the immunity and the bill received an unfavorable report from the Senate Judicial Proceedings Committee.

Worker's Compensation

HB 344 | SB751 - State Retirement and Pension System - Disability Retirement and Workers' Compensation Benefits – Offsets
(Del. Lierman – Sen. Guzzone)

This bill would exempt ordinary disability retirement benefits from the requirement that they be offset by related workers' compensation benefits. It repeals the requirement for the Board of Trustees for the State Retirement and Pension System to reduce accidental or special disability retirement benefits by related workers' compensation benefits. In addition, it requires the Workers' Compensation Commission to reduce workers' compensation benefits by related accidental or special disability retirement benefits under specified circumstances. MAJ supported this bill, but unfortunately the bill received no action in the Senate and died in the House committee.

HB 559 – SB 51 - Workers' Compensation - Permanent Total Disability - Survival of Claim
(Del. Clippinger – Sen. Klausmeier)

This bill would provide that the right to compensation for permanent total disability due in part to accidental personal injury or resulting

from an occupational disease and payable under specified provisions of law survives to specified individuals. MAJ requested this legislation to be introduced and supported it during the respective committee hearings. Unfortunately, this bill received an unfavorable report in House Economic Matters and received no action in the Senate.

HB 995 - Workers' Compensation - Covered Employees - Performance of Essential Services During State of Emergency
(Del. Waldstreicher)

The bill would clarify that an individual who is employed by a unit of State government or a political subdivision in the State and provides essential services for the safety, care, and welfare of the people during a specified emergency is a covered employee for workers' compensation while traveling to and from the performance of specified essential services during the emergency. MAJ supported this bill, but the bill did not receive a favorable report from the House Economic Matters Committee.

HB 1101 | SB 576 - Workers' Compensation - Permanent Partial Disability - State Correctional Officers
(Del. Buckel – Sen. Klausmeier)

The bill provides for enhanced workers' compensation benefits for a State correctional officer for a compensable permanent partial disability of less than 75 weeks. It provides that the Act applies only prospectively and may not be applied or interpreted to have any effect on or application to any claims arising before October 1, 2017. MAJ supported this legislation, however it received an unfavorable report from the Economic Matters Committee.

HB 1293 | SB 425 - Workers' Compensation - Permanent Partial Disability - Survival of Claim (Del. Valderrama – Sen. Klausmeier)

This bill would limit the survivability of the right to compensation for permanent partial disability payable under specified provisions of law to total compensation not exceeding \$65,000. MAJ opposed this bill. The bill received no action in the Senate and an unfavorable report from House Economic Matters.

HB 1294 | SB 426 - Workers' Compensation - Permanent Total Disability - Survival of Claim (Del. Valderrama – Sen. Klausmeier)

The bill increases, from \$45,000 to \$65,000, the limitation on the survivability of the right to compensation for permanent total disability payable under specified provisions of law. MAJ supported the bill with an amendment to raise the limit to \$125,000. Unfortunately, the bill was approved by the Governor with the lower amount and is now codified.

HB 1484 | SB 194 - Workers' Compensation - Medical Benefits - Payment of Medical Services and Treatment (Del. Glen – Sen. Klausmeier)

The bill requires a provider to submit to an employer or an employer's insurer, within a specified period of time, a bill for specified medical services or treatment to a covered employee. It prohibits the employer or the employer's insurer from being required to pay a bill submitted after a specified period of time. MAJ opposed this legislation. Unfortunately, it made its way through both houses and is now awaiting Governor Hogan's approval.

Medical Malpractice

HB 370 | SB354 - Richard E. Israel and Roger "Pip" Moyer End-of-Life Option Act (Del. Pendergrass – Sen. Guzzone)

This bill would authorize an individual to request aid in dying by requesting the requisite drugs from a doctor. The bill provides for a number of safeguards in an attempt to ensure that the person requesting aid in dying is not being coerced in any way. MAJ took no position on this bill, but was closely monitoring it for immunities. The bill failed in joint committee.

HB 601 | SB 248 - Senior Call-Check Service and Notification Program – Establishment (Del. Kramer – Sen. Middleton)

This bill establishes the Senior Call-Check Service and Notification Program, operated by the Department of Aging. The Service regularly calls the residence of a homebound senior to check in on the senior. MAJ originally opposed this bill, but was able to offer amendments removing the civil and criminal immunities. The bill passed through both houses and is waiting Governor Hogan's approval.

HB 736 - Workgroup to Recommend Possible Reforms to Maryland's Health Care System (Del. West)

This bill would require the Secretary of Health and Mental Hygiene, if the ACA were repealed, to convene a workgroup to recommend possible reforms to the State's health care system. The workgroup, if convened, is charged with studying and assessing the impact of the repeal on Maryland and making recommendations. MAJ supported this bill with an amendment that there be trial lawyer representation in the workgroup. The sponsor was agreeable to the amendments but no action was taken on this bill.

HB 909 | SB571 - Maryland Health Insurance Coverage Protection Act

(Del. Pena – Melnyk – Sen. Middleton)

This bill would establish the Maryland Health Insurance Coverage Protection Commission. It provides that the purpose of the Commission is to conduct an assessment of the impact of potential federal changes to health care programs and to provide recommendations for State and local action to protect access of residents of the State to affordable health coverage. Similar to HB 736, MAJ supported this bill with amendments to garner representation on the workgroup. The bill passed through both Houses and was enacted after the Governor elected not to sign the bill into law.

SB 195 | HB 957 - State Board of Physicians - Medical Professional Liability Insurance Coverage -Publication (Janet's Law)

(Sen. Klausmeier – Del. Miele)

This bill would require the public individual profile of licensees of the State Board of Physicians to include whether the licensee maintains medical professional liability insurance. MAJ supported this bill. The bill passed through both houses and is awaiting Governor's approval

SB 193 - Physicians - Professional Liability Insurance Coverage - Notification and Posting Requirements (Sen. Klausmeier)

This bill would require physicians licensed to practice medicine in the State to notify patients in writing and on each visit of specified information relating to professional liability insurance coverage. It requires the notification to be signed by the patient and retained by the physicians as part of the patient records. The physician is required to post specified information in a specified location in their place of practice. MAJ supported this bill. Unfortunately, the bill was voted unfavorably by the Senate Education,

Health, and Environmental Affairs Committee.

We will have many opportunities to engage legislators during the interim. A&C will participate in a host of interim activities, including the Maryland Municipal League and Maryland Association of Counties summer conferences in June and August in Ocean City, MD, the National Council of State Legislators in Boston, MA, as well as hosting A&C client policy lunches, and other interactive events that lend well to advocacy and networking.

Thank you for entrusting us with your issues during this last session. We look forward to continuing our relationship with you next session and beyond.

Sine Die Defined

Latin translation:
"Without a (set) day" - originally from old common law texts, where it indicates that a final, dispositive order has been made in the case: there is nothing left for the court to do, so no date for further proceedings is set.

Random House Dictionary

Networking!



Make it work for you and your company!

Summer Conferences

- **Maryland Municipal League Summer Conference,** 6/25– 6/28, Ocean City, MD
- **Mid-Atlantic Conference of Regulatory Utilities Commissioners,** 6/25–28, Hershey, PA
- **Council of State Governments Eastern Regional Conference,** 8/13–8/16, Uncasville, CT
- **National Conference of State Legislatures Annual Meeting,** 8/6–8/9, Boston, MA
- **Maryland Association of Counties Summer Conference,** 8/16–8/19 Ocean City, MD

*Call Moira for details!
410-974-9000*

Alexander & Cleaver Means Business

The Maryland General Assembly adjourned on April 10, 2017, but the Alexander & Cleaver Team is still busy advocating on behalf of our clients. With offices in Annapolis, Rockville, Cumberland, LaPlata and Ft. Washington, we spend our time before various county and municipal governments and Baltimore City. We are actively engaged on issues before the DC city government as well, including issues related to procurement and local legislation.

On behalf of many clients, the team at Alexander & Cleaver is engaged in non-legislative work involving marketing, procurement, corporate image building and networking. We are active for our clients in all counties across Maryland and Baltimore City, as well as the District of Columbia.

Throughout the year **Alexander & Cleaver** holds frequent policy maker events for our clients. Our guest speakers include federal, state and local elected and appointed officials. Each event is an opportunity to meet and network in a small and informal setting.

2016 policy speakers included:

House Majority Leader **Anne Kaiser** and Senate Minority Leader **J.B. Jennings**
Comptroller of Maryland, **Peter Franchot**
Anne Arundel County Executive **Steve Schuh**
Baltimore Mayor **Catherine Pugh**
Prince Georges County Executive **Rushern Baker**
Baltimore County Executive **Kevin Kamenetz**
Department of Labor, Licensing, and Regulation, Secretary **Kelly Schulz**
Baltimore City Council Policy Event
DC Chief Procurement Officer, **George Schutter**
A&C's Annual Policy Breakfast, **Senate President Mike Miller, DHMH Secretary, Attorney General Frosh, and leadership of the General Assembly**

We host five signature events annually

- **A&C Client Policy Breakfast**
- **A&C Opening Day Reception**
- **A&C Sine Die Reception**
- **A&C MML Reception at Seacrets, Ocean City, MD**
- **A&C MACo Reception at Seacrets, Ocean City, MD**

Our attorneys and government relations consultants take active roles with our clients in national, state and local events and trade shows sponsored by the National Conference of State Legislatures, Maryland Association of Counties, Maryland Municipal League, Eastern Regional Conference of the Council of State Governments, various national political events, Maryland Chamber of Commerce and various county chambers of commerce.

Governor Bill Signings

Governor Hogan will hold the remaining bill signings on May 2 & May 4, 2017. The staff does not announce the bills that will be signed until very late in the day on the day before. We will closely monitor the lists.

Watch the bill signings live on: <http://www.governor.maryland.gov/stream.asp>

Stay Tuned for A&C's Future Expansion

While we are covering Maryland state government and many local jurisdictions throughout the state, we continue to grow our **Rockville office**, which is conveniently located across the street from the County Executive Office Building and a block from the County Council. We have also recently hired **Davion Percy**, who served as Prince George's County Councilmember Toles Chief of Staff, to bolster our **Prince George's County** coverage. Davion brings a decade of experience in Prince George's County government. Alexander & Cleaver continues to expand its local **DC government relations** practice and is exploring growth in **Virginia** and **Delaware** in the coming year.