

January 10, 2005

The Honorable Michael E. Busch
Speaker of the House
State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, I have today vetoed House Bill 2 of the Extraordinary Session of 2004 – Maryland Patients' Access to Quality Care Act of 2004.

INTRODUCTION

This extraordinary session of the General Assembly was called to address the health care access crisis in the State resulting from the rise in medical malpractice liability insurance costs. I appreciate the efforts of many members of the General Assembly who are committed to enacting meaningful reforms. I know that there are legitimate philosophical differences on this issue, and I want to thank all of the members who came to Annapolis during the holiday season to work on this matter of vital importance.

Unfortunately, the bill that has been presented to me fails to address the underlying long-term problem, fails to contain adequate legal reforms, threatens the stability of the State's largest insurer of physicians, threatens the existence of other commercial medical malpractice insurers in the State, contains constitutional flaws, has technical defects that will present major difficulties in implementing parts of the bill, hinges on a harmful tax that will serve to increase the cost of health care, and contains other policies which will harm the citizens, health care providers, and insurers of the State. For these reasons I have no choice but to veto the bill.

BACKGROUND

I will address the above items in detail below, but I will first discuss the background on this issue. There is no need to go into great detail on the problem. The full panoply of health care providers in the State has been faced with extraordinary increases in malpractice insurance premiums. These increases have been caused by large verdicts (and the resulting large settlements because of these verdicts) in medical malpractice cases. The result is that physicians and other providers are electing to close or limit their practices, causing a crisis in access to health care in the State.

During the 2004 session, I introduced legislation in the General Assembly to address the looming crisis in health care access. This legislation was defeated in the respective committees in both chambers. The House of Delegates did pass House Bill 1299 in an attempt to address some aspects of the problem and would have established a task force to study and make recommendations concerning the issue. This bill passed the House but was defeated in the Senate Judicial Proceedings Committee.