

INJURY PREVENTION:RESULTS OF SURVEY OF GENERAL ASSEMBLY MEMBERS¹

The Legal Resource Center for Tobacco Regulation, Litigation and Advocacy (“Center”) conducted interviews of members of the Maryland General Assembly to gauge the legislators’ interest in injury prevention policy. The Department identified a few areas of particular concern that were to be included in the survey, namely falls (particularly in the elderly population); motor vehicle safety, poison control and traumatic brain injury; but the Center was given discretion to address other areas of injury prevention as appropriate in the interviews. Other areas that were discussed with legislators include water safety, violence (child abuse, bullying, domestic violence, and elder abuse), and workplace injury; these topics were included because legislators expressed interest in potential policy development in those areas. This Report provides an overview of the interview process, a summary of the interviews and potential legislative proposals for the 2011 to 2014 term of the Maryland General Assembly. A Background Report summarizing some of the research the Center conducted to develop competency in injury prevention, conduct effective interviews, and make legislative proposals has also been prepared under separate cover.

SURVEY PREPARATION AND OVERVIEW OF RESULTS

Surveys of members of the General Assembly began in July and ended in December 2009. In early July, the Center sent an introductory letter to all 188 members of the Maryland General Assembly. That letter stated:

Congratulations on surviving the 2009 session; we hope you are reconnecting and reviving during the interim as best possible. We are writing to let you know of a survey we will be conducting of the members of the General Assembly on behalf of the Maryland Department of Health and Mental Hygiene (DHMH). The agency is interested in learning more about the level and range of interest of members with respect to legislation or other policy regarding injury prevention. We hope to meet with as many members as possible to discuss injury prevention policy and how the General Assembly may act to improve the lives of Marylanders, young, old and in-between. The goal is to collect this information to inform DHMH policy and legislative goals for FY2011 and beyond; we do not anticipate that legislation will be pursued in 2010.

It may surprise you to learn that the leading cause of death for all citizens from age 1 to age 44 is unintentional injury, many of which are preventable. There is plenty of data and research available from the federal and state government and in peer-reviewed published studies on the many types and causes of injury that contribute not only to the

¹ This Report was prepared pursuant to a contract between the Maryland Department of Health and Mental Hygiene and the University of Maryland, Baltimore. Specifically, this work arises out of the May 19, 2009, Modification to Contract OPASS-9-9945G. The Modification requires the University to coordinate with the Department to further injury prevention policy and specifically to: 1) Review state and national data about the leading causes of injury; 2) Research recent history of injury prevention legislation and evaluate effectiveness; 3) Create an informal survey tool to assess receptiveness to injury prevention legislation, as well as in-person discussions with legislators; and 4) Analyze collected information and prepare a summary report for the Department outlining findings, including but not limited to areas of interest, specific recommended legislative proposals, and potential advocates. The Report is due to the Department by January 15, 2010.

rate of death from injury but also the pain, suffering, loss of productivity, and economic toll of injury. We will share some of that with you when we meet and make more available consistent with your interests.

You will soon be hearing from one of us to set up a time to meet at a convenient place and time. We look forward to exploring our lovely State as we travel to meet with members in their home districts, though we can also meet in Annapolis, Baltimore or any other convenient location. We hope to see you soon.

Some members called the Center to set up meetings in response to the letter; all others were contacted by phone over the course of the six-month interview period. Some members declined the opportunity to meet; others simply never responded to written, phone and e-mail requests to meet.² By the end of December, Center staff had met with or conducted a telephone interview of 87 members of the General Assembly; most were in-person interviews by Rita Turner, others by Megan McDonald and Kathleen Dachille. Rough notes of the meetings and personal recollections were prepared and compiled to produce this summary report. The 87 members interviewed included those from districts within all 24 of Maryland's counties) and from both the Democrat and Republican Parties. Members interviewed represent urban, suburban and rural areas; they represent communities with diverse ethnic compositions and every socioeconomic layer. Some members represent communities with predominantly blue collar workers; other represent agricultural communities and yet others represent mostly white collar communities. This variety and depth demonstrate the value of the information compiled.

Prior to meeting with members, Center staff reviewed recent state and national data on the causes of injury and the nature of injuries included within the broad category of "injury prevention." Primary resources were provided by the Department and available through the Centers for Disease Control's National Center for Injury Prevention and Control. Center staff also became familiar with data and policy issues through websites and publications from the injury prevention community; helpful organizations include the Johns Hopkins Center for Injury Research and Policy, Partnership for a Safer Maryland, National Safety Council, Safe Kids USA, Children's Safety Network, American Academy of Pediatrics' TIPP (The Injury Prevention Program), Brain Injury Association, State and Territorial Injury Prevention Directors Association, and many more.

Also in preparation for interviews, Center staff reviewed the biographical information and prior legislative agenda of the relevant legislator. The Center decided upon a template for the interviews. Generally, the interview began with an open-ended question about what the legislator understood "injury prevention" to include, and then the interviewer shared with the member data about some of the major areas of injury prevention (i.e. falls, poisons, motor vehicle, TBI, fires, and water safety). Depending on the legislator's response, certain legislative possibilities were discussed, often at the initiation of the legislator. To be sure, most legislators identified certain areas of interest and the interviewer would expand that discussion. While the interviewers were clear at the beginning of the interview that there were no planned bills for the 2010 session, as expected, many members mentioned legislation they were

² Although the Center prepared a very brief survey instrument (attached here as Attachment A), once interviews began, it became clear that effective results would come from the more extended personal interview and that a bare survey tool would not yield helpful information. We also learned from staff that such survey instruments are rarely answered by the legislator; rather, an administrative assistant or legislative aid would likely complete the survey if completed at all. That is why repeated attempts were made to contact each member.

considering for 2010 and requested Center assistance. In most cases, the legislator's request was easily handled by Center staff; for more significant inquiries, referrals were made to the Johns Hopkins Center for Injury Research and Policy or other appropriate resources. Although perhaps beyond the scope of this project, such assistance is vital to maintaining a positive relationship with the legislators.

The first section below will address specific areas of inquiry previously identified by the Department as of interest as well as those issues raised frequently by legislators. The following section will describe potential legislative proposals for the 2011 to 2014 term and will identify potential legislators who would lead or contribute significantly to the policy advancement. The final section will summarize the role the Center could play in furthering injury prevention policy via legislation.

SURVEY RESULTS BY TOPIC

FALLS PREVENTION

Virtually all of the legislators expressed concern about the data on and impact of falls, particularly among the elderly, and indicated a willingness to entertain legislative proposals that would assist in reducing the injury and death associated with such falls. The caveat for almost every legislator was the fiscal impact; most expressed a strong desire for legislation that does not carry a heavy fiscal burden on the State or local governments, on businesses large and small or on individuals. There is a clear sense that today's economy pervades every legislative decision and that members could not see beyond the immediate fiscal crisis to a time when legislation with a modest price tag might be successful.

Home Inspections or Audits

One idea that was discussed with many legislators was the possibility of home inspections for those at risk for falls, particularly seniors being discharged from the hospital for fall-related injuries. An inspection would result in home modification recommendations to reduce the risk of falls, ranging from the simple replacement of rugs not firmly secured to the placement of handrails in the shower. Generally, members were receptive to the availability of such services to seniors; however, they varied greatly in the details of who would conduct the inspections. First, at least one member, Delegate McIntosh, warned that some members would bristle at the term "inspection" and suggested the term "audit" or a similar term that strikes as less invasive or regulatory and more voluntary and helpful. Many members expressed privacy concerns and concluded that any such program must be voluntary on part of the senior and should be conducted by a non-governmental entity. The most commonly supported source of inspectors was volunteer fire companies. Members expressed that these individuals are generally well-connected to the community and are perceived as good Samaritans and hence trusted. Indeed, emergency response personnel may be in the best position to identify needed home modifications when arriving at the scene of a fall to provide medical care; follow-up visits based on initial observations would be necessary. Particularly positive responses on the volunteer fire companies came from Delegates Gaines, Kelly, Malone, Sophocleus, and Sossi; and Senator Madaleno. As a former firefighter, Delegate Malone offered to address the idea with the Fire Caucus (an informal caucus of members with particular experience, expertise or interest in firefighting and emergency response issues; Center Director Kathleen Dachille worked closely with Delegate Malone and the Caucus when advancing the fire-safe cigarette legislation from 2005-2007). Delegates Vaughn and Elliott and Senator Exum expressed concern over expecting additional services from the volunteer fire companies both from a fiscal and human resources perspective.

Other possibilities suggested as a source for inspectors were home improvement contractors, home improvement supply retailers, and retail pharmacies. At least one member, Senator Gladden, expressed concern about the profit motive for such entities, particularly as the affected population is typically the elderly who suffer disproportionately from home repair fraud schemes. Others suggested these retailers and companies as an excellent resource to provide information to the community about falls prevention modifications in the home; Senator Edwards and Delegate Elliott were particularly interested in this idea. Based on concerns that the Department is already overextended, requires significant funds in the budget as is and would be perceived as government intruders, most legislators recoiled at the idea of the Department providing inspectors. Yet some members (Senator Brochin and Delegate Lafferty) suggested that local offices of the Department of Aging would be an appropriate source for inspectors as they are already connected with and trusted by the elderly community. Senator Middleton suggested that we consider non-governmental organizations that have ties to the senior community and may already be visiting seniors at home, such as Meals on Wheels. A few members contemplated whether health or home insurance companies ought to provide such services for insureds over a certain age, however, even those who suggested the idea debated the merits and were uncomfortable with a mandate. Delegate Krysiak mentioned a video about how to “senior-proof” a home that she assisted the Southeast Senior Housing Initiative to produce; she is very interested in fall prevention from this perspective.

Certainly legislators understand the value in encouraging those fall-vulnerable seniors to consider home modifications to reduce the risk of fall. This is definitely a ripe area for policy development.

Prescription Monitoring

Because senior falls can be caused by lack of balance, blurred vision or other side-effects of prescription medication, particularly when multiple medications are being taken, we discussed with legislators policies that might reduce the likelihood of falls caused by side effects of prescription medication. Ideas offered by interviewers and suggested by legislators include requiring or encouraging written warnings or oral consultations with certain prescriptions or prescription combinations and color-coding medication container lids to warn of fall risk. Legislators were concerned about the cost to the business community of providing the written warning or oral consultation and about the potential increase in liability to pharmacists. Others were concerned about possible federal preemption or existing federal programs,³ interference with ready access to medications, and privacy issues for seniors who would oppose the required monitoring of their prescriptions. Many members expressed that this issue is ripe for public education. In particular, Delegates Niemann, Elliott, and Malone; and Senator Brochin suggested a campaign that would encourage seniors to purchase all of their prescription medications at one location, increasing the likelihood of a pharmacist noticing a combination risk and enhancing the personal connection between the senior and the pharmacy staff.

Although potential legislation that would address the expressed medication-related falls may be difficult to draft, there is a possibility that policy development with respect to prescription medications would be favorably received in the General Assembly.

³ At least one legislator suggested that the Electronic Medical Records program provides for prescription medication monitoring, though Delegate McIntosh explained that that federal program does not require prescription monitoring.

Other

Delegate Glenn expressed an interest in making available to family members who provide care for seniors appropriate training on fall prevention as well as other issues related to senior health and safety. Senator Kittleman suggested that senior exercise programs focused on fall prevention would serve the community's needs without intrusive government regulation. Delegate Feldman mentioned that driver safety courses for seniors may prevent motor vehicle injuries to seniors and others while continuing to allow the independence that driving privileges create.

Fall Prevention Funding

We discussed with many members who were keenly interested in the senior falls problem the possibility of a special fund to support the provision of resources and education to prevent falls. Despite the energetic support many had for policy initiatives, the response to a special fund suggestion was predominantly, if not exclusively, negative. As with any of the special fund discussions we had with legislators, the concerns about a falls prevention fund supported by motor vehicle related fees or fines (as is done in some in other states) or an income tax check-off box related to the current fiscal crisis, the general resistance to "earmarked" funds, and lack of tight nexus between the source of funds and the destination of the revenue. A few members expressed a willingness to consider creation of a special fund, including Senators Frosh and Forehand and Delegate Rice.

MOTOR VEHICLE SAFETY

A majority of the legislators expressed that the General Assembly has already adopted significant injury prevention legislation with respect to automobiles; most mentioned the recent passage of legislation that prohibits the sending of text messages while driving and the legislation that allows for the placement of speed cameras. Members likewise were certain that a ban on handheld wireless device use (i.e. cell phones) would be passed in the next few years. There was no interest in revisiting the substance of or fine structure for driving while intoxicated or under the influence. Legislators did see policy opportunities with respect to other issues within the scope of motor vehicles and safety, such as regulation of the use of all-terrain vehicles (ATVs), motorcycles and motor scooters; and pedestrian and bicyclist safety.

Legislators' Perspective on Speed Cameras and Texting Ban

Although this is not an area in which further policy development is expected (with the exception of a restriction on the use of wireless devices that are not handsfree), legislators nevertheless offered interesting insight on the recently passed texting ban and speed camera legislation. First, members expressed concern over the enforceability of the texting ban (Senator Kittleman in particular, though many echoed that concern) and identified many other activities that lead to distracted driving that are not prohibited. Legislators who sponsored or supported the measure agreed—enforcement would be easier and driver distraction reduced with a more comprehensive ban on the use of handheld electronic devices while driving.⁴ With respect to speed cameras, there was significant concern that the legislation was not for the purpose of injury prevention or public safety but rather was a brazen attempt to increase State and

⁴ At least one member, Senator Frosh, suggested a complete ban on the use of electronic devices while driving, regardless of whether handheld or handsfree.

local government revenue; Senators Brochin and Della and Delegate Impallaria were particularly vocal on this issue. Delegate Feldman noted that there is concern that the cameras are being placed in areas where drivers are known to speed but not necessarily in areas in which driver speed contributes to accidents. Delegate Valderrama expressed interest in the mandatory follow up study that is to assess the effectiveness of speed cameras with respect to accident prevention; Delegate Feldman believes that Montgomery County data could be used sooner to show efficacy of the cameras. Senator DeGrange was frustrated that the law allows the issuance of a speed camera ticket only to drivers traveling at least 12 miles over the speed limit. Delegate Feldman and Senator Brochin shared a concern over transparency in the collection of fines, specifically expressing concern over the amount of money provided to contractors who manage the speed cameras. Other members, Senators Haines and Astle and Delegate Niemann, expressed concern about the constitutionality of imposing a fine based on a camera and not police force observation. Reflections on this discussion remind us that the nexus between the requirement or restriction and the public benefit should be clear and demonstrable; legislation that provides for efficacy review after a period of time may be more favorably received. And even when the State and local coffers are at historic lows, legislators are reticent to support a purported public welfare bill that hits the wallets of constituents.

Motor Vehicles

Delegate Bronrott is interested in legislation that would restrict the passengers who could be carried in a vehicle driven by a young driver. Indeed, as a lead proponent of motor vehicle safety for many years, Delegate Bronrott expressed a desire to consider any number of bills designed to reduce traffic-related injuries and fatalities. Delegate Love simply expressed that something must be done about the excessive and frequent speeding on Maryland's roads. Senator Forehand offered that an alcohol tax increase may reduce drunken driving rates.

Motorcycles

Some members (Delegates Sophocleus, Benson, and Bronrott and Senator Forehand) specifically mentioned motorcycle safety as an issue of concern, particularly in light of the perennial proposal to eliminate the helmet requirement. Other members (Delegates Sophocleus, Sossi, and Lafferty) raised the specific issue of standardization with respect to the type of helmet required to be worn by motorcyclists and their passengers and expressed a desire to secure legislation on this point.⁵ Interestingly, some of those members are not generally supportive of helmet requirements. One interesting note is that Senator Brochin, a somewhat conservative member, indicated that he had originally been torn on the issue of mandatory helmets for motorcycle drivers and passengers but that research and data he received from Johns Hopkins and other trauma centers convinced him that a mandatory provision was appropriate. This again shows that legislators can be persuaded by sound research presented by respected entities and organizations.

ATVs

Senator Forehand has sponsored legislation that would have imposed certain safety restrictions on users of ATVs but she was unsuccessful in her efforts. The general sentiment of members is that ATV

⁵ Delegate Sophocleus' daughter was killed in a motorcycle accident; she was wearing a helmet but one of the "skullcap" type and not the more protective variety.

use is typically on private property such that government interference with ATV riding should be kept at a minimum; further, members expressed a belief that most ATV users are aware of and follow generally accepted safety practices. This is an interesting finding given that the General Assembly created a Task Force to study ATV safety in 2008 and has considered ATV safety legislation in each of the previous four sessions. This belief may be explained in part by the fact that most people do not actually witness ATV use as it is typically on private property in rural or remote areas whereas motorcycle and motorscooter activity is seen daily. It is helpful to know why certain members who may not oppose ATV restriction may also not vote in favor of such restrictions. To be successful in this effort, specific data about the prevalence and severity of ATV-related injuries should be collected and provided to members.

Motor Scooters

There was significant interest in imposing a helmet requirement for operators of motorized scooters, particularly for young people and for those who rent a scooter. Many members were familiar with the popularity of motor scooters among young people and as rentals in Maryland's resort areas. Senators Forehand, Harrington, and Lenett, and Delegates Elliot, Bronrott, and Hecht expressed support for a mandatory helmet provision for young people or for all users. Senator Harrington also suggested a training or safety program for those who purchase or rent motor scooters. Senator Stone, who opposes a helmet requirement and frequently sponsors legislation to repeal the motorcycle helmet law, does support the licensing or registration of motorized scooters. Given the increasing use of motor scooters and the frequency of use in the high-traffic resort town of Ocean City, safety regulations for motorized scooter use will likely be introduced with significant support in the short term.

Bicycles⁶

Delegate Cardin expressed deep interest in legislation that would improve the safety of bicyclists and pedestrians on Maryland's roads; he is interested in a comprehensive package of bills that focuses on safety on the road, encourages the use of bicycles and walking as opposed to cars (for environmental and public health reasons) and creates incentives for the construction of bike lanes and paths. Delegate Cardin is the Chair of the informal Bicycle and Pedestrian Caucus and would use the Caucus to further these efforts. Delegate Hammen likewise expressed serious interest in improving safety for bicyclists and pedestrians, mentioning possible policy changes that would make a difference: longer crosswalk times, more bike lanes, better synchronization of traffic lights, and retrofitting storm drains for safer bicycle passage. Both members view this issue as multidimensional, crossing through injury prevention, obesity prevention and environmental protection.

Some members (Delegates Gaines, Gilchrist, George, Ivy, and Griffith) expressed frustration over lack of compliance with legislation mandating that helmets be worn by those under age 16 while riding a bicycle and suggested better public education and incentivizing the manufacture of helmets that would appeal to young people. Delegates Niemann and McIntosh support extending the helmet requirement to adults, with Delegates McIntosh and Cardin also supporting a 3 foot required buffer between automobiles and bicycles on public roads as was proposed in 2009. Delegate Dumais expressed particular concern

⁶ Bicycle safety is included in motor vehicle safety because most of the bicycle safety issues, though not all, relate to motor vehicles causing harm or risk of harm to bicyclists. We could use the term 'traffic safety' instead, to include bicyclists and pedestrians...

about bike messenger safety, noting that messengers are paid on a per-delivery basis, encouraging dangerous cycling to make as many deliveries as possible in a day. Many members envision an approach to bicycle and pedestrian safety as part of an overall public health and environmental protection package. These members (Senator Garagiola and Delegates Cardin, Griffith, and Hammen) suggest framing the creation of bike lanes and pedestrian walkways as methods to prevent injury but also to decrease obesity, decrease the use of fossil fuels, enhance a sense of community, and improve public safety.

The vigor and enthusiasm as well as creativity of those interested in comprehensive reform to make bicycling and walking/running safer and to encourage such activity was palpable and makes clear that this is an area ripe for policy development. Given that advocacy could come from injury prevention, obesity prevention and environmental protection advocates, this is a rich area for the Center to investigate.

Pedestrians⁷

Many members volunteered themselves as generally interested in pedestrian safety, including Senator Raskin and Delegates Cardin, Hammen, Niemann, Sophocleus, Conway, Ivey, Love, and Mizur. Some focused on safety in and around public transportation (Delegates Haines and Griffith) while others (Delegates Bronrott, Hammen, Madaleno, and Boteler) suggested incorporating pedestrian safety as well as encouragement of walking as transportation by requiring the building of proper sidewalks and bridges.

WATER SAFETY

Several members expressed an interest in reviewing and improving Maryland's water safety legislation to reduce injury on our waterways. This topic was raised quite frequently by members such that we began to ask about specific ideas as the interview process progressed. Supporters of these efforts include Senators Edwards, Colburn, and Dyson, and Delegates Conway, Kipke, and Olsewski. No members expressed opposition to the investigation of how to improve safety on our waterways and all expressed a willingness to consider effective, low-cost, low-intrusion legislation. Specific proposals include requiring boating safety courses for certain populations, expanding the requirement for life vests, enhancing the enforcement power of relevant State agencies, and imposing restrictions on use of rented jet skis. Senator Colburn was particularly interested in investigating legislation that would mandate training for those who rent jet skis from commercial entities because of a local incident in which a woman was seriously injured after she rented a jet ski that she was incapable of handling and crashed into a duck blind. Senator Klausmeier's water safety concerns relate to the security of backyard and neighborhood pools that are attractive to very young children.

Given how important the Chesapeake Bay and her tributaries are to the recreation community in Maryland and how popular our waterside resorts are to tourists, especially families, a full review and comprehensive revision of Maryland's water safety laws appears to be a fruitful venture for injury prevention advocates.

TRAUMATIC BRAIN INJURY

⁷ Pedestrian safety is included in motor vehicle safety because most of the pedestrian safety issues, though not all, relate to motor vehicles causing harm or risk of harm to pedestrians.

Traumatic brain injury was often addressed in the context of other issues, particularly with respect to helmet laws and senior falls. With respect to the issue generally, members expressed support for public education campaigns on the prevention of TBI; specific areas for legislation were not readily identified. The one issue that did arise frequently was the safety of youth sports, particularly football. With recent attention from the NFL on the protocols for players who suffer a concussion, many felt that this is an area in which coordination and cooperation with our local football team (Ravens or Redskins, depending on in what part of the State one resides) would be of great benefit. A few legislative proposals were discussed, including better education and training for coaches and parents of youth athletes and the setting of quality standards for public school sports safety equipment. With respect to a TBI Fund, much like the Falls Prevention Fund idea, most members were oppositional to creation of a special fund.

POISONINGS

Members were not particularly amenable to prescription drug safety beyond those narrow issues addressing increased fall risk among seniors. The general sentiment was that this is an area in which the Food and Drug Administration should regulate. Yet some members expressed a particular concern. Senator Della and Delegates Sophocleus and Montgomery expressed concern over the safety of pharmaceuticals purchased over the Internet; Delegate Ivey mentioned the need to revisit prescription dosages after significant weight gain or loss and throughout the aging process; and Delegate Elliott indicated that many would benefit from large print warnings and dosage information for prescriptions. Other members, Delegates Haddaway, Eckhardt, and DeBoy, were receptive to low-cost, non-intrusive regulation to prevent accidental poisonings from prescription medications.

Environmental hazards raised more concern among legislators. Delegates Frank, Hammen, Gilchrist, and Montgomery expressed concerns about lead and asbestos in the environment and Delegates Haddaway and Eckhardt mentioned the possibility of legislation to reduce injury from exposure to carbon monoxide and mercury. No specific proposals were discussed, however.

Children and poisons warranted mention by a few members. Senator Harrington and Delegates McFadden and Hucker expressed the possibility of legislation to protect children against exposure to lead in toys while Delegate Beidle indicated that children may suffer from exposure to fumes from ordinary household cleaning agents. Senator Robey was knowledgeable about the relative ease with which children can open so-called childproof caps, whether on prescription medications or other household toxins. Although he is interested in the issue, he acknowledges that this may be an issue for federal regulation. Some members were oppositional to legislation on these issues, however, suggesting that public education is appropriate in this area that is really one of family and parental obligation. Delegate Niemann suggested a focus on those households with children who are identified as at-risk and whose parents may lack awareness of poison risks.

WORKPLACE INJURY

Although we tried to steer away from discussions of workplace injury (simply to limit our areas of inquiry), many members raised concerns about workplace safety and injury prevention. Most of the members who raised this issue spoke of particular concerns within their communities and with blue collar workers; interestingly, however, a few members (Delegates Malone, Gaines, and Walkup) expressed concern over workplace stress in white collar jobs as an area needing policy review and perhaps action.

VIOLENCE

Because we sought to focus on accidental injury, we did not raise issues related to violence. Nevertheless, several members brought up issues relating to violence and the need for policy action. Several members expressed deep concern over issues relating to children and violence. Delegates Bates and Rice specifically mentioned the need to address violence in schools, particularly associated with bullying. Both expressed an understanding that any policy would have to be developed in coordination and cooperation with the Maryland State Department of Education and the local public school systems. Senator Garagiola discussed child abuse prevention, noting that while there is an extensive system to deal with children who have been abused, the State has not focused on how to prevent child abuse from occurring. The Senator sees this as an area in which research and creativity could lead to policy change to reduce violence against children. Senator Munson indicated that domestic violence, including spousal and child abuse, are significant issues in his community that require services but are not the focus of prevention efforts. Although he offered no specific policy solutions, he is interested in taking action to reduce domestic violence. Senator Munson also expressed an interest in policy designed to prevent youth suicide. Several members offered their support for developing policy to prevent elder abuse. Delegates Montgomery, Robinson, and Glenn suggested that this be an area of research and policy development. One particular suggestion was better tracking of those caregivers who abuse the elderly and imposing a ban on the hiring of those individuals in certain establishments—meaning that an individual convicted of elder abuse would be prohibited from working in a nursing or assisted living facility.

DISPARITIES

Both Senator Gladden and Delegate Haines expressed concerns about the populations most affected by accidental injury. Senator Gladden is interested in research on disparities and injury as she believes this may arise out of known disparities in access to health care. Delegate Haines is interested in research on the impact of poverty on risk of injury. Both of these legislators are desirous not only of taking obvious steps in prevention but in addressing underlying causes of injury within their communities.

SUGGESTED AREAS FOR POLICY DEVELOPMENT 2011 TO 2014

Having reviewed the data and research on the causes and impact of injury, surveyed state and federal legislative efforts to reduce injury and conducted legislator interviews, the Center identifies in this section areas in which injury prevention legislation should be developed in Maryland. In some instances, specific legislative proposals are identified; other areas warrant further research and policy development. In all areas, an important element to success will be coordination and cooperation with a variety of State agencies and organizations within the injury prevention advocacy community. In all areas, coordination and cooperation with the Johns Hopkins Center for Injury Research and Policy and the Partnership for a Safer Maryland is anticipated.

Specific legislators who might best serve as lead sponsors in specific areas of injury prevention are identified in the relevant sections below. From a broad perspective, however, certain members can be targeted as lead advocates for injury prevention generally.

Senators Frosh, Garagiola, and Robey may serve as key legislators in the Senate. Senator Frosh is a well-respected leader in the Senate who is aggressive and effective; he is identified here in particular

due to his willingness to work on ideas for special funding for injury prevention. To the extent that some proposals also evoke environmental protections, Senator Frosh will be an excellent advocate as that is an area of expertise and interest for him. Senator Garagiola is mentioned here not because of a particular interest in injury prevention but because of his insight and involvement on significant public health and environmental protection issues. Senator Garagiola is keenly aware of the need to address the injury prevention policy work with a multidimensional approach; he identified specific State agencies that must coordinate efforts and the various advocacy organizations—from health to environment to violence prevention—that must be involved. Moreover, Senator Garagiola serves on the Joint Committee on Children, Youth and Families, a key group of legislators whose support we will need to secure injury prevention legislation. He also is a member of the Veterans’ Caucus, an organization that will likely have interest in TBI policy development. Finally, Senator Robey stands out as a possible lead sponsor because of his status as a former police officer and County Executive of Howard County and his awareness of many of the injury prevention issues raised in the interview. Senator Robey has quickly earned the respect of his legislative peers despite being a first-term member with no previous service in the House; he serves as the Assistant Deputy Majority Leader. The Center enjoys a good relationship with these members, particularly Senator Garagiola.

In the House, Delegate Morhaim, who is one of two medical doctors in the General Assembly, has worked closely with the Johns Hopkins Center and is both keenly aware of and interested in developing comprehensive, evidence-based injury prevention legislation. Delegate Morhaim understands medical and public health research on injuries and he understands how to develop a legislative proposal that will be supported by his legislative peers and have an impact on injury prevention. Another leader in the House is Delegate Bronrott, who has been a lead advocate for reform of motor vehicle laws to prevent injury. Delegate Bronrott has developed relationships with important advocacy organizations whose support could be critical to success on injury prevention even outside the motor vehicle safety realm. Finally, Delegate Hammen is of interest as he has a unique perspective on injury prevention as one element of a broader public health effort and he serves as Chair of the Health and Government Operations Committee. Delegate Hammen “thinks big” with respect to legislative ideas and he is interested in tapping resources from the public health, injury prevention, and environmental advocacy communities to push for reform in all three areas. Other Delegates whose enthusiasm earns them mention here are Delegates Rice, Gaines, Cardin, and Malone. The Center enjoys a good relationship with all of these members, particularly Delegates Morhaim, Cardin, and Malone. We are eager to work with these earnest legislators in the House and Senate to develop an injury prevention agenda.

SENIOR FALLS

Because it is a leading cause of injury, involves a vulnerable and sympathetic population and presents myriad opportunities for policy development, one central area for policy development is seniors and falls. To prepare for developing policy in this area, Center staff have reviewed and will continue to review data and research on the cause of falls and legislative proposals at the federal, state, and local level. Indeed, the CDC has published two significant reports on the issue, one addressing falls from an international perspective, “What Works: A Compendium of Effective Interventions from Around the World,” and one from a local perspective, “How to Develop Community-Based Fall Prevention Programs for Older Adults.” Both documents provide an array of ideas that could lead to legislative proposals.

Recognizing that legislative proposals are always developed in concert with interested legislators, appropriate State agencies and relevant advocacy organizations, the specific ideas proposed for falls policy are preliminary and will likely develop further if the Center is tasked with pursuing these initiatives. The Center may first consider the possibility of legislation to create a falls prevention coalition like those in at least 10 states nationwide. Taking the best of the legislation passed or proposed in Connecticut, Massachusetts, Texas, and Washington, the Center would draft a coalition and awareness bill that might incorporate identifying a particular week (or month) as Falls Prevention Awareness Week (or Month); set up a system of coordination of efforts between State agencies and between the State and local health departments and departments of aging and social services; and recommend protocols for effective training for individuals caring for seniors at risk. Substantive falls prevention proposals could include:

- ✓ Creation of a falls prevention program within the Department that would develop public education materials on falls prevention;
- ✓ Directive to an appropriate State agency to develop a training program for the inspection or audit of homes for the purpose of identifying potential fall hazards and suggesting modifications to prevent falls, along with a mandate that the training be available for certain organizations or entities (i.e. volunteer fire companies; local offices of the Department of Aging);
- ✓ Requiring pharmacists to provide prescription warnings and dosage directions in large font and color-coding prescription lids for medications that increase fall risk;
- ✓ Imposing a fall prevention training requirement for all employees working in assisted living or nursing facilities that receive funds from State or local government as well as for individuals who are providing at-home senior care subsidized with State or local funds; and
- ✓ Mandating that health insurance policies include coverage for a home inspection or audit for an individual over age 60 who has suffered injuries related to a fall.

Legislators who might serve as lead sponsors of fall prevention legislation include Senator Lennet and Delegate Feldman because of their connections with Leisure World, an incredibly large community of senior citizens in Senator Lennet's district in Montgomery County and where Delegate Feldman's mother and mother-in-law reside; Delegate Krysiak because of her work with the Southeast Senior Housing Initiative; and Delegate Malone as the connection to the fire fighter and emergency service community. Delegates Beidle, Montgomery, and Robinson are also members whose deep interest in the issues makes them likely candidates for leadership on these issues.

Any efforts related to seniors and falls would require coordination with the Department of Aging and the local offices of that agency. There may also be the need for and value in working with the Department of Housing and Community Development, the Department of Human Resources and its local departments of social services, and the Department of Disabilities. Each agency likely comes in contact with and provides services to vulnerable seniors who are likely at risk for, or have already suffered, a fall. Although too many to mention here, there are several non-government organizations with whom we will need or want to work with on senior falls prevention, including the Association for the Advancement of Retired Persons and the United Seniors of Maryland (a consortium of more than 40 governmental and non-governmental organizations advocating for seniors in the State). If volunteer fire fighters are to become engaged, work at the local company level as well as with the Maryland Firemen's Association would be necessary.

MOTOR VEHICLE SAFETY

While many members believe that Maryland has a comprehensive trove of laws pertaining to motor vehicle safety, when specific issues of concern were raised, many recognized the need for action. Potential motor vehicle safety legislation includes:

- ✓ Prohibiting the use of handheld electronic devices while driving;
- ✓ Mandatory use of approved helmets for users of motor scooters;
- ✓ Registration of motor scooters with a certain engine size;
- ✓ Training requirements for those who offer for rent and those who pay to rent a motor scooter (a train-the-trainer approach);
- ✓ Age restrictions for those who may rent a motor scooter;
- ✓ Creation of a 3-foot buffer that a car must yield to a bicyclist on a public road;
- ✓ Imposition of a helmet requirement for adults riding bicycles on a public road;
- ✓ Mandating consideration of creation of a bike lane on the construction or repair of any public road, with certain factors to be considered in determining whether a bike lane should be built;
- ✓ Setting standards for helmets that must be worn by motorcycle operators and passengers;
- ✓ Setting age restrictions for the operation of ATVs based on the engine power of the vehicle; and
- ✓ Imposing a helmet requirement for all users of ATVs.

Legislators who may serve as effective lead sponsors include Delegate Bronrott because of his history as the leader in motor vehicle safety in the Maryland legislature; Delegate Cardin as Chair of the Bicycle and Pedestrian Caucus and vocal supporter of many public health and prevention measures; Delegate Hammen because of his role as Chair of the Health and Government Operations Committee and his deep level of interest in marrying injury prevention with environmental protection; and Delegate Sophocleus specifically on the issue of motorcycle helmet requirements because of his personal loss.

Obviously the Department of Transportation is a necessary partner for these issues concerning the safety of Maryland's roads as is the Motor Vehicle Administration with respect to registration or licensing. To the extent that issues may be cross-advocated as environmental protections, the Department of the Environment and the Department of Natural Resources should be consulted as well as the Chesapeake Bay Trust. Relevant advocacy organizations include AAA Mid-Atlantic, Environment Maryland, local bicycle and running clubs (such as the Annapolis Bicycle Club and the Annapolis Striders; the Baltimore Road Runners and the Baltimore Bicycle Club); and myriad organizations interested in safe roads.

WATER SAFETY

As an issue more frequently raised by legislators and interviewers, water safety must be on the injury prevention agenda. While there are specific proposals that we will suggest, the first step is a full review of Maryland boating statutes and regulations and research into effective safety laws in other states. This is not an area that was subject to intensive review by the Center but such review is warranted. Possible legislative proposals include:

- ✓ Expansion of life vest requirements;
- ✓ Training for those who offer for rent or who pay to rent jet skis (a train-the-trainer approach);

- ✓ Increased enforcement power to relevant State agencies; and
- ✓ Increased penalties for and enhanced prevention of water activities while intoxicated.

Because of their expressed concern about these issues, Senators Colburn and Dyson are potential lead sponsors in this area, however, further research into potential sponsors will be necessary. To the extent that we pursue this area for legislation, we must work with the Department of Natural Resources and organizations advocating for water safety, such as the American Red Cross.

TRAUMATIC BRAIN INJURY

Beyond helmet laws and motor vehicle, bicycle and pedestrian safety restrictions previously addressed, the main proposal in TBI is the creation of a fund that would be used to develop and conduct a public education campaign related to TBI prevention; research treatment for TBI; and provide services to those suffering from TBI. The concept of a fund was not particularly popular among legislators, however, Senators Frosh and Forehand and Delegate Rice are members who expressed an interest in the issue and a willingness to fight for a fund. The Department of Disabilities and the Brain Injury Association of Maryland will be key partners in any effort on TBI legislation.

POISONINGS

Although members expressed interest in certain poison-related issues, many concluded that while there is a need for public education campaigns, effective legislative proposals were not readily identified. Indeed, some legislators expressed concern about legislating against bad parenting and others about the role that the FDA should play in legislating on many of the issues. Hence, we have no specific proposals for the 2011 to 2014 term. We will reach out to the Poison Control Centers and assess other states' legislative proposals regarding poisons to determine whether legislative proposals are warranted.

WORKPLACE SAFETY

Although members expressed interest in certain workplace safety issues, effective legislative proposals were not readily identified. This was not an area in which the Center conducted significant research and it was not identified by the Department as a particular area of concern. Hence, we have no specific proposals for the 2011 to 2014 term. We will reach out to the Workers' Compensation Commission and assess other states' legislative proposals regarding workplace safety to determine whether legislative proposals are warranted.

VIOLENCE

Although members expressed interest in certain violence-related issues, the discussions were scattered over a variety of matters; few effective legislative proposals were identified. Violence was not an area in which the Center conducted significant research and it was not identified by the Department as a particular area of concern for this project. Moreover, there are many organizations working to prevent school and domestic violence such that use of limited injury prevention resources in violence may not be best. Hence, we have no specific legislative proposals on violence prevention for the 2011 to 2014 term.

ROLE OF THE CENTER IN INJURY PREVENTION POLICY DEVELOPMENT

Should the Department receive grant funds to perform policy and legislative development work in injury prevention, the Center is well-suited to assist in those efforts. First, Center staff have become educated on many issues in injury prevention and understand how to research and investigate additional issues that might arise. The Center has almost eight years of experience doing legislative policy development in tobacco control; through this work, the Center has developed important and cooperative relationships with Department staff, local health department officials and staff, State and local legislators, relevant staff at State agencies, and the public health advocacy community. Situated in the University of Maryland School of Law, the Center has access to an incredible library of resources, in-print and online; may use the research and advocacy skills of law students in Kathleen Dachtler's clinic to supplement paid staff; and has access to the intellectual community fostered by the School's nationally ranked Law and Health Care Program. Given the anticipated funding cycle, the Center would have the time and resources to conduct deeper research, work closely with legislators, and draft sound legislative proposals leading up to the 2011 session.

ATTACHMENT A

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SURVEY FOR MEMBERS OF THE MARYLAND GENERAL ASSEMBLY: INJURY PREVENTION

Falls

The leading cause of injury-related emergency room visits in Maryland is falling. Usually, the individual who has fallen is a senior citizen, over age 65; the fall may occur at home, at the home of a family member or friend, at a public place, or at a long-term care facility or hospital. Many of these falls are preventable. Please assess your interest in or support for legislation designed to reduce falls:

Access to free or low cost physical fitness programs designed to reduce falls (targeting those 65 and up):

Strong support/interest Modest support/interest Low or no support/interest

Increased training requirements for individuals providing in-home and institution-based care for seniors (targeting those who receive local, state or federal funds to provide services):

Strong support/interest Modest support/interest Low or no support/interest

Access to free or low cost home evaluations for seniors; evaluations will identify fall risks in the home and recommend low-cost modifications:

Strong support/interest Modest support/interest Low or no support/interest

Creation of a special fund to provide public education, physical fitness programs, family training, home evaluations, and other falls prevention services:

Strong support/interest Modest support/interest Low or no support/interest

Any thoughts on a potential source of funds?

Comments on other falls-related legislation or policies:

Motor Vehicle

Motor vehicle accidents are a leading cause of injury-related emergency room visits, hospitalizations, and deaths. Often alcohol or drugs contribute to such accidents, though reckless driving and unsafe pedestrian and bicycle routes also contribute to this problem. Please assess your interest in or support for legislation designed to reduce motor vehicle accidents:

Increased penalties for certain driving offenses, including DWI, DUI, and vehicular homicide:

Strong support/interest Modest support/interest Low or no support/interest

Any thoughts on particular penalties?

Requiring vehicle ignition lock devices on vehicles owned or driven by individuals who have been convicted of DWI or DUI:

Strong support/interest Modest support/interest Low or no support/interest

Requiring all construction on state roads or other roads for which state funds are used for improvement to consider alterations designed to improve pedestrian safety:

Strong support/interest Modest support/interest Low or no support/interest

Prohibiting the use of handheld cellular devices and other electronics while driving:

Strong support/interest Modest support/interest Low or no support/interest

Requiring safety belts on school busses:

Strong support/interest Modest support/interest Low or no support/interest

Increased safety requirements for the use of All-Terrain Vehicles (ATVs):

Strong support/interest Modest support/interest Low or no support/interest

Comments on other motor vehicle-related legislation to reduce injury:

Traumatic Brain Injury

There are many causes of traumatic brain injury (TBI)—from violent assault to motor vehicle accidents to drug overdoses, and more. Suffers are male and female; old, young and in between; rich and poor. The struggles of living with TBI or caring for an individual suffering from TBI is tremendous and expensive. Please assess your interest in or support for legislation designed to reduce traumatic brain injury:

Increasing helmet requirements for recreation activities, such as bicycling, horseback riding and skateboarding:

Strong support/interest Modest support/interest Low or no support/interest

Strengthening laws protecting victims of domestic violence:

Strong support/interest Modest support/interest Low or no support/interest

Instituting bully prevention in public schools:

Strong support/interest Modest support/interest Low or no support/interest

Creating a special fund to improve public awareness and prevention of traumatic brain injury:

Strong support/interest Modest support/interest Low or no support/interest

Creation of a special fund to provide services to individuals suffering from TBI who lack adequate financial resources:

Strong support/interest Modest support/interest Low or no support/interest

Any thoughts on a potential source of funds?

Comments on other TBI legislation or policies:

Poisonings

The leading cause of injury-related death in Maryland is from poisoning. These injuries impact all age groups with household poisons more likely the cause of harm to a child and prescription, over-the-counter, and illicit drugs more likely the cause for adults. Exposure to environmental hazards also falls within this category. Please assess your interest in or support for legislation designed to reduce poisonings:

Mandating a public education campaign through schools, physicians and local health departments to educate parents and caregivers about common poison dangers to children:

Strong support/interest Modest support/interest Low or no support/interest

Increasing the requirements for the placement of carbon monoxide monitors in new construction and existing homes that are being leased:

Strong support/interest Modest support/interest Low or no support/interest

Imposing requirements for the placement of radon detectors in new construction and existing homes that are being leased:

Strong support/interest Modest support/interest Low or no support/interest

Any thoughts on a potential source of funds for public education programs or increased poison control center activities?

Comments on other poison-related legislation or policies:

Water Safety

From our treasured Chesapeake Bay and its tributaries to our neighborhood and backyard pools, water recreation is ubiquitous in Maryland. Unfortunately, adults and children suffer from water-related injuries, including boating accidents and accidental swimming pool drowning. Please assess your interest in or support for water safety legislation:

Enhancing the requirements for the wearing of life vests during certain water recreation activities:

Strong support/interest Modest support/interest Low or no support/interest

Reducing the swimmer-to-lifeguard ratio at community pools:

Strong support/interest Modest support/interest Low or no support/interest

Increasing education requirements for boating licensees:

Strong support/interest Modest support/interest Low or no support/interest

Regulating the rental of jet skis and similar water craft:

Strong support/interest Modest support/interest Low or no support/interest

Comments on other water safety legislation?

Please contact Kathleen Dachille with any questions or comments:

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Please return by mail, facsimile or e-mail as promptly as possible.