

[Your Name]
[Street Address]
[City, ST ZIP Code]
[Date]

[Recipient Name]
[Title]
[Company Name]
[Street Address]
[City, ST ZIP Code]

Dear [Recipient Name]:

We are writing to encourage you to consider enhancing your hospital's child passenger safety program. A comprehensive program will reduce the morbidity and mortality associated with children involved in motor vehicle collisions. We are eager to assist you in this endeavor.

In 2011, more than 1,100 children died as occupants in motor vehicle collisions in the United States, and over 140,000 were hospitalized in emergency rooms. The effective use of car seats and booster seats has been proven to dramatically reduce child fatalities and injuries from motor vehicle collisions. Maryland hospitals provide world-class care and treatment to injured children, but could do more to educate and assist parents to properly use child passenger safety (CPS) technology to prevent such injuries from occurring.

Maryland law requires that children be secured in a car or booster seat until the child reaches 8 years of age, unless the child is 4 feet, 9 inches or taller. Unfortunately, many parents of young children are unaware of the law and the safety benefits of using CPS technology, especially using booster seats for children over the age of 4. Parents also struggle with correctly installing complicated car seats, and more than 7 out of 10 parents incorrectly install seats in a way that could lead to injuries to their child.

The American Academy of Pediatricians (AAP) recommends that parents of children under age 8 receive individualized guidance on the use of car seats at every visit to a hospital or health facility for medical care. Studies have shown that tailored guidance from a provider is very effective at increasing use of car or booster seats, and surveys have found that a clear majority of hospital-based physicians support including CPS education as a standard part of a child's care. In addition to educating parents, some hospitals have developed programs to give hands-on support in installing a car seat as part of newborn discharge procedures, using staff or

[Recipient Name]

[Date]

Page 2

volunteers who have been certified as CPS technicians through an outside course developed by the National Highway Traffic Safety Administration. Some leading hospitals also use outside funding sources to provide free, loaner, or reduced-price car seats to lower-income parents of young children, ensuring all children leave the hospital in an age-appropriate car seat.

Maryland law provides strong protections for hospitals that choose to implement policies to educate parents about CPS and help them properly install and use car or booster seats. Under § 5-640(b) of the Courts and Judicial Proceedings Article of the Maryland Code, certified CPS technicians acting in good faith receive immunity from civil liability for any act or omission in the inspection, installation, or adjustment of a child safety seat, or in giving advice or assistance to parents regarding installation or adjustment of a car seat. This immunity also extends to a CPS technician's "sponsoring institution," which includes the technician's employer, and any entity that either directly offers free child safety seat checkup events or fitting station programs for the general public, or owns property on which such events take place. In order for immunity to apply, the technician must not charge for assistance in installing a car seat or sell car seats for profit (technicians may distribute free seats or sell seats at or below cost). Technicians must also avoid gross negligence and willful or wanton misconduct.

Your facility would likely be considered a sponsoring institution under the definition in § 5-640(b) if you employ certified technicians or allow volunteer certified technicians to assist with car seat installation. We hope that this law alleviates concerns you may have about liability arising from staff or volunteers educating parents about car seats or booster seats, or helping parents learn to properly install car seats. In fact, the emerging medical consensus that parents of young children should be educated about the effective use of CPS equipment at each hospital visit suggests that having a CPS policy is part of a hospital's duty to ensure that its staff follow the appropriate medical standard of care. Arguably, this means that the standard of care for your hospital includes implementing a sound, comprehensive CPS program.

For the foregoing reasons, we urge you to evaluate your hospital's current policies for the discharge of newborns and the care of children under age 8 to determine how to help parents learn about CPS systems, and learn to safely install them. More information about the certified CPS technician program is available at <http://www.safekids.org/national-child-passenger-certification-training-program>.

Sincerely,

[Your Name]

[Title]