

Chapter 750

(Senate Bill 52)

AN ACT concerning

**Public Health – Maryland Commission on Health Equity
(The Shirley Nathan–Pulliam Health Equity Act of 2021)**

FOR the purpose of requiring the State designated exchange to participate in a certain advisory committee, maintain a certain data set, and provide certain data under certain circumstances; authorizing the State designated health exchange to use certain data for a certain purpose under certain circumstances; establishing the Maryland Commission on Health Equity; providing for the purpose, composition, chair, and staffing of the Commission; requiring, to the extent practicable, the Commission to reflect a certain diversity; providing that a majority of the members present at a meeting constitutes a quorum; prohibiting a member of the Commission from receiving certain compensation, but authorizing the reimbursement of certain expenses; specifying the duties of the Commission; authorizing the Commission to establish certain advisory committees for a certain purpose; providing that a certain advisory committee may include individuals who are not members of the Commission; requiring the Commission to, in coordination with the State designated exchange, establish a certain advisory committee including certain representatives; requiring a certain advisory committee to define the parameters of a certain data set; requiring the data set to include data from certain sources; requiring that certain data be reported in a certain manner; requiring that a certain recommendation comply with certain laws; authorizing the Commission to request certain data; requiring that certain data be provided to the Commission or the State designated exchange under certain circumstances; authorizing the Commission to publish or provide to the public certain data under certain circumstances; requiring the Commission to submit a certain report to the Governor and the General Assembly on or before a certain date each year; defining certain terms; requiring the Commission to conduct a certain study and make certain findings and recommendations on or before a certain date and to include the findings and recommendations in a certain annual report; and generally relating to the Maryland Commission on Health Equity.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 4–302.3
Annotated Code of Maryland
(2019 Replacement Volume and 2020 Supplement)

BY adding to
Article – Health – General
Section 13–4201 through 13–4207 to be under the new subtitle “Subtitle 42.
Maryland Commission on Health Equity”

Annotated Code of Maryland
(2019 Replacement Volume and 2020 Supplement)

~~Preamble~~

~~WHEREAS, Race is a social construct with no biological basis that artificially divides people into distinct groups based on characteristics such as physical appearance, ancestral heritage, cultural affiliation, and the social, economic, and political needs of a society at a given period; and~~

~~WHEREAS, Racism is a social system with multiple dimensions that include individual racism that is internalized or interpersonal, systemic racism that is institutional or structural, and a system of structuring opportunity and assigning value based on the social interpretation of how one looks; and~~

~~WHEREAS, Racism unfairly disadvantages specific individuals and communities while unfairly giving advantages to other individuals and communities and undermines society as a whole through the waste of human resources necessary to promote prosperity and development in Maryland and elsewhere; and~~

~~WHEREAS, Racism is rooted in the foundation of America, from the time chattel slavery began in the 1600s, to the Jim Crow era, to the declaration of the war on drugs that eventually led to the mass incarceration of Black people, and it has remained a presence in American society while subjecting Black, Indigenous, and People of Color to hardships and disadvantages in every aspect of life; and~~

~~WHEREAS, The American Public Health Association, National Association of County and City Health Officials, and the American Academy of Pediatrics have declared racism as a public health crisis; and~~

~~WHEREAS, Communities of color, working class residents, and individuals with disabilities are more likely to experience poor health outcomes as a consequence of their social determinants of health; and~~

~~WHEREAS, Racism causes persistent discrimination and disparate outcomes in many areas of life, including housing, education, employment, criminal justice and incarceration, family stability, economic opportunity, access to health care, public safety, environmental safety, inadequate nutrition, voters' rights, and under-resourced recreational and health care facilities; and~~

~~WHEREAS, More than 100 studies have linked racism to worse health outcomes; and~~

~~WHEREAS, Racism exacerbates health disparities among Black, Hispanic, and Native American residents, including a greater risk of heart disease, stroke, infant~~

~~mortality, maternal mortality, lower birth weight, obesity, hypertension, type 2 diabetes, cancers, respiratory diseases, and autoimmune diseases; and~~

~~WHEREAS, Specific physical and behavioral health conditions stemming from racism include depression, anxiety, anger, fear, trauma, terror, and long term physical and mental health impairments; and~~

~~WHEREAS, The COVID-19 crisis and ongoing protests against police brutality have helped to highlight now, more than ever, that racism, not race, causes disparities for black and brown Americans; now, therefore,~~

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environmental safety, inadequate nutrition, voters' rights, and under-resourced recreational and health care facilities; and

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SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Health – General

4-302.3.

(a) (1) In this section the following words have the meanings indicated.

(2) “Standard request” means a request for clinical information from a health information exchange that conforms to the major standards version specified by the Office of the National Coordinator for Health Information Technology.

(3) “State designated exchange” means the health information exchange designated by the Maryland Health Care Commission and the Health Services Cost Review Commission under § 19-143 of this article.

(b) This section applies to:

(1) Except for the State designated exchange, a health information exchange operating in the State; and

(2) A payor that:

(i) Holds a valid certificate of authority issued by the Maryland Insurance Commissioner; and

(ii) Acts as, operates, or owns a health information exchange.

(c) An entity to which this section applies shall connect to the State designated exchange in a manner consistent with applicable federal and State privacy laws.

(d) When a standard request for clinical information is received through the State designated exchange, an entity to which this section applies shall respond to the request to the extent authorized under federal and State privacy laws.

(e) A consent from a patient to release clinical information to a provider obtained by an entity to which this section applies shall apply to information transmitted through the State designated exchange or by other means.

(f) The Maryland Health Care Commission:

(1) May adopt regulations for implementing the connectivity to the State designated exchange required under this section; and

(2) Shall seek, through any regulations adopted under item (1) of this subsection, to promote technology standards and formats that conform to those specified by the Office of the National Coordinator for Health Information Technology.

(G) (1) THE STATE DESIGNATED EXCHANGE SHALL:

(I) PARTICIPATE IN THE ADVISORY COMMITTEE ESTABLISHED UNDER § 13-4206(A)(1) OF THIS ARTICLE; AND

(II) MAINTAIN A DATA SET FOR THE MARYLAND COMMISSION ON HEALTH EQUITY AND PROVIDE DATA FROM THE DATA SET CONSISTENT WITH THE PARAMETERS DEFINED BY THE ADVISORY COMMITTEE.

(2) IF APPROVED BY THE MARYLAND COMMISSION ON HEALTH EQUITY, THE STATE DESIGNATED EXCHANGE MAY USE THE DATA SET MAINTAINED UNDER PARAGRAPH (1) OF THIS SUBSECTION TO IMPROVE HEALTH OUTCOMES FOR PATIENTS.

[(g)] (H) (1) The Maryland Health Care Commission may adopt regulations specifying the scope of clinical information to be exchanged under this section.

(2) Any regulations adopted under paragraph (1) of this subsection shall limit the scope of the clinical information to purposes that promote:

(i) Improved access to clinical records by treating clinicians; or

(ii) Uses of the State designated exchange important to public health agencies.

[(h)] (I) This section does not:

(1) Require an entity to which this section applies to collect clinical information or obtain any authorizations, not otherwise required by federal or State law, relating to information to be sent or received through the State designated exchange;

(2) Prohibit an entity to which this section applies from directly receiving or sending information to providers or subscribers outside of the State designated exchange; or

(3) Prohibit an entity to which this section applies from connecting and interoperating with the State designated exchange in a manner and scope beyond that required under this section.

SUBTITLE 42. MARYLAND COMMISSION ON HEALTH EQUITY.

13-4201.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “COMMISSION” MEANS THE MARYLAND COMMISSION ON HEALTH EQUITY.

(C) “HEALTH EQUITY FRAMEWORK” MEANS A PUBLIC HEALTH FRAMEWORK THROUGH WHICH POLICYMAKERS AND STAKEHOLDERS IN THE PUBLIC AND PRIVATE SECTORS USE A COLLABORATIVE APPROACH TO IMPROVE HEALTH OUTCOMES AND REDUCE HEALTH INEQUITIES IN THE STATE BY INCORPORATING HEALTH CONSIDERATIONS INTO DECISION MAKING ACROSS SECTORS AND POLICY AREAS.

13-4202.

THERE IS A MARYLAND COMMISSION ON HEALTH EQUITY.

13-4203.

(A) THE COMMISSION CONSISTS OF THE FOLLOWING MEMBERS:

(1) ONE MEMBER OF THE SENATE, APPOINTED BY THE PRESIDENT OF THE SENATE;

(2) ONE MEMBER OF THE HOUSE OF DELEGATES, APPOINTED BY THE SPEAKER OF THE HOUSE;

- (3) THE SECRETARY OF AGING, OR THE SECRETARY'S DESIGNEE;
- (4) THE SECRETARY OF AGRICULTURE, OR THE SECRETARY'S DESIGNEE;
- (5) THE SECRETARY OF BUDGET AND MANAGEMENT, OR THE SECRETARY'S DESIGNEE;
- (6) THE SECRETARY OF COMMERCE, OR THE SECRETARY'S DESIGNEE;
- (7) THE COMMISSIONER OF CORRECTION, OR THE COMMISSIONER'S DESIGNEE;
- (8) THE SECRETARY OF DISABILITIES, OR THE SECRETARY'S DESIGNEE;
- (9) THE STATE SUPERINTENDENT OF SCHOOLS, OR THE STATE SUPERINTENDENT'S DESIGNEE;
- (10) THE SECRETARY OF THE ENVIRONMENT, OR THE SECRETARY'S DESIGNEE;
- (11) THE SECRETARY OF GENERAL SERVICES, OR THE SECRETARY'S DESIGNEE;
- (12) THE SECRETARY, OR THE SECRETARY'S DESIGNEE;
- (13) THE SECRETARY OF HOUSING AND COMMUNITY DEVELOPMENT, OR THE SECRETARY'S DESIGNEE;
- (14) THE SECRETARY OF HUMAN SERVICES, OR THE SECRETARY'S DESIGNEE;
- (15) THE SECRETARY OF INFORMATION TECHNOLOGY, OR THE SECRETARY'S DESIGNEE;
- (16) THE SECRETARY OF JUVENILE SERVICES, OR THE SECRETARY'S DESIGNEE;
- (17) THE SECRETARY OF LABOR, OR THE SECRETARY'S DESIGNEE;

(18) THE SECRETARY OF NATURAL RESOURCES, OR THE SECRETARY'S DESIGNEE;

(19) THE SECRETARY OF PLANNING, OR THE SECRETARY'S DESIGNEE;

(20) THE SECRETARY OF STATE POLICE, OR THE SECRETARY'S DESIGNEE;

(21) THE SECRETARY OF TRANSPORTATION, OR THE SECRETARY'S DESIGNEE;

(22) THE SECRETARY OF VETERANS AFFAIRS, OR THE SECRETARY'S DESIGNEE;

(23) THE DEPUTY SECRETARY FOR BEHAVIORAL HEALTH, OR THE DEPUTY SECRETARY'S DESIGNEE; ~~AND~~

(24) THE DEPUTY SECRETARY FOR PUBLIC HEALTH SERVICES, OR THE DEPUTY SECRETARY'S DESIGNEE;

(25) THE MARYLAND INSURANCE COMMISSIONER, OR THE INSURANCE COMMISSIONER'S DESIGNEE; AND

(26) ONE REPRESENTATIVE OF A LOCAL HEALTH DEPARTMENT, DESIGNATED BY THE MARYLAND ASSOCIATION OF COUNTY HEALTH OFFICERS.

(B) TO THE EXTENT PRACTICABLE, THE MEMBERS APPOINTED TO THE COMMISSION SHALL REFLECT THE GEOGRAPHIC, RACIAL, ETHNIC, CULTURAL, AND GENDER DIVERSITY OF THE STATE.

(C) A MAJORITY OF THE MEMBERS PRESENT AT A MEETING SHALL CONSTITUTE A QUORUM.

(D) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE COMMISSION SHALL DETERMINE THE TIMES, PLACES, AND FREQUENCY OF ITS MEETINGS.

(2) THE COMMISSION SHALL MEET AT LEAST FOUR TIMES EACH YEAR.

13-4204.

(A) THE GOVERNOR SHALL DESIGNATE THE CHAIR OF THE COMMISSION FROM AMONG THE MEMBERS OF THE COMMISSION.

(B) A MEMBER OF THE COMMISSION:

(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE COMMISSION; BUT

(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

(C) THE DEPARTMENT SHALL PROVIDE STAFF SUPPORT FOR THE COMMISSION.

13-4205.

(A) THE PURPOSE OF THE COMMISSION IS TO:

(1) EMPLOY A HEALTH EQUITY FRAMEWORK TO EXAMINE:

(I) THE HEALTH OF RESIDENTS OF THE STATE TO THE EXTENT NECESSARY TO CARRY OUT THE REQUIREMENTS OF THIS SECTION;

(II) WAYS FOR UNITS OF STATE AND LOCAL GOVERNMENT TO COLLABORATE TO IMPLEMENT POLICIES THAT WILL POSITIVELY IMPACT THE HEALTH OF RESIDENTS OF THE STATE; AND

(III) THE IMPACT OF THE FOLLOWING FACTORS ON THE HEALTH OF RESIDENTS OF THE STATE:

- 1. ACCESS TO SAFE AND AFFORDABLE HOUSING;**
- 2. EDUCATIONAL ATTAINMENT;**
- 3. OPPORTUNITIES FOR EMPLOYMENT;**
- 4. ECONOMIC STABILITY;**
- 5. INCLUSION, DIVERSITY, AND EQUITY IN THE WORKPLACE;**
- 6. BARRIERS TO CAREER SUCCESS AND PROMOTION IN THE WORKPLACE;**
- 7. ACCESS TO TRANSPORTATION AND MOBILITY;**

8. SOCIAL JUSTICE;

9. ENVIRONMENTAL FACTORS; ~~AND~~

10. PUBLIC SAFETY, INCLUDING THE IMPACT OF CRIME, CITIZEN UNREST, THE CRIMINAL JUSTICE SYSTEM, AND GOVERNMENTAL POLICIES THAT AFFECT INDIVIDUALS WHO ARE IN PRISON OR RELEASED FROM PRISON; AND

11. FOOD INSECURITY;

(2) PROVIDE DIRECT ADVICE TO THE SECRETARY, AND INDIRECT ADVICE TO THE DEPARTMENT'S SENIOR ADMINISTRATORS AND PLANNERS THROUGH THE SECRETARY, REGARDING ISSUES OF RACIAL, ETHNIC, CULTURAL, OR SOCIOECONOMIC HEALTH DISPARITIES;

(3) FACILITATE COORDINATION OF THE EXPERTISE AND EXPERIENCE OF THE STATE'S HEALTH AND HUMAN SERVICES, HOUSING, TRANSPORTATION, EDUCATION, ENVIRONMENT, COMMUNITY DEVELOPMENT, AND LABOR SYSTEMS IN DEVELOPING A COMPREHENSIVE HEALTH EQUITY PLAN ADDRESSING THE SOCIAL DETERMINANTS OF HEALTH; AND

(4) SET GOALS FOR HEALTH EQUITY AND PREPARE A PLAN FOR THE STATE TO ACHIEVE HEALTH EQUITY IN ALIGNMENT WITH ANY OTHER STATEWIDE PLANNING ACTIVITIES.

(B) THE COMMISSION, USING A HEALTH EQUITY FRAMEWORK, SHALL:

(1) EXAMINE AND MAKE RECOMMENDATIONS REGARDING:

(i) HEALTH CONSIDERATIONS THAT MAY BE INCORPORATED INTO THE DECISION-MAKING PROCESSES OF GOVERNMENT AGENCIES AND PRIVATE SECTOR STAKEHOLDERS WHO INTERACT WITH GOVERNMENT AGENCIES;

(ii) REQUIREMENTS FOR IMPLICIT BIAS TRAINING FOR CLINICIANS ENGAGED IN PATIENT CARE AND WHETHER THE STATE SHOULD PROVIDE THE TRAINING;

(iii) TRAINING FOR HEALTH CARE PROVIDERS ON CONSISTENT AND PROPER COLLECTION OF PATIENT SELF-IDENTIFIED RACE, ETHNICITY, AND LANGUAGE DATA TO IDENTIFY DISPARITIES ACCURATELY; AND

(iv) REQUIREMENTS TO COMPLY WITH, AND FOR ENFORCEMENT OF, NATIONAL STANDARDS FOR CULTURALLY AND

LINGUISTICALLY APPROPRIATE SERVICES IN HEALTH AND HEALTH CARE (CLAS STANDARDS);

(2) FOSTER COLLABORATION BETWEEN UNITS OF THE STATE AND LOCAL GOVERNMENT AND DEVELOP POLICIES TO IMPROVE HEALTH AND REDUCE HEALTH INEQUITIES;

(3) IDENTIFY MEASURES FOR MONITORING AND ADVANCING HEALTH EQUITY IN THE STATE;

(4) ESTABLISH A STATE PLAN FOR ACHIEVING HEALTH EQUITY IN ALIGNMENT WITH OTHER STATEWIDE PLANNING ACTIVITIES IN COORDINATION WITH THE STATE'S HEALTH AND HUMAN SERVICES, HOUSING, TRANSPORTATION, EDUCATION, ENVIRONMENT, COMMUNITY DEVELOPMENT, AND LABOR SYSTEMS; AND

(5) MAKE RECOMMENDATIONS AND PROVIDE ADVICE, INCLUDING DIRECT ADVICE TO THE SECRETARY, ON IMPLEMENTING LAWS AND POLICIES TO IMPROVE HEALTH AND REDUCE HEALTH INEQUITIES.

(c) (1) THE COMMISSION MAY ESTABLISH ADVISORY COMMITTEES TO ASSIST THE COMMISSION IN THE PERFORMANCE OF ITS DUTIES UNDER THIS SECTION.

(2) AN ADVISORY COMMITTEE ESTABLISHED UNDER THIS SUBSECTION MAY INCLUDE INDIVIDUALS WHO ARE NOT MEMBERS OF THE COMMISSION.

13-4206.

(A) (1) THE COMMISSION SHALL, IN COORDINATION WITH THE STATE DESIGNATED HEALTH INFORMATION EXCHANGE, ESTABLISH AN ADVISORY COMMITTEE TO MAKE RECOMMENDATIONS ON DATA COLLECTION, NEEDS, QUALITY, REPORTING, EVALUATION, AND VISUALIZATION FOR THE COMMISSION TO CARRY OUT THE PURPOSES OF THIS SUBTITLE.

(2) THE ADVISORY COMMITTEE SHALL INCLUDE REPRESENTATIVES FROM THE STATE DESIGNATED HEALTH INFORMATION EXCHANGE.

(3) THE ADVISORY COMMITTEE SHALL DEFINE THE PARAMETERS OF A HEALTH EQUITY DATA SET TO BE MAINTAINED BY THE STATE DESIGNATED HEALTH INFORMATION EXCHANGE, INCLUDING INDICATORS FOR:

(i) SOCIAL AND ECONOMIC CONDITIONS;

(II) ENVIRONMENTAL CONDITIONS;

(III) HEALTH STATUS;

(IV) BEHAVIORS;

(V) HEALTH CARE; AND

(VI) PRIORITY HEALTH OUTCOMES FOR MONITORING HEALTH EQUITY FOR RACIAL AND ETHNIC MINORITY POPULATIONS IN THE STATE.

(4) THE DATA SET FOR WHICH PARAMETERS ARE DEFINED UNDER PARAGRAPH (3) OF THIS SUBSECTION SHALL INCLUDE DATA FROM:

(I) HEALTH CARE FACILITIES THAT REPORT TO THE HEALTH SERVICES COST REVIEW COMMISSION;

(II) HEALTH CARE PAYERS THAT REPORT TO THE MARYLAND HEALTH CARE COMMISSION; AND

(III) ANY OTHER DATA SOURCE THE ADVISORY COMMITTEE DETERMINES NECESSARY.

(5) DATA SHALL BE REPORTED IN THE AGGREGATE IF IT IS REPORTED:

(I) TO THE PUBLIC; OR

(II) FROM THE STATE DESIGNATED HEALTH INFORMATION EXCHANGE TO THE COMMISSION.

(6) IF THE ADVISORY COMMITTEE MAKES A RECOMMENDATION THAT DATA BE MADE AVAILABLE TO THE PUBLIC, THE RECOMMENDATION SHALL COMPLY WITH APPLICABLE FEDERAL AND STATE PRIVACY LAW.

(B) (1) THE COMMISSION MAY REQUEST DATA CONSISTENT WITH THE RECOMMENDATIONS OF THE ADVISORY COMMITTEE.

(2) DATA REQUESTED BY THE COMMISSION UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE PROVIDED, TO THE EXTENT AUTHORIZED BY FEDERAL AND STATE PRIVACY LAW, TO:

(I) THE COMMISSION; OR

(II) THE STATE DESIGNATED EXCHANGE.

(C) THE COMMISSION MAY PUBLISH OR PROVIDE TO THE PUBLIC ANY DATA COLLECTED UNDER THIS SECTION CONSISTENT WITH THE RECOMMENDATIONS OF THE ADVISORY COMMITTEE ESTABLISHED UNDER SUBSECTION (A) OF THIS SECTION.

13-4207.

ON OR BEFORE DECEMBER 1 EACH YEAR, THE COMMISSION SHALL SUBMIT A REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON THE ACTIVITIES OF THE COMMISSION.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) On or before December 1, 2023, the Maryland Commission on Health Equity established under § 13-4202 of the Health – General Article, as enacted under Section 1 of this Act, shall study and make findings and recommendations regarding the health effects that are occurring in the State as a result of:

- (1) The lack of inclusion, diversity, and equity in the workplace as it relates to promotion, including promotion based on merit and qualification, and barriers to promotion;
 - (2) Diminished access to affordable housing and poor living conditions in households;
 - (3) Barriers to quality education, including violence and socioeconomic disparities;
 - (4) Limited options for transportation;
 - (5) The existence of medically underserved communities, including individuals and families who are homeless;
 - (6) Environmental factors, including pollution and exposure to lead paint;
- and
- (7) Socioeconomic conditions, including unemployment and homelessness.

(b) The Commission shall include its findings and recommendations from the study required under subsection (a) of this section in the annual report required on or before December 1, 2023, under § 13-4207 of the Health – General Article, as enacted by Section 1 of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2021.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 30, 2021.