J1, J2 Ilr0452 (PRE-FILED) CF SB 5

By: Delegates Pena-Melnyk and R. Lewis

Requested: July 8, 2020

Introduced and read first time: January 13, 2021 Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

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Public Health – Implicit Bias Training and the Office of Minority Health and Health Disparities

4 FOR the purpose of requiring the Office of Minority Health and Health Disparities to 5 publish, to a certain extent, certain data on its website and to update certain data at 6 a certain frequency; requiring the Governor, beginning in a certain fiscal year, to 7 include a certain appropriation in the annual budget bill for the Office; altering a 8 provision of law related to the intent of the General Assembly regarding the funding 9 of the Office; requiring the Office to report certain information to certain committees 10 of the General Assembly on or before a certain date each year; altering the purpose 11 of the Cultural and Linguistic Health Care Professional Competency Program; 12 requiring the Program, in coordination with the Office, to identify and approve 13 certain implicit bias training programs; authorizing the Office to approve only 14 implicit bias training programs that are recognized by a certain board or accredited 15 by a certain council; requiring the Program to provide a certain list on request; 16 requiring an applicant for the renewal of a license or certificate issued by a certain 17 health occupations board to attest in a certain application that the applicant 18 completed a certain implicit bias training program under certain circumstances; 19 making technical changes; and generally relating to implicit bias training and the 20 Office of Minority Health and Health Disparities.

21 BY repealing and reenacting, with amendments,

22 Article – Health – General

Section 20–1004(21) and (22), 20–1007, 20–1301, 20–1302, and 20–1305

24 Annotated Code of Maryland

25 (2019 Replacement Volume and 2020 Supplement)

26 BY adding to

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27 Article – Health – General

28 Section 20–1004(23) and 20–1306

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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1 2	Annotated Code of Maryland (2019 Replacement Volume and 2020 Supplement)
3 4 5 6 7	BY adding to Article – Health Occupations Section 1–225 Annotated Code of Maryland (2014 Replacement Volume and 2020 Supplement)
8 9	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:
10	Article – Health – General
11	20–1004.
12	The Office shall:
13 14	(21) Work collaboratively with the Governor's Office of Small, Minority, and Women Business Affairs as the Office determines necessary; [and]
15 16 17	(22) In collaboration with the Maryland Health Care Commission, publish annually on the Department's website and provide in writing on request a "Health Care Disparities Policy Report Card" that includes:
18 19	(i) An analysis of racial and ethnic variations in insurance coverage for low–income, nonelderly individuals;
20 21	(ii) The racial and ethnic composition of the physician population compared to the racial and ethnic composition of the State's population; and
22 23 24	(iii) The racial and ethnic disparities in morbidity and mortality rates for cardiovascular disease, cancer, diabetes, HIV/AIDS, infant mortality, asthma, and other diseases identified by the Maryland Health Care Commission; AND
25 26 27 28	(23) TO THE EXTENT AUTHORIZED UNDER FEDERAL AND STATE PRIVACY LAWS, PUBLISH ON ITS WEBSITE HEALTH DATA THAT INCLUDES RACE AND ETHNICITY INFORMATION COLLECTED BY THE OFFICE AND UPDATE THE DATA AT LEAST ONCE EVERY 6 MONTHS.
29	20–1007.
30	(A) FOR FISCAL YEAR 2023 AND EACH FISCAL YEAR THEREAFTER, THE

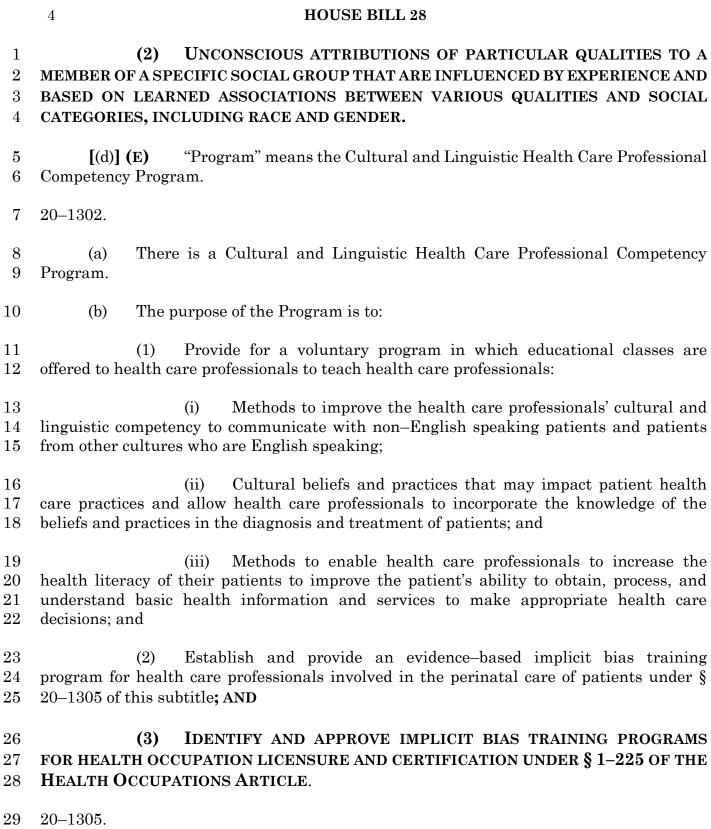
GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION FOR

THE OFFICE IN AN AMOUNT THAT IS AT LEAST \$1,788,314 OR 1.2% OF THE TOTAL

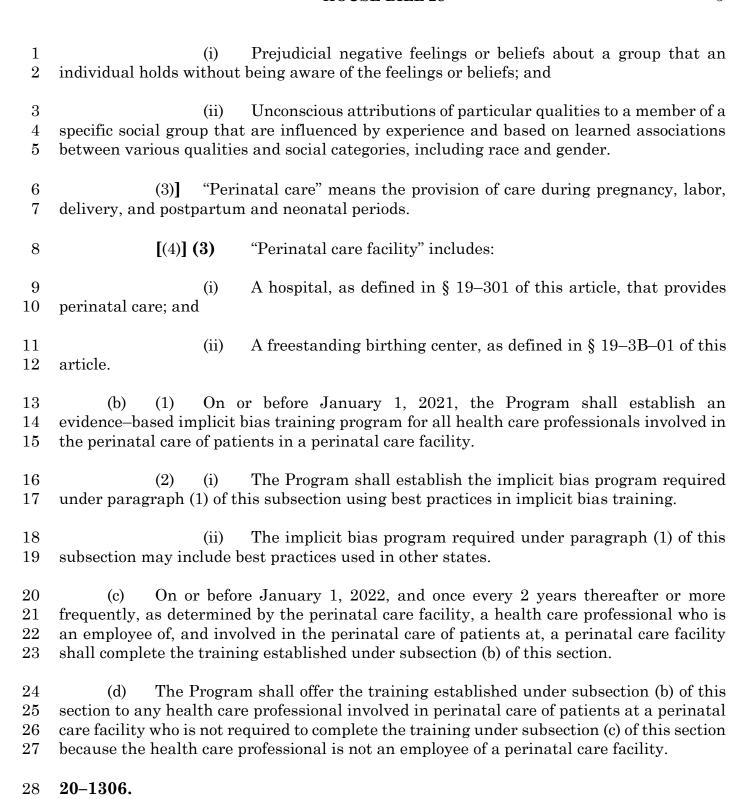
FUNDS APPROPRIATED TO THE DEPARTMENT IN THAT FISCAL YEAR, WHICHEVER IS

1 GREATER.

- 2 **(B)** It is the intent of the General Assembly that the Office [be funded] 3 **SUPPLEMENT THE FUNDING FOR THE OFFICE PROVIDED UNDER SUBSECTION (A) OF** 4 **THIS SECTION WITH FUNDING** from federal and special funding sources.
- 5 (C) ON OR BEFORE OCTOBER 1 EACH YEAR, THE OFFICE SHALL REPORT TO
 6 THE HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE AND THE
 7 SENATE FINANCE COMMITTEE, IN ACCORDANCE WITH § 2–1257 OF THE STATE
 8 GOVERNMENT ARTICLE, THE FOLLOWING INFORMATION FROM THE IMMEDIATELY
 9 PRECEDING FISCAL YEAR:
- 10 (1) THE OFFICE'S EFFORTS TO OBTAIN FUNDING DESCRIBED UNDER SUBSECTION (B) OF THIS SECTION; AND
- 12 **(2)** THE AMOUNT OF FUNDING FROM FEDERAL AND SPECIAL 13 FUNDING SOURCES THE OFFICE RECEIVED.
- 14 20–1301.
- 15 (a) In this subtitle the following words have the meanings indicated.
- 16 (b) "Cultural and linguistic competency" means cultural and linguistic abilities 17 that can be incorporated into the apeutic and medical evaluation and treatment, including:
- 18 (1) Direct communication in the patient's primary language;
- 19 (2) Understanding and applying the roles that culture, ethnicity, and race 20 play in diagnosis, treatment, and clinical care; and
- 21 (3) Awareness of how the attitudes, values, and beliefs of health care 22 providers and patients influence and impact professional and patient relations.
- 23 (c) "Health care professional" includes a physician, nurse, dentist, social worker, psychologist, pharmacist, health educator, or other allied health professional.
- 25 (D) "IMPLICIT BIAS" MEANS A BIAS IN JUDGMENT THAT RESULTS FROM
 26 SUBTLE COGNITIVE PROCESSES, INCLUDING THE FOLLOWING PREJUDICES AND
 27 STEREOTYPES THAT OFTEN OPERATE AT A LEVEL BELOW CONSCIOUS AWARENESS
 28 AND WITHOUT INTENTIONAL CONTROL:
- 29 (1) PREJUDICIAL NEGATIVE FEELINGS OR BELIEFS ABOUT A GROUP 30 THAT AN INDIVIDUAL HOLDS WITHOUT BEING AWARE OF THE FEELINGS OR BELIEFS; 31 AND



- In this section the following words have the meanings indicated. 30 (a) (1)
- ["Implicit bias" means a bias in judgment that results from subtle 31 32cognitive processes, including the following prejudices and stereotypes that often operate at a level below conscious awareness and without intentional control: 33



29 (A) (1) THE PROGRAM SHALL, IN COORDINATION WITH THE OFFICE OF 30 MINORITY HEALTH AND HEALTH DISPARITIES, IDENTIFY AND APPROVE IMPLICIT 31 BIAS TRAINING PROGRAMS THAT AN INDIVIDUAL MAY COMPLETE TO SATISFY THE 32 REQUIREMENTS OF § 1–225 OF THE HEALTH OCCUPATIONS ARTICLE.

- 1 (2) THE PROGRAM MAY APPROVE ONLY IMPLICIT BIAS TRAINING
- 2 PROGRAMS UNDER PARAGRAPH (1) OF THIS SUBSECTION THAT ARE RECOGNIZED BY
- 3 A HEALTH OCCUPATIONS BOARD ESTABLISHED UNDER THE HEALTH OCCUPATIONS
- 4 ARTICLE OR ACCREDITED BY THE ACCREDITATION COUNCIL FOR CONTINUING
- 5 MEDICAL EDUCATION.
- 6 (B) THE PROGRAM SHALL PROVIDE A LIST OF TRAINING PROGRAMS 7 APPROVED UNDER SUBSECTION (A) OF THIS SECTION ON REQUEST.

Article - Health Occupations

9 1-225.

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- AN APPLICANT FOR THE RENEWAL OF A LICENSE OR CERTIFICATE ISSUED BY
- 11 A HEALTH OCCUPATIONS BOARD UNDER THIS ARTICLE SHALL ATTEST IN THE
- 12 APPLICATION THAT THE APPLICANT HAS COMPLETED AN IMPLICIT BIAS TRAINING
- 13 PROGRAM APPROVED BY THE CULTURAL AND LINGUISTIC HEALTH CARE
- 14 PROFESSIONAL COMPETENCY PROGRAM UNDER § 20–1306 OF THE HEALTH –
- 15 GENERAL ARTICLE IF THE APPLICATION FOR RENEWAL IS THE FIRST APPLICATION
- 16 FOR RENEWAL SUBMITTED BY THE APPLICANT AFTER OCTOBER 1, 2021.
- 17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
- 18 October 1, 2021.