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February 20, 2020

To: The Honorable Shane E. Pendergrass
Chair, Health and Government Operations Committee

From: Patricia F. O'Connor, Health Education and Advocacy Unit

Re: House Bill 1120 (Health Care Providers and Health Benefit Plans - Discrimination in Provision of Services): Support

The Office of the Attorney General's Health Education and Advocacy Unit (HEAU) supports House Bill 1120 which would prohibit discrimination by facilities, providers, carriers and health maintenance organizations relating to health care. As the HEAU stated in its letter of support for House Bill 255 (prohibiting discrimination by hospitals and related institutions), people in Maryland require and deserve clarity regarding protections against discrimination in the delivery of care and health insurance. House Bill 959, also being heard today, contains provisions relating to discrimination in health insurance (§ 15-1A-22). We recognize there will likely be careful consideration in subcommittee of how to structure the health care related antidiscrimination protections and would welcome an opportunity to participate in that effort.

This bill would expressly expand such protections beyond the narrow protections in Health-General § 19-355, which provides that a hospital or related institution cannot discriminate in providing personal care based on an individual's race, color or national origin. As currently enacted, the section is at variance with the full panoply of anti-discrimination protections contained in Health - General, § 19-342, Hospital patient's bill of rights (PBOR law), and State Government, § 20-304, Maryland's public accommodation law. The apparent gaps in Health-General § 19-355's anti-discrimination protections have been covered by Section 1557 of the Affordable Care Act since its enactment, but federal regulatory proposals intended to diminish those protections, and the risk of repeal, render continued reliance on Section 1557 uncertain.

We believe many health care consumers in Maryland assume anti-discrimination protections already exist in State law, and that the protections will continue uninterrupted, independent of the Affordable Care Act. We look forward to working with other stakeholders to maintain that continuity for consumers and to clarity for those involved in health care delivery and health insurance that discrimination against protected classes is prohibited in Maryland.

We urge the committee to give a favorable report to the bill approved by the subcommittee after stakeholder input.

cc: Delegate Kelly, Sponsor