
By: Delegate Benson

Introduced and read first time: January 10, 1996

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Health Care Consumers' Bill of Rights**

3 FOR the purpose of establishing that health care consumers have certain rights, including
4 the right to choose a managed care insurer at any time, without being confined to an
5 open enrollment period; the right to affordable health care; the right to health care
6 within a community location; the right to competent health care providers who are
7 sensitive to the consumer's culture and ethnicity; the right to request and receive
8 certain information; the right to receive certain information in a certain manner; the
9 right to access alternative health care delivery systems through a managed care
10 insurer; the right to have a community board review certain care; the right, if
11 qualified, to participate as a provider of health services in the community; and
12 generally relating to the rights of health care consumers.

13 BY adding to

14 Article - Health - General
15 Section 19-601 and 19-602 to be under the new subtitle "Subtitle 6. Health Care
16 Consumers' Bill of Rights"
17 Annotated Code of Maryland
18 (1990 Replacement Volume and 1995 Supplement)

19 Preamble

20 WHEREAS, Statistical data demonstrate that African American citizens in the
21 State of Maryland suffer disproportionately from a myriad of health related conditions,
22 which, in the extreme, account for significantly higher incidence of disease, disability, and
23 premature death than experienced by the general community; and

24 WHEREAS, The managed health care system is unnecessarily complex, and its
25 complexity is a barrier to access to primary health care, especially for undereducated
26 people; and

27 WHEREAS, Inadequate primary health care renders the patient in need of more
28 acute and more expensive care; and

29 WHEREAS, African American citizens and other citizens must be empowered with
30 knowledge and full disclosure of how the health care system works, including their
31 responsibilities to care for their own health; and

2

1 WHEREAS, Many African American and other socioeconomically disenfranchised
2 citizens have not had access to the education that the United States has offered to some;
3 and

4 WHEREAS, Relatively simple measures, such as writing disclosures at an eighth
5 grade comprehension level or conducting public forums at culturally sensitive times and
6 locations, would go a long way toward removing the obstacles to good primary care; and

7 WHEREAS, African Americans' generally more severe health care needs require
8 that alternative medical options be made available with those options covered by
9 insurance; and

10 WHEREAS, Referrals to another provider without consultation of the patient
11 disrupt the relationship between a patient and a health care provider and inhibit the
12 patient's perception that he or she can participate in the maintenance of his or her own
13 wellness; and

14 WHEREAS, The patient's freedom to choose a health care provider and the right
15 to quality health care are basic rights granted with citizenship and must be reflected in
16 the practices of insurers, so that, for instance, a managed care organization should not
17 restrict "open enrollment" to an enrollment period but should declare "open enrollment"
18 all year; and

19 WHEREAS, Logistical considerations for health care must be addressed from the
20 perspective of the consumer where issues such as distance to health care facilities, modes
21 of transportation available, and office hours impede full access to quality health care; and

22 WHEREAS, In order to increase wellness in African American and other
23 socioeconomically disenfranchised citizens these citizens must be empowered to assume
24 more responsibility for their health care and the selection of their health care providers;
25 and

26 WHEREAS, The health care system is currently focussed on disease and acute care
27 and there must be incentives to establish more preventive care and programs to maintain
28 good health; and

29 WHEREAS, Given that true wellness and the maintenance of health are reflective
30 of lifestyle, it is imperative that quality health care providers who are African American
31 or who are aware and sensitive of the issues in that community be made available within
32 the community; and

33 WHEREAS, Health care dollars generated in the African American community
34 enter the profit pools of the large insurance companies and managed care organizations
35 without any deliberate dedication of those profits toward improving the degraded health
36 within the community; now, therefore,

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

3

1 **Article - Health - General**

2 SUBTITLE 6. HEALTH CARE CONSUMERS' BILL OF RIGHTS.

3 19-601.

4 HEALTH CARE CONSUMERS IN THIS STATE HAVE THE FOLLOWING RIGHTS:

5 (1) THE RIGHT TO CHOOSE A MANAGED CARE INSURER WITHOUT
6 REGARD TO WHETHER AN OPEN ENROLLMENT PERIOD IS IN EFFECT;

7 (2) THE RIGHT TO RECEIVE HEALTH CARE AT AN AFFORDABLE COST;

8 (3) THE RIGHT TO RECEIVE HEALTH CARE WITHIN A COMMUNITY
9 LOCATION;

10 (4) THE RIGHT TO COMPETENT HEALTH CARE PROVIDERS WHO ARE
11 SENSITIVE TO THEIR CULTURE AND ETHNICITY;

12 (5) THE RIGHT TO REQUEST AND RECEIVE COMPLETE INFORMATION
13 ABOUT THE HEALTH CARE PROVIDERS EMPLOYED WITH A MANAGED CARE
14 INSURER AND THE SERVICES THE PROVIDERS PROVIDE, INCLUDING INFORMATION
15 ABOUT A PROVIDER'S EXPERIENCE, BACKGROUND, AND REPUTATION AS WELL AS
16 POLICIES, PROCEDURES, AND CHARGES FOR SERVICES;

17 (6) THE RIGHT TO RECEIVE MEDICAL INFORMATION ABOUT THE
18 PATIENT'S MEDICAL PROBLEMS, AVAILABLE TREATMENTS AND PROCEDURES, AND
19 THE EXPECTED OUTCOME OF THE PROCEDURES AT A LEVEL OF ENGLISH AND IN A
20 FORM THAT BEST FACILITATES COMPLETE UNDERSTANDING OF THE INFORMATION
21 GIVEN;

22 (7) THE RIGHT TO ACCESS ALTERNATIVE HEALTH CARE DELIVERY
23 SYSTEMS THROUGH THE MANAGED CARE INSURER;

24 (8) THE RIGHT TO A REVIEW OF THE CARE A CONSUMER RECEIVES BY
25 A BOARD REPRESENTATIVE OF THE CONSUMER'S COMMUNITY ON ISSUES
26 INCLUDING CONFIDENTIALITY OF MEDICAL INFORMATION;

27 (9) THE RIGHT TO RECEIVE HEALTH INFORMATION ABOUT A
28 MANAGED CARE INSURER'S POLICIES AND PROCESSES BY WAY OF REGULAR PUBLIC
29 FORA PROVIDED BY THE INSURER; AND

30 (10) THE RIGHT, IF QUALIFIED, TO PARTICIPATE AS A PROVIDER OF
31 HEALTH CARE SERVICES IN THE COMMUNITY.

32 19-602.

33 THIS SUBTITLE SHALL BE KNOWN AS THE HEALTH CARE CONSUMERS' BILL OF
34 RIGHTS.

35 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
36 October 1, 1996.