
By: **Delegates Benson, Barkley, Burns, G. Clagett, D. Davis, Frush, Gaines, Healey, Holmes, Howard, Kaiser, Kelley, Kullen, Love, Malone, McHale, McKee, Menes, Moe, Murray, Niemann, Parker, Patterson, Quinter, Ramirez, Ross, Trueschler, F. Turner, V. Turner, and Vaughn**

Introduced and read first time: February 9, 2005

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Health Care Disclosure Act**

3 FOR the purpose of requiring an applicant for certain State health programs to
4 identify the employer of a proposed beneficiary or the employer of a certain
5 family member of a proposed beneficiary; requiring the Department of Health
6 and Mental Hygiene to publish a report identifying certain employers and
7 providing certain information; requiring the report to protect the confidentiality
8 of individuals in the State health programs; requiring the report to be made
9 available to the public; requiring the Department to report to the General
10 Assembly on or before a certain date; defining certain terms; and generally
11 relating to the disclosure of information regarding employers of individuals
12 enrolled in State health programs.

13 BY adding to

14 Article - Health - General

15 Section 15-103.5

16 Annotated Code of Maryland

17 (2000 Replacement Volume and 2004 Supplement)

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

20 **Article - Health - General**

21 15-103.5.

22 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
23 INDICATED.

24 (2) "PROPOSED BENEFICIARY" MEANS:

1 (I) AN INDIVIDUAL WHO FILES AN APPLICATION FOR MEDICAL
2 AND OTHER HEALTH CARE SERVICES; OR

3 (II) AN INDIVIDUAL ON WHOSE BEHALF AN APPLICATION IS FILED,
4 INCLUDING CHILDREN OR OTHER DEPENDENTS OF THE APPLICANT OR OTHER
5 INDIVIDUAL FOR WHOM THE APPLICATION IS FILED.

6 (3) "STATE HEALTH PROGRAM" MEANS:

7 (I) THE MARYLAND MEDICAID PROGRAM;

8 (II) THE MARYLAND CHILDREN'S HEALTH PROGRAM; OR

9 (III) ANY STATE HEALTH CARE PROGRAM THAT PROVIDES MEDICAL
10 AND OTHER HEALTH SERVICES.

11 (B) (1) AN APPLICANT FOR A STATE HEALTH PROGRAM SHALL IDENTIFY
12 THE EMPLOYER OF THE PROPOSED BENEFICIARY OF THE MEDICAL AND OTHER
13 HEALTH CARE SERVICES.

14 (2) IF THE PROPOSED BENEFICIARY OF THE MEDICAL AND OTHER
15 HEALTH CARE SERVICES IS NOT EMPLOYED, THE APPLICANT SHALL IDENTIFY THE
16 EMPLOYERS OF ALL FAMILY MEMBERS OF THE PROPOSED BENEFICIARY WHOSE
17 INCOME IS COUNTED AS FAMILY INCOME.

18 (C) (1) THE DEPARTMENT SHALL PUBLISH A REPORT IDENTIFYING ALL
19 EMPLOYERS THAT EMPLOY 25 OR MORE RECIPIENTS OF BENEFITS UNDER A STATE
20 HEALTH PROGRAM AS PROVIDED UNDER SUBSECTION (B) OF THIS SECTION.

21 (2) IN DETERMINING WHETHER THE 25 EMPLOYEE THRESHOLD IS MET,
22 THE DEPARTMENT SHALL INCLUDE ALL STATE HEALTH PROGRAM BENEFICIARIES
23 EMPLOYED BY:

24 (I) THE EMPLOYER; AND

25 (II) THE EMPLOYER'S SUBSIDIARIES AT ALL LOCATIONS WITHIN
26 THE STATE.

27 (3) THE REPORT SHALL INCLUDE:

28 (I) THE NAME AND LOCATION OF EACH EMPLOYER IDENTIFIED IN
29 PARAGRAPH (1) OF THIS SUBSECTION;

30 (II) THE TOTAL NUMBER OF THE NAMED EMPLOYER'S EMPLOYEES
31 AND DEPENDENTS WHO ARE ENROLLED IN THE STATE HEALTH PROGRAM; AND

32 (III) THE TOTAL COST TO THE STATE OF PROVIDING HEALTH CARE
33 BENEFITS FOR THE EMPLOYEES AND ENROLLED DEPENDENTS OF EACH NAMED
34 EMPLOYER.

1 (4) THE REPORT MAY NOT INCLUDE THE NAME OF ANY INDIVIDUAL IN
2 THE STATE HEALTH PROGRAM AND SHALL BE SUBJECT TO FEDERAL STANDARDS
3 FOR THE PRIVACY OF INDIVIDUALLY IDENTIFIABLE HEALTH INFORMATION.

4 (5) THE DEPARTMENT SHALL MAKE THE REPORT AVAILABLE TO THE
5 GENERAL PUBLIC.

6 SECTION 2. AND BE IT FURTHER ENACTED, That the Department of
7 Health and Mental Hygiene shall report to the General Assembly on or before
8 December 1, 2006, in accordance with § 2-1246 of the State Government Article, on
9 the implementation of this Act.

10 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2005.