

SENATE BILL 735

J1
SB 471/05 – FIN

71r2474

By: **Senators Exum, Britt, Della, Kelley, and Stone**
Introduced and read first time: February 9, 2007
Assigned to: Rules

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 (2005 Replacement Volume and 2006 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.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 (2) “PROPOSED BENEFICIARY” MEANS:

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

6 (II) AN INDIVIDUAL ON WHOSE BEHALF AN APPLICATION IS
7 FILED, INCLUDING CHILDREN OR OTHER DEPENDENTS OF THE APPLICANT OR
8 OTHER INDIVIDUAL FOR WHOM THE APPLICATION IS FILED.

9 (3) “STATE HEALTH PROGRAM” MEANS:

10 (I) THE MARYLAND MEDICAID PROGRAM;

11 (II) THE MARYLAND CHILDREN’S HEALTH PROGRAM; OR

12 (III) ANY STATE HEALTH CARE PROGRAM THAT PROVIDES
13 MEDICAL AND OTHER HEALTH SERVICES.

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

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

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

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

- 1 **(I) THE EMPLOYER; AND**
- 2 **(II) THE EMPLOYER'S SUBSIDIARIES AT ALL LOCATIONS**
3 **WITHIN THE STATE.**
- 4 **(3) THE REPORT SHALL INCLUDE:**
- 5 **(I) THE NAME AND LOCATION OF EACH EMPLOYER**
6 **IDENTIFIED IN PARAGRAPH (1) OF THIS SUBSECTION;**
- 7 **(II) THE TOTAL NUMBER OF THE NAMED EMPLOYER'S**
8 **EMPLOYEES AND DEPENDENTS WHO ARE ENROLLED IN THE STATE HEALTH**
9 **PROGRAM; AND**
- 10 **(III) THE TOTAL COST TO THE STATE OF PROVIDING HEALTH**
11 **CARE BENEFITS FOR THE EMPLOYEES AND ENROLLED DEPENDENTS OF EACH**
12 **NAMED EMPLOYER.**
- 13 **(4) THE REPORT MAY NOT INCLUDE THE NAME OF ANY**
14 **INDIVIDUAL IN THE STATE HEALTH PROGRAM AND SHALL BE SUBJECT TO**
15 **FEDERAL STANDARDS FOR THE PRIVACY OF INDIVIDUALLY IDENTIFIABLE**
16 **HEALTH INFORMATION.**
- 17 **(5) THE DEPARTMENT SHALL MAKE THE REPORT AVAILABLE TO**
18 **THE GENERAL PUBLIC.**

19 SECTION 2. AND BE IT FURTHER ENACTED, That the Department of
20 Health and Mental Hygiene shall report to the General Assembly on or before
21 December 1, 2008, in accordance with § 2-1246 of the State Government Article, on
22 the implementation of this Act.

23 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2007.