

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 255 (Delegate K. Young, *et al.*)
Health and Government Operations

Health Care Facilities - Hospitals and Related Institutions - Discrimination
Protections

This bill expands the general prohibition against discrimination applicable to a hospital or related institution in the State to include specified characteristics. The bill also repeals language that limits the prohibition to discrimination in the provision of *personal* care, and it specifies that the prohibition also applies when *admitting* an individual for care.

Fiscal Summary

State Effect: The bill is not anticipated to materially affect State operations or finances. However, to the extent the Maryland Commission on Civil Rights (MCCR) receives a significant number of additional complaints under the bill, general fund expenditures may increase to hire additional personnel to investigate complaints.

Local Effect: The bill is not anticipated to materially affect local government operations or finances.

Small Business Effect: None.

Analysis

Bill Summary/Current Law: The bill specifies that a hospital or related institution may not discriminate in admitting or providing care for an individual because of the characteristics listed in **Exhibit 1**.

Exhibit 1
Prohibition on Discrimination by Hospitals and Related Institutions

Current Law

- Race
- Color
- National origin

Under the Bill

- Race
- Color
- National origin
- Sex
- Sexual orientation
- Gender identity
- Religion or creed
- Citizenship
- Age
- Physical or mental disability
- Genetic information
- Ancestry

Note: Reflects the prohibition in the Health-General Article applicable to hospitals and related institutions only.

Source: Department of Legislative Services

The bill also specifies that a hospital or related institution may not discriminate in admitting or providing care for an individual because of the treatment or procedure sought by the individual, if the treatment or procedure is (1) capable of being executed by the hospital or related institution and accompanied by a referral subject to specified limitations contained in the Health Occupations Article or (2) otherwise determined to be medically necessary.

Under current law, MCCR must enforce the prohibition on discrimination.

Background: Hospitals may have separate nondiscrimination policies that may protect additional characteristics beyond those required in statute. For example, the University of Maryland Medical Center [nondiscrimination policy](#) specifies that the center complies with applicable federal civil rights laws and does not discriminate on the basis of – nor does it exclude people or treat them differently because of – race, color, national origin, age, disability, or sex.

Maryland Commission on Civil Rights

Generally, MCCR represents the interest of the State to ensure equal opportunity for all individuals through enforcement of Title 20 of the State Government Article and Title 19 of the State Finance and Procurement Article. MCCR investigates complaints of discrimination in employment, housing, public accommodations, and State contracts from members of protected classes that are covered under those laws. Its mandate is to protect against discrimination based on race, color, religion or creed, sex, age, national origin or ancestry, marital status, physical or mental disability, sexual orientation, and gender identity. For employment cases, it is unlawful for an employer to discriminate against an applicant or employee based on that individual's genetic information. In housing cases, discrimination based on familial status is also unlawful.

Additional Information

Prior Introductions: HB 856 of 2019, a similar bill, received a hearing in the House Health and Government Operations Committee, but no further action was taken. Its cross file, SB 953, received a hearing in the Senate Finance Committee, but no further action was taken.

Designated Cross File: SB 547 (Senator Young) - Finance.

Information Source(s): Maryland Commission on Civil Rights; Maryland Department of Health; University of Maryland Medical Center; Department of Legislative Services

Fiscal Note History: First Reader - February 3, 2020
an/jc

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