

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 738
Finance

(Senator Feldman)

Health Care Providers and Health Benefit Plans - Discrimination in Provision of Services

This bill prohibits a hospital or related institution from refusing, withholding from, or denying to any individual medical services or otherwise discriminating against any individual with respect to the individual's medical care because of the race, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, genetic information, or disability of the individual. The bill also prohibits an individual licensed or regulated by the Maryland Department of Health (MDH) and a person (including a health maintenance organization) that provides health benefit plans and has a certificate of authority issued by the Maryland Insurance Administration (MIA) from refusing, withholding from, or denying any person any services or otherwise discriminating against any person because of the person's race, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, genetic information, or disability.

Fiscal Summary

State Effect: Minimal special fund revenue increase for MIA in FY 2021 only from the \$125 rate and form filing fee. Review of form filings requires contractual assistance in FY 2021 only. 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: Minimal.

Analysis

Bill Summary: The bill states that it is the policy of the State to (1) provide affordable health care throughout the State to all regardless of race, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, genetic information, or disability and (2) prohibit discrimination with respect to the provision of health care by any person, in order to protect and ensure the peace, health, safety, prosperity, and general welfare of all.

The bill's prohibitions do not prohibit a person that is licensed or regulated by MDH or regulated by MIA from refusing, withholding from, or denying any person services for failure to conform to the usual and regular requirements, standards, and regulations imposed by the licensed or regulated person, unless the refusal, withholding, or denial is based on discrimination on specified grounds.

Current Law: A hospital or related institution may not discriminate in providing personal care for an individual because of the race, color, or national origin of the individual. This prohibition is enforced by MCCR.

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: None.

Designated Cross File: HB 1120 (Delegate Kelly) - Health and Government Operations.

Information Source(s): Maryland Commission on Civil Rights; Maryland Insurance Administration; Maryland Department of Health; Department of Legislative Services

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Analysis by: Jennifer B. Chasse

Direct Inquiries to:
(410) 946-5510
(301) 970-5510