

Chapter 679

(House Bill 1082)

AN ACT concerning

Public Health – Consumer Health Information – Hub and Requirements

FOR the purpose of designating a certain center as the State’s Consumer Health Information Hub; requiring State and local agencies to use plain language in public communications about health, safety, and social services benefits; providing that the provisions of this Act are not subject to judicial review and do not create a judicial or administrative right of action; establishing grant ~~and procurement~~ requirements related to health literacy; and generally relating to consumer health information.

BY adding to

Article – Health – General

Section 20–2201 through ~~20–2207~~ 20–2208 to be under the new subtitle “Subtitle 22. Consumer Health Information”

Annotated Code of Maryland

(2019 Replacement Volume and 2021 Supplement)

~~BY adding to~~

~~Article – State Finance and Procurement~~

~~Section 14–418~~

~~Annotated Code of Maryland~~

~~(2021 Replacement Volume)~~

Preamble

WHEREAS, The COVID–19 pandemic has shown that the residents of Maryland need plain–language information and guidance to make informed health care decisions; and

WHEREAS, Access to accurate, consistent, evidence–based, plain–language information that is culturally and linguistically appropriate is as important as access to health care services, thereby making information access a health equity issue; and

WHEREAS, The federal government recognizes the importance of plain language in public communication and enacted the Plain Writing Act of 2010 that requires all federal executive branch agencies to use plain language in public communications; and

WHEREAS, Health literacy is both a personal issue of finding and using health information and an organizational issue of whether health care providers, health departments, and other entities make it easy or difficult for people to find and use information; and

WHEREAS, The residents of Maryland have the burden of navigating many State and local agencies, community organizations, and other sources to find accurate, consistent, evidence-based health information that is easy to understand and in their preferred languages; and

WHEREAS, Health care materials, such as health plan benefits and costs, hospital discharge instructions, and prescription and over-the-counter medicine directions, are challenging for people of all education levels to read and comprehend; and

WHEREAS, State and local agencies need support for plain-language communication with the public during times of emergency and crisis response as well as for nonemergency high-priority areas such as diabetes prevention and opioid abuse prevention; and

WHEREAS, Maryland's health care system is based on the Total Cost of Care model that depends on health care consumers being informed of policy changes, new services, and their individual rights and responsibilities; and

WHEREAS, High-quality, low-cost, person-centered health care at population scale is the stated goal of Maryland's health care policymakers and health services organizations; and

WHEREAS, Maryland health care providers remain the public's preferred source for health information; and

WHEREAS, The University of Maryland School of Public Health is unique among public health schools in having a dedicated center to promote health literacy, the Herschel S. Horowitz Center for Health Literacy; and

WHEREAS, Public education, research, and service are part of the University of Maryland's mission as a public institution; now, therefore,

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

Article – Health – General

SUBTITLE 22. CONSUMER HEALTH INFORMATION.

20-2201.

(A) IN THIS SUBTITLE, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “HUB” MEANS THE CONSUMER HEALTH INFORMATION HUB.

(C) “PLAIN LANGUAGE” MEANS LANGUAGE THAT IS CLEAR, CONCISE, WELL-ORGANIZED, AND COMPLIES WITH OTHER BEST PRACTICES APPROPRIATE TO THE SUBJECT OR FIELD AND INTENDED AUDIENCE.

(D) (1) “PUBLIC COMMUNICATION” MEANS A DOCUMENT THAT:

(I) IS NECESSARY FOR OBTAINING A GOVERNMENT BENEFIT OR SERVICE;

(II) PROVIDES INFORMATION ABOUT A GOVERNMENT BENEFIT OR SERVICE; OR

(III) EXPLAINS TO THE PUBLIC HOW TO COMPLY WITH A REQUIREMENT THAT THE GOVERNMENT ADMINISTERS OR ENFORCES.

(2) “PUBLIC COMMUNICATION” INCLUDES A LETTER, A PUBLICATION, A FORM, A NOTICE, OR AN INSTRUCTION.

(3) “PUBLIC COMMUNICATION” DOES NOT INCLUDE A REGULATION.

20-2202.

THE GENERAL ASSEMBLY FINDS THAT HEALTH LITERACY IS:

(1) PART OF THE STATE’S CRITICAL PUBLIC HEALTH AND HEALTH SYSTEMS INFRASTRUCTURE; AND

(2) AN ESSENTIAL CONTRIBUTOR TO HEALTH EQUITY.

20-2203.

STATE AND LOCAL AGENCIES SHALL USE PLAIN LANGUAGE IN PUBLIC COMMUNICATIONS ABOUT HEALTH, HEALTH INSURANCE, SAFETY, AND SOCIAL SERVICES BENEFITS.

20-2204.

(A) THE UNIVERSITY OF MARYLAND HERSCHEL S. HOROWITZ CENTER FOR HEALTH LITERACY IS DESIGNATED AS THE STATE’S CONSUMER HEALTH INFORMATION HUB.

(B) THE PURPOSE OF THE HUB IS TO PROMOTE AND ENSURE PUBLIC ACCESS TO ACCURATE, CONSISTENT, EVIDENCE-BASED, PLAIN-LANGUAGE

INFORMATION IN PREFERRED LANGUAGES TO INFORM DECISIONS ABOUT HEALTH, SAFETY, AND SOCIAL SERVICES BENEFITS.

(C) THE HUB SHALL:

(1) PROTECT AND PROMOTE PUBLIC HEALTH BY ENGAGING WITH STATE AND LOCAL GOVERNMENT AGENCIES, HEALTH SYSTEMS, NONPROFIT AND COMMUNITY-BASED ORGANIZATIONS, AND OTHER ENTITIES TO CARRY OUT THE HUB'S PURPOSE AND DUTIES UNDER THIS SUBTITLE;

(2) ESTABLISH AND PROMOTE HEALTH LITERACY CRITERIA, CERTIFICATIONS, AND BEST PRACTICES THAT ADVANCE THE EFFECTIVENESS OF THE STATE'S HEALTH CARE SYSTEM;

(3) IDENTIFY HEALTH LITERACY CHALLENGES AND PROVIDE RECOMMENDATIONS TO AGENCIES AND ORGANIZATIONS ON HOW TO ADDRESS THE CHALLENGES, INCLUDING BY IMPROVING PROGRAMS AND MATERIALS TO PROVIDE THE PUBLIC WITH ACCESS TO PLAIN-LANGUAGE HEALTH, SAFETY, AND SOCIAL SERVICES BENEFITS INFORMATION;

(4) MONITOR AND REPORT ON THE USE OF HEALTH LITERACY AND PLAIN-LANGUAGE INITIATIVES AND SUPPORT PUBLIC REPORTING OF VITAL PUBLIC HEALTH INFORMATION, INCLUDING HEALTH CARE QUALITY REPORTS FROM THE MARYLAND HEALTH CARE COMMISSION; AND

(5) SUPPORT THE IDENTIFICATION AND ONGOING TRAINING OF HEALTH LITERACY OFFICERS IN STATE AND LOCAL AGENCIES.

(D) FOR FISCAL YEAR 2024 AND EACH FISCAL YEAR THEREAFTER, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION OF \$350,000 TO THE HUB.

(E) ON OR BEFORE JULY 1 EACH YEAR, BEGINNING IN 2024, THE HUB SHALL SUBMIT A REPORT TO THE ~~GENERAL ASSEMBLY~~ SENATE FINANCE COMMITTEE AND THE HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, ON THE IMPLEMENTATION OF THIS SUBTITLE, INCLUDING THE STATUS OF STATEWIDE HEALTH LITERACY EFFORTS AND MATERIALS PROVIDED.

20-2205.

(A) THE HUB SHALL FACILITATE CONSISTENT STATE AND LOCAL GOVERNMENT USE OF HEALTH LITERACY AND PLAIN-LANGUAGE CRITERIA, WHICH MAY INCLUDE BY:

(1) IDENTIFYING VENDORS OF HEALTH INFORMATION PRODUCTS THAT ADOPT THE HUB'S HEALTH LITERACY CRITERIA;

(2) OFFERING A HEALTH LITERACY REVIEW OF SOURCES OF PUBLIC INFORMATION OR PUBLIC MEDIA REGARDING HEALTH, SAFETY, AND SOCIAL SERVICES BENEFITS INFORMATION;

(3) PUBLISHING TEMPLATES THAT AID THE DEVELOPMENT OF PLAIN-LANGUAGE HEALTH INFORMATION MATERIALS; AND

(4) PUBLISHING TEMPLATES AND MODEL LANGUAGE FOR USE BY STATE AGENCIES AND LOCAL GOVERNMENT AGENCIES FOR AWARDED GRANTS AND CONTRACTS TO ENSURE THAT RECIPIENTS:

(I) ADDRESS HEALTH LITERACY ISSUES IN THEIR PROPOSALS AND WORKPLANS; AND

(II) REFRAIN FROM CREATING ADDITIONAL HEALTH LITERACY BARRIERS.

(B) THE HUB SHALL SUPPORT WORKFORCE DEVELOPMENT, WHICH MAY INCLUDE BY:

(1) OFFERING OR RECOMMENDING EDUCATIONAL SESSIONS ON HEALTH LITERACY FOR HEALTH PROFESSIONALS AND INDIVIDUALS WHO DEVELOP HEALTH, SAFETY, AND SOCIAL SERVICES BENEFITS INFORMATION FOR THE PUBLIC; AND

(2) PROVIDING EDUCATIONAL AND AGE-APPROPRIATE RESOURCES THAT TEACH STUDENTS HEALTH LITERACY AND HEALTH LITERACY SKILLS FOR PRIMARY AND SECONDARY SCHOOLS AND INSTITUTIONS OF HIGHER EDUCATION.

(C) THE HUB SHALL ASSIST PROGRAMS AND ORGANIZATIONS TO PROMOTE COMMUNITY HEALTH LITERACY, WHICH MAY INCLUDE BY:

(1) OFFERING HUB ASSESSMENTS OF PROGRAMS AND ORGANIZATIONS TO IDENTIFY BARRIERS TO PUBLIC ACCESS OF HEALTH, SAFETY, AND SOCIAL SERVICES BENEFITS INFORMATION AND SERVICES; AND

(2) ASSISTING ENTITIES WITH PROVIDING CONSUMERS WITH PLAIN-LANGUAGE HEALTH INFORMATION AND REFERRAL AND SUPPORT SERVICES IN A CONSUMER'S PREFERRED LANGUAGE.

(D) IN CARRYING OUT THIS SECTION, THE HUB MAY COLLABORATE WITH ENTITIES THAT DIRECTLY EDUCATE THE PUBLIC, INCLUDING EDUCATION INSTITUTIONS, LIBRARIES, AND CONSUMER REFERRAL SERVICES.

20-2206.

(A) THE HUB SHALL DEVELOP AND PUBLISH CRITERIA FOR EVALUATING WHETHER MEDIA OR A MEDIA CAMPAIGN FOLLOWS BEST PRACTICES FOR THE PROMOTION OF HEALTH LITERACY.

(B) (1) IF A PERSON SUBMITS ITS MEDIA OR MEDIA CAMPAIGN TO THE HUB FOR REVIEW, THE HUB SHALL USE THE CRITERIA DEVELOPED UNDER SUBSECTION (A) OF THIS SECTION TO EVALUATE WHETHER THE MEDIA OR MEDIA CAMPAIGN FOLLOWS BEST PRACTICES FOR THE PROMOTION OF HEALTH LITERACY.

(2) THE DEPARTMENT AND THE HUB SHALL ENCOURAGE PERSONS THAT PROMOTE PUBLIC HEALTH, HEALTH EDUCATION, OR HEALTH AWARENESS TO SUBMIT MEDIA FOR EVALUATION BY THE HUB UNDER THIS SECTION.

(C) WHEN AWARDING GRANTS, THE DEPARTMENT AND LOCAL HEALTH DEPARTMENTS SHALL GIVE SPECIAL CONSIDERATION, IN A MANNER DETERMINED TO BE APPROPRIATE BY THE DEPARTMENT AWARDING THE GRANT, TO ENTITIES THAT ARE DESIGNATED BY THE HUB TO MEET HEALTH LITERACY CRITERIA UNDER SUBSECTION (B) OF THIS SECTION.

20-2207.

(A) ALLEGED COMPLIANCE OR NONCOMPLIANCE WITH A PROVISION OF THIS SUBTITLE IS NOT SUBJECT TO JUDICIAL REVIEW.

(B) THIS SUBTITLE DOES NOT CREATE OR AUTHORIZE A RIGHT ENFORCEABLE BY ADMINISTRATIVE OR JUDICIAL ACTION.

20-2208.

THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THIS SUBTITLE.

~~14-418.~~

~~STATE AGENCIES SHALL GIVE PREFERENCE TO BIDDERS OR OFFERORS THAT THE CONSUMER HEALTH INFORMATION HUB HAS DESIGNATED AS FOLLOWING HEALTH LITERACY PRACTICES THAT PROMOTE PUBLIC UNDERSTANDING OF HEALTH INFORMATION UNDER § 20-2206(B) OF THE HEALTH GENERAL ARTICLE.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2022. It shall remain effective for a period of 4 years and, at the end of June 30, 2026, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 29, 2022.