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Health and Government  
Operations Committee

*Subcommittees*

Government Operations  
and Estates and Trusts  
Insurance and Pharmaceuticals



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## **Testimony in Support of HB 255**

### **Health Care Facilities – Hospitals and Related Institutions – Discrimination Protections**

Madam Chair, Madam Vice Chair and esteemed members of the Health and Government Operation Committee,

**HB 255** would prohibit all forms of discrimination in any health care setting and ensure that all patients in Maryland receive fair and equal treatment from hospitals and related institutions. This means that no individual will be refused care if a hospital or health care facility is capable of providing the treatment requested and indicated. This legislation will ensure that all Marylanders are protected from healthcare discrimination.

In their 2020 report *Social Justice and Health* the American Public Health Association noted that “more than 30 percent of direct medical costs faced by blacks, Hispanics and Asian-Americans can be tied to health inequities. Because of inequitable access to care and other health-promoting resources, these populations are often sicker when they do find a source of care and incur higher medical costs. That 30 percent translates to more than \$230 billion over a four-year period.” In addition, studies have shown that clinicians tend to have more negative attitudes toward people of color, and unconscious racial bias among clinicians has been shown to lead to poorer communication and lower quality of care.”

Research has also shown that the LGBTQ community faces high rates of discrimination in health care. A Center for American Progress report found that 29% of transgender individuals have reported that a healthcare provider refused to treat them because of their gender identity. Furthermore, 9% of lesbian, gay and bisexual individuals and 21 % of trans patients reported that their healthcare providers used harsh and even abusive language during their visits. The Williams Institute at the UCLA School of Law says about 4.5% of U.S. adults – 11 million people – identify as LGBT; about 1.4 million people identify as transgender. The American Heart Association reported in June 2019 that “Discrimination is not limited to transgender patients. Gay, lesbian, bisexual and other sexual or gender minority people encounter doctors who are ill-informed, ask inappropriate questions or refuse to treat them.”

The University of California found that patients who face discrimination suffer worse health outcomes, lower patient satisfaction, and generally poorer health. Studies find that members of these communities often refuse to seek timely medical care for fear of facing discrimination.

There are those who believe the Patient Bill of Rights covers the guarantees provided by this bill. In fact, the provisions of this bill will be enforced by the Maryland Commission on Civil Rights in conjunction with the Office of Healthcare Quality. The Commission will be able to bring action on behalf of individuals experiencing discrimination. This bill includes additional protected classes not covered within the Patient Bill of Rights. While the Patient Bill of Rights covers all immutable characteristics and protected classes, this bill extends protections to individuals based on citizenship, genetic information, and ancestry.

Finally, HB 255 extends protections beyond classes of individuals to include types of treatments sought by individuals if providers determine that those treatments are medically necessary.

Beginning in 2017, the Department of Health and Human Services began rolling back some of the non-discrimination provisions of the Affordable Care Act, placing individual beliefs ahead of patient health. As a result, LGBTQ and trans people are less certain of their rights to quality health care, and federal agencies are not advancing LGBTQ- and trans-inclusive policies. Further, low income and minority patients seek safe, affordable, high quality health care often face significant discrimination and are left with nowhere to turn.

For these reasons, I urge you to support **HB 255**, and I request a favorable report.

Thank you,

Delegate Karen Lewis Young