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February 5, 2020

To: The Honorable Shane E. Pendergrass  
Chair, Health and Government Operations Committee

From: Patricia F. O'Connor, Health Education and Advocacy Unit

Re: House Bill 255 (Health Care Facilities - Hospitals and Related Institutions -  
Discrimination Protections): Support

The Office of the Attorney General's Health Education and Advocacy Unit (HEAU) supports House Bill 255 because people in Maryland require and deserve the clarity this bill provides regarding protections against discrimination by hospitals and related institutions in the delivery of care. We understand the sponsor has agreed to amend, or accept amendments, to delete Section 2 of the bill.

Health-General § 19-355 provides that a hospital or related institution cannot discriminate in providing personal care based on an individual's race, color or national origin. As currently enacted, the section is at variance with the full panoply of anti-discrimination protections contained in Health - General, § 19-342, Hospital patient's bill of rights (PBOR law), and State Government, § 20-304, Maryland's public accommodation law. The apparent gaps in Health-General § 19-355's anti-discrimination protections have been covered by Section 1557 of the Affordable Care Act since its enactment, but federal regulatory proposals intended to diminish those protections, and the risk of repeal, render continued reliance on Section 1557 uncertain.

This bill provides that a hospital or related institution cannot discriminate in admitting (a new criterion) or providing care for an individual based on the individual's race, sex, sexual orientation, gender identity, religion or creed, citizenship, age, physical or mental disability, or genetic information. HEAU does note that the protected categories enumerated in the PBOR law are slightly different than the categories enumerated in this

bill, and consistency would provide additional clarity.

We believe many consumers of care in hospitals and related institutions in Maryland assume this bill's anti-discrimination protections already exist, and that the protections will continue uninterrupted, independent of the Affordable Care Act. This bill would provide that continuity for consumers and clarity for hospitals and related institutions.

We urge the committee to give the bill a favorable report.

cc: Members of the Health and Government Operations Committee