



Unfavorable SB843
Perinatal Care-Drug and Alcohol Testing and Screening – Consent
Laura Bogley, JD
Director of Legislation, Maryland Right to Life

On behalf of the Board of Directors of Maryland Right to Life, I respectfully oppose House Bill 1335-Perinatal Care-Drug and Alcohol Testing and Screening – Consent. This bill will unnecessarily increase the risk of infant injury and death as a result of being born to a drug-addicted mother.

Maryland Right to Life agrees that mothers suffering from drug addiction deserve immediate medical assistance to save the lives of both mother and child. Baseline medical screening of both mother and infant, including the presence of drug toxicity levels in blood, is *medically necessary* and essential for providers to render appropriate diagnosis and urgent lifesaving treatment for both mother and child. State policy to enable medical providers to provide that urgent care for the child is in the best interest of both child and mother.

However, this bill creates additional layers of administrative bureaucracy that will create *unnecessary delay* and prevent urgent medical intervention necessary to save the life of infants suffering drug intoxication. Administrative processes intended to protect patient rights **should not be made so onerous as to become an impediment** to the administration of urgent medical care.

These proposed regulations are more stringent than existing federal HIPAA requirements. The Health Insurance Portability and Accountability Act of 1996 (HIPAA) is a federal law that required the creation of national standards to protect sensitive patient health information from being disclosed without the patient's consent or knowledge.

Under current Maryland law, medical providers are mandatory reporters of suspected child abuse and neglect. But the primary purpose of this law is not to penalize mothers, but *to protect child welfare*. Under current law, the state must act *in loco parentis*, or in place of the drug-addicted parent, to protect the welfare of the child. This is a widely accepted policy under both state and federal law.

For these reasons, we respectfully urge you to vote against this bill and to support existing state law and regulations that allow medical providers to provide lifesaving medical interventions to both patients. Thank you.