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United States Senate

APPROPRIATIONS
BANKING, HOUSING, AND
URBAN AFFAIRS
BUDGET
FOREIGN RELATIONS

March 1, 2023

Chair Melony G. Griffith
Finance Committee
Miller Senate Office Building, 3 East Wing
11 Bladen Street
Annapolis, MD 21401

RE: Letter of Support – Senate Finance Committee, SB 786 – Reproductive Health – Protected Information and Insurance Requirements, Favorable

Dear Chair Griffith:

I am pleased to support Senator Hettleman's legislation, *Senate Bill 786 – Reproductive Health – Protected Information and Insurance Requirements*, which would strengthen protections for Maryland's health care providers working to preserve patient access to reproductive health care. *Senate Bill 786* would regulate the disclosure of certain information related to legally protected health care by health care providers, require that the Maryland Health Care Commission adopt new regulations to restrict access to the data and protected health information (PHI) of patients who have obtained legally protected health care in the state of Maryland.

Since the Supreme Court's decision in *Dobbs v. Jackson Women's Health Organization*, health care providers have faced significant challenges while navigating new barriers to providing comprehensive reproductive health care. In September 2022, I joined Senator Patty Murray (D-WA) and 28 of our colleagues to urge the U.S. Department of Health and Human Services (HHS) to take immediate action to safeguard patient privacy, safety, and confidentiality by strengthening federal protections under the *Health Information Portability and Accountability Act (HIPAA)* to prevent health care providers from being investigated by state law enforcement or through legal proceedings on abortion care. *Senate Bill 786* would support health care providers serving women and families who continue to face barriers when seeking comprehensive reproductive health care services in Maryland, especially in communities disproportionately affected by inequitable access to quality health care.

Widespread confusion among health care providers has caused delays and disruptions in reproductive health care access. As providers face mounting uncertainty about potential requirements to

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disclose patients' health information to state law enforcement officials outside of Maryland, patients have experienced severe, life-threatening pregnancy complications with limited access to emergency care. Concerns about serving out-of-state patients fundamentally threaten women's health, as patients may delay or avoid seeking the care that they need out of fear their sensitive health information could be weaponized against them.

In the 117th Congress, I cosponsored S. 4723, the *Let Doctors Provide Reproductive Health Care Act*, which would allow the U.S. Department of Justice (DOJ) to provide more protection for health care providers serving patients in states that support access to comprehensive reproductive health care services. This legislation would prohibit individuals, entities, and states from preventing, restricting, or otherwise interfering with the work of health care providers who are lawfully providing reproductive health care services. Specifically, the *Let Doctors Provide Reproductive Health Care Act* would allow the DOJ to enforce these protections by a federal lawsuit to ensure that these health care providers are not held liable for providing reproductive health care to out-of-state patients. By protecting both providers and patients, *SB 786* would preserve access to quality reproductive health care in Maryland and enable health care providers and advocates throughout the state to continue serving vulnerable patients and their families.

I would like to thank Senator Hettleman, Senator Kelly, and Delegate Rosenberg for their commitment to protecting reproductive health and rights through their work in the Maryland General Assembly. I would like to request a favorable report on *Senate Bill 786 – Reproductive Health – Protected Information and Insurance Requirements* to reduce the barriers impacting health care providers in Maryland who serve patients seeking reproductive health care.

Sincerely,



Chris Van Hollen
United States Senator