



TESTIMONY TO THE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE

SB0812: Reproductive Health Services- Protected Information and Insurance Requirements

POSITION: Support

BY: Nancy Soreng, President

DATE: March 2, 2023

The League of Women Voters Maryland supports **House Bill 812: Reproductive Health Services- Protected Information**, which would regulate the disclosure of private health information related to legally-protected health care, including abortion services, obtained in Maryland.

The League supports the rights of individuals to self-determination related to bodily autonomy, privacy, and reproductive health, including whether to prevent, continue, or end one's own pregnancy.

Following the Dobbs v. Jackson Women's Health Organization decision last year repealing the constitutional right to abortion, individual states were given the power to determine their residents' access to reproductive health care. While some states affirmed abortion rights, others instituted abortion restrictions or absolute bans. **And some of these latter states are attempting to regulate the delivery of reproductive health care services outside their borders. A key component of that regulation is attempts by state courts to gather protected medical information on procedures their residents undergo in other states: information to which the League believes they have no right.**

The Health Insurance Portability and Accountability Act (HIPAA) of 1996 affirms the privacy of protected health information in any form: electronic, written, or oral. While the law gives patients, medical providers, and insurance companies the right to access certain medical records, it denies that access to entities which have no need of that information. But HIPAA regulations are not strong enough to protect patients, clinicians, and facilities from having reproductive health information used against them in civil or criminal prosecutions brought by out-of-state courts.

Passage of House Bill 812 would erect safeguards both for patients who are receiving legally-protected health care in Maryland, as well as for the clinicians providing it. States where abortion is illegal would be blocked from accessing, by subpoena or other means, any

confidential, private medical information related to care provided in Maryland. Some states have already passed laws preventing disclosure of private medical information related to legally-protected health care delivered within their borders that would be used in out-of-state civil or criminal proceedings. Maryland must enact this “shield” legislation as well.

The League affirms its support for an individual’s right to make reproductive choices. That must include prevention of the use of confidential medical information for out-of-state prosecution of both the patient who travels to Maryland for essential medical care, and of our medical providers who deliver it. For that reason, the League and its 1,500+ members urge the committee to give a favorable report to House Bill 812.