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SB0786

March 1, 2023

TO: Members of the Finance Committee

FROM: Nina Themelis, Interim Director of Mayor's Office of Government Relations

RE: Senate Bill 786 – Health – Reproductive Health Services – Protected Information and Insurance Requirements

POSITION: Support

Chair Griffith, Vice Chair Klausmeier, and Members of the Committee, please be advised that the Baltimore City Administration (BCA) **supports** Senate Bill 786.

SB 786 would regulate the disclosure of patients' medical records regarding legally protected health care. This "legally protected health care" would include all reproductive health services, medications, and supplies related to provision or support of the provision of care related to pregnancy, contraception, assisted reproduction, and abortion that is legal in the state of Maryland. This legislation would prevent clinical information related to patients who have obtained such care from being shared out of state by the State-designated exchange, and would alter the purpose of the Maryland Health Care Commission to include the establishment of policies and standards that protect the confidentiality of certain health care information.

Reproductive health care is an essential part of health and well-being. Currently, the reproductive health care services referenced in this bill remain protected by law in Maryland. Health information provides insight to personal and often very sensitive information including doctor visits and treatment information. In Maryland, as in every state, the Federal HIPAA Privacy Rule requires health care providers and health insurers to protect patients' privacy, restricting disclosure of protected health information (PHI).¹ Protecting this information can protect patients from discrimination, bias, violence, denial of services, and, possibly, in the case of certain reproductive health services, prosecution.

In the current climate of states restricting access to abortion care and other reproductive health services, Maryland has an opportunity to remain a safe place for people to receive abortion care and other reproductive services. So far, eighteen US states, "home to more than 25 million women of

¹ English, A., Mulligan, A., and Coleman, C. (2017). Protecting Patients' Privacy in Health Insurance Billing & Claims: A Maryland Profile. Retrieved from www.confidentialandcovered.com

reproductive age, have banned some or all access to abortion care.”² These bans not only force people to carry pregnancies to term against their wishes, but can lead to serious health complications and even death.² A study from the University of Colorado Boulder found that, if the US were to ban abortion entirely, the country would see a 24% increase in maternal deaths overall, with a 39% increase among Black women.³ Protecting the ability for people to seek abortion care in Maryland would be lifesaving.

In the coming years, individuals might come to Maryland to receive care that is lawful here but return home to states in which such care has been outlawed. It is important for Maryland to ensure that these patients’ data remains private, so they cannot be prosecuted for care that was lawfully obtained in our state.

All persons should be able to restrict access to their PHI and maintain their health care privacy, choosing to allow health care providers to access this data when needed. Historically, there is an overwhelming mistrust of the medical community among women – particularly women of color – due to a well-documented history of overlooking their medical needs.⁴ With so many states banning aborting care, women are – rightfully – feeling more vulnerable than ever.⁵ Passing SB 786 would send a clear message to all birthing people that Maryland is a state where they can safely seek care without threat of retribution. Keeping patient information confidential would build trust, and this bill would reduce challenges in keeping protected information protected.

For these reasons, the BCA respectfully requests a **favorable** report on SB 786.

² Spitzer, E., Weitz, T., and Buchanan, MJ. (2022). Abortion Bans Will Result in More Women Dying. Retrieved from <https://www.americanprogress.org/article/abortion-bans-will-result-in-more-women-dying/>

³ Stevenson, A., Root, L., and Menken, J. (2022). The maternal mortality consequences of losing abortion access. DOI: [10.31235/osf.io/7g29k](https://doi.org/10.31235/osf.io/7g29k)

⁴ Institute of Medicine (US) Committee on Understanding and Eliminating Racial and Ethnic Disparities in Health Care, Smedley, B. D., Stith, A. Y., & Nelson, A. R. (Eds.). (2003). *Unequal Treatment: Confronting Racial and Ethnic Disparities in Health Care*. National Academies Press (US).

⁵ Healy, J. (June 20, 2022). With Roe Set to End, Many Women Worry About High-Risk Pregnancies. The New York Times. Retrieved from <https://www.nytimes.com/2022/06/20/us/abortion-high-risk-pregnancy.html>