



TESTIMONY TO THE FINANCE COMMITTEE

SB0563: Health Facilities- Confidentiality of Medical Records- Crisis Pregnancy Clinics

POSITION: Support

BY: Linda Kohn, President

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The League of Women Voters of Maryland supports **Senate Bill 563: Health Facilities- Confidentiality of Medical Records- Crisis Pregnancy Clinics**, which would protect the confidential medical information of women seeking reproductive health care in Crisis Pregnancy Centers (CPCs).

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. That right to privacy should include CPCs.

Crisis Pregnancy Centers often bill themselves as legitimate reproductive health care or medical clinics, but they are non-medical institutions that are not designed to serve the needs of women seeking comprehensive pregnancy care. They instead spread misleading information about reproductive health care and discourage access to abortion. Per the American College of Obstetricians and Gynecologists, warning against CPCs, "People seeking reproductive health care must have access to comprehensive, evidence-based, nonjudgmental health care and information from qualified professionals, regardless of whether they decide to continue a pregnancy or seek abortion care. It's important that people understand their options and know their resources."¹

CPCs will sometimes invoke the Health Insurance Portability and Accountability Act (HIPAA) to collect personal information from clients by asking them to sign authorization forms, by posting notice of privacy practices in their facilities, or by describing themselves as HIPAA-compliant on their websites. CPCs are able to do this because HIPAA, which governs the privacy and security of electronic and printed health records, has a regulatory blind spot when it comes to policing organizations that claim HIPAA compliance when they are not required to do so.

It is concerning that CPCs are allowed to give the false impression that they will be held accountable for any privacy breaches of client information. As the majority of CPCs are not governed by HIPAA because they do not meet the definition of health care providers or engage in the types of transactions that trigger HIPAA obligations, it leaves CPCs free to disclose client information without fear of HIPAA enforcement. If organizations are allowed to benefit from claiming HIPAA compliance without being held accountable for attendant breaches, the confidence patients have that their medical records will remain private will be eroded.

The League affirms its support for an individual's right to make reproductive choices. That must include the protection of all confidential medical information. **The League of Women Voters of Maryland and its 2,000 members thus urge a favorable report on Senate Bill 563.**

¹ <https://www.acog.org/advocacy/abortion-is-essential/trending-issues/issue-brief-crisis-pregnancy-centers>