

Department of Legislative Services  
Maryland General Assembly  
2020 Session

FISCAL AND POLICY NOTE  
Third Reader - Revised

House Bill 1120

(Delegate Kelly)

Health and Government Operations

Finance

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Health Care Providers – Discrimination in Provision of Services

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This bill prohibits a hospital, a related institution, and a person licensed or otherwise regulated by the Maryland Department of Health (MDH) or a unit in MDH from discriminating against any person because of the person’s race, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, or disability.

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Fiscal Summary

**State Effect:** To the extent that there are a significant number of additional complaints regarding discriminatory practices under the bill, general fund expenditures may increase for the Maryland Commission on Civil Rights (MCCR) or MDH to hire additional personnel. Revenues are not affected.

**Local Effect:** The bill is not anticipated to materially affect local government operations or finances.

**Small Business Effect:** Minimal.

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Analysis

**Bill Summary:** The bill states that it is the policy of the State to (1) provide affordable health care throughout the State to all regardless of race, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, or disability and (2) prohibit discrimination with respect to the provision of health care by any person, in order to protect and ensure the peace, health, safety, prosperity, and general welfare of all.

The bill's prohibitions do not prohibit a hospital or related institution or person that is licensed or otherwise regulated by MDH or a unit of MDH from refusing, withholding from, or denying any person services for failure to conform to the usual and regular requirements, standards, and regulations imposed by the hospital, related institution, or licensed or regulated person, unless the refusal, withholding, or denial is based on discrimination on specified grounds.

The Secretary of Health or a unit of MDH has exclusive jurisdiction to enforce any administrative action under the Health-General or Health Occupations articles. MCCR has concurrent jurisdiction with the Secretary or a unit of MDH over alleged discrimination on the basis of race, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, or disability.

When the Secretary or a unit of MDH has exclusive jurisdiction, MCCR may (1) refer complaints about discriminatory practices to the Secretary or a unit of MDH; (2) appear before the Secretary or a unit of MDH as a party at a hearing about discriminatory practices; (3) make recommendations about discriminatory practices to the Secretary or a unit of MDH; (4) represent a complainant in a proceeding related to discriminatory practices; or (5) appeal as a party aggrieved by an order or decision of the Secretary or a unit of MDH.

The Secretary or a unit of MDH must notify MCCR of any hearing scheduled on a complaint about alleged discriminatory practices. On request of MCCR and unless the complainant objects, the Secretary must give MCCR all information regarding any complaint alleging discriminatory practices received by the Secretary or a unit of MDH. The Secretary or a unit of MDH must set guidelines for determining when allegations of discriminatory practices in a complaint warrant a hearing.

**Current Law:** A hospital or related institution may not discriminate in providing personal care for an individual because of the race, color, or national origin of the individual. This prohibition is enforced by MCCR.

Generally, MCCR represents the interest of the State to ensure equal opportunity for all individuals through enforcement of Title 20 of the State Government Article and Title 19 of the State Finance and Procurement Article. MCCR investigates complaints of discrimination in employment, housing, public accommodations, and State contracts from members of protected classes that are covered under those laws. Its mandate is to protect against discrimination based on race, color, religion or creed, sex, age, national origin or ancestry, marital status, physical or mental disability, sexual orientation, and gender identity. For employment cases, it is unlawful for an employer to discriminate against an applicant or employee based on that individual's genetic information. In housing cases, discrimination based on familial status is also unlawful.

## Additional Information

**Prior Introductions:** None.

**Designated Cross File:** SB 738 (Senator Feldman) - Finance.

**Information Source(s):** Maryland Commission on Civil Rights; Maryland Department of Health; Department of Legislative Services

**Fiscal Note History:** First Reader - February 19, 2020  
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