

SENATE BILL 5

J1, J2

(PRE-FILED)

1lr1620
CF HB 28

By: **Senators Griffith, Benson, Ellis, Kelley, Washington, ~~and West~~ West, Guzzone, Feldman, Augustine, Beidle, Corderman, Eckardt, Edwards, Elfreth, King, Hayes, Klausmeier, Kramer, McCray, Peters, Rosapepe, Salling, Young, and Zucker**

Requested: November 1, 2020

Introduced and read first time: January 13, 2021

Assigned to: Finance and Budget and Taxation

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 20, 2021

CHAPTER _____

1 AN ACT concerning

2 **Public Health – Implicit Bias Training and the Office of Minority Health and**
3 **Health Disparities**

4 FOR the purpose of altering the information required to be included in a certain report card
5 to include certain disparities in morbidity and mortality rates for dementia;
6 requiring the Office of Minority Health and Health Disparities to publish, to a
7 certain extent, certain data on its website and to update certain data at a certain
8 frequency; requiring the Governor, beginning in a certain fiscal year, to include a
9 certain appropriation in the annual budget bill for the Office; altering a provision of
10 law related to the intent of the General Assembly regarding the funding of the Office;
11 requiring the Office to report certain information to certain committees of the
12 General Assembly on or before a certain date each year; altering the purpose of the
13 Cultural and Linguistic Health Care Professional Competency Program; requiring
14 the Program, in coordination with the Office, to identify and approve certain implicit
15 bias training programs; authorizing the Office to approve only implicit bias training
16 programs that are recognized by a certain board or accredited by a certain council;
17 requiring the Program to provide a certain list on request; requiring an applicant for
18 the renewal of a license or certificate issued by a certain health occupations board to
19 attest in a certain application that the applicant completed a certain implicit bias
20 training program under certain circumstances; making technical changes; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 generally relating to implicit bias training and the Office of Minority Health and
2 Health Disparities.

3 BY repealing and reenacting, with amendments,
4 Article – Health – General
5 Section 20–1004(21) and (22), 20–1007, 20–1301, 20–1302, and 20–1305
6 Annotated Code of Maryland
7 (2019 Replacement Volume and 2020 Supplement)

8 BY adding to
9 Article – Health – General
10 Section 20–1004(23) and 20–1306
11 Annotated Code of Maryland
12 (2019 Replacement Volume and 2020 Supplement)

13 BY adding to
14 Article – Health Occupations
15 Section 1–225
16 Annotated Code of Maryland
17 (2014 Replacement Volume and 2020 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
19 That the Laws of Maryland read as follows:

20 **Article – Health – General**

21 20–1004.

22 The Office shall:

23 (21) Work collaboratively with the Governor’s Office of Small, Minority, and
24 Women Business Affairs as the Office determines necessary; [and]

25 (22) In collaboration with the Maryland Health Care Commission, publish
26 annually on the Department’s website and provide in writing on request a “Health Care
27 Disparities Policy Report Card” that includes:

28 (i) An analysis of racial and ethnic variations in insurance coverage
29 for low–income, nonelderly individuals;

30 (ii) The racial and ethnic composition of the physician population
31 compared to the racial and ethnic composition of the State’s population; and

32 (iii) The racial and ethnic disparities in morbidity and mortality rates
33 for cardiovascular disease, cancer, diabetes, HIV/AIDS, infant mortality, asthma,
34 **DEMENTIA**, and other diseases identified by the Maryland Health Care Commission; **AND**

1 **(23) TO THE EXTENT AUTHORIZED UNDER FEDERAL AND STATE**
2 **PRIVACY LAWS, PUBLISH ON ITS WEBSITE HEALTH DATA THAT INCLUDES RACE AND**
3 **ETHNICITY INFORMATION COLLECTED BY THE OFFICE AND UPDATE THE DATA AT**
4 **LEAST ONCE EVERY 6 MONTHS.**

5 20–1007.

6 **(A) FOR FISCAL YEAR 2023 AND EACH FISCAL YEAR THEREAFTER, THE**
7 **GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION FOR**
8 **THE OFFICE IN AN AMOUNT THAT IS AT LEAST \$1,788,314 OR ~~1.2%~~ 0.012% OF THE**
9 **TOTAL FUNDS APPROPRIATED TO THE DEPARTMENT IN THAT FISCAL YEAR,**
10 **WHICHEVER IS GREATER.**

11 **(B) It is the intent of the General Assembly that the Office [be funded]**
12 **SUPPLEMENT THE FUNDING FOR THE OFFICE PROVIDED UNDER SUBSECTION (A) OF**
13 **THIS SECTION WITH FUNDING from federal and special funding sources.**

14 **(C) ON OR BEFORE OCTOBER 1 EACH YEAR, THE OFFICE SHALL REPORT TO**
15 **THE HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE AND THE**
16 **SENATE FINANCE COMMITTEE, IN ACCORDANCE WITH § 2–1257 OF THE STATE**
17 **GOVERNMENT ARTICLE, THE FOLLOWING INFORMATION FROM THE IMMEDIATELY**
18 **PRECEDING FISCAL YEAR:**

19 **(1) THE OFFICE’S EFFORTS TO OBTAIN FUNDING DESCRIBED UNDER**
20 **SUBSECTION (B) OF THIS SECTION; AND**

21 **(2) THE AMOUNT OF FUNDING FROM FEDERAL AND SPECIAL**
22 **FUNDING SOURCES THE OFFICE RECEIVED.**

23 20–1301.

24 (a) In this subtitle the following words have the meanings indicated.

25 (b) “Cultural and linguistic competency” means cultural and linguistic abilities
26 that can be incorporated into therapeutic and medical evaluation and treatment, including:

27 (1) Direct communication in the patient’s primary language;

28 (2) Understanding and applying the roles that culture, ethnicity, and race
29 play in diagnosis, treatment, and clinical care; and

30 (3) Awareness of how the attitudes, values, and beliefs of health care
31 providers and patients influence and impact professional and patient relations.

1 (c) "Health care professional" includes a physician, nurse, dentist, social worker,
2 psychologist, pharmacist, health educator, or other allied health professional.

3 (D) "IMPLICIT BIAS" MEANS A BIAS IN JUDGMENT THAT RESULTS FROM
4 SUBTLE COGNITIVE PROCESSES, INCLUDING THE FOLLOWING PREJUDICES AND
5 STEREOTYPES THAT OFTEN OPERATE AT A LEVEL BELOW CONSCIOUS AWARENESS
6 AND WITHOUT INTENTIONAL CONTROL:

7 (1) PREJUDICIAL NEGATIVE FEELINGS OR BELIEFS ABOUT A GROUP
8 THAT AN INDIVIDUAL HOLDS WITHOUT BEING AWARE OF THE FEELINGS OR BELIEFS;
9 AND

10 (2) UNCONSCIOUS ATTRIBUTIONS OF PARTICULAR QUALITIES TO A
11 MEMBER OF A SPECIFIC SOCIAL GROUP THAT ARE INFLUENCED BY EXPERIENCE AND
12 BASED ON LEARNED ASSOCIATIONS BETWEEN VARIOUS QUALITIES AND SOCIAL
13 CATEGORIES, INCLUDING RACE AND GENDER.

14 [(d)] (E) "Program" means the Cultural and Linguistic Health Care Professional
15 Competency Program.

16 20–1302.

17 (a) There is a Cultural and Linguistic Health Care Professional Competency
18 Program.

19 (b) The purpose of the Program is to:

20 (1) Provide for a voluntary program in which educational classes are
21 offered to health care professionals to teach health care professionals:

22 (i) Methods to improve the health care professionals' cultural and
23 linguistic competency to communicate with non-English speaking patients and patients
24 from other cultures who are English speaking;

25 (ii) Cultural beliefs and practices that may impact patient health
26 care practices and allow health care professionals to incorporate the knowledge of the
27 beliefs and practices in the diagnosis and treatment of patients; and

28 (iii) Methods to enable health care professionals to increase the
29 health literacy of their patients to improve the patient's ability to obtain, process, and
30 understand basic health information and services to make appropriate health care
31 decisions; and

32 (2) Establish and provide an evidence-based implicit bias training
33 program for health care professionals involved in the perinatal care of patients under §
34 20–1305 of this subtitle; AND

1 **(3) IDENTIFY AND APPROVE IMPLICIT BIAS TRAINING PROGRAMS**
2 **FOR HEALTH OCCUPATION LICENSURE AND CERTIFICATION UNDER § 1-225 OF THE**
3 **HEALTH OCCUPATIONS ARTICLE.**

4 20-1305.

5 (a) (1) In this section the following words have the meanings indicated.

6 (2) [“Implicit bias” means a bias in judgment that results from subtle
7 cognitive processes, including the following prejudices and stereotypes that often operate
8 at a level below conscious awareness and without intentional control:

9 (i) Prejudicial negative feelings or beliefs about a group that an
10 individual holds without being aware of the feelings or beliefs; and

11 (ii) Unconscious attributions of particular qualities to a member of a
12 specific social group that are influenced by experience and based on learned associations
13 between various qualities and social categories, including race and gender.

14 (3)] “Perinatal care” means the provision of care during pregnancy, labor,
15 delivery, and postpartum and neonatal periods.

16 [[4)] (3) “Perinatal care facility” includes:

17 (i) A hospital, as defined in § 19-301 of this article, that provides
18 perinatal care; and

19 (ii) A freestanding birthing center, as defined in § 19-3B-01 of this
20 article.

21 (b) (1) On or before January 1, 2021, the Program shall establish an
22 evidence-based implicit bias training program for all health care professionals involved in
23 the perinatal care of patients in a perinatal care facility.

24 (2) (i) The Program shall establish the implicit bias program required
25 under paragraph (1) of this subsection using best practices in implicit bias training.

26 (ii) The implicit bias program required under paragraph (1) of this
27 subsection may include best practices used in other states.

28 (c) On or before January 1, 2022, and once every 2 years thereafter or more
29 frequently, as determined by the perinatal care facility, a health care professional who is
30 an employee of, and involved in the perinatal care of patients at, a perinatal care facility
31 shall complete the training established under subsection (b) of this section.

(d) The Program shall offer the training established under subsection (b) of this section to any health care professional involved in perinatal care of patients at a perinatal care facility who is not required to complete the training under subsection (c) of this section because the health care professional is not an employee of a perinatal care facility.

20-1306.

(A) (1) THE PROGRAM SHALL, IN COORDINATION WITH THE OFFICE OF MINORITY HEALTH AND HEALTH DISPARITIES, IDENTIFY AND APPROVE IMPLICIT BIAS TRAINING PROGRAMS THAT AN INDIVIDUAL MAY COMPLETE TO SATISFY THE REQUIREMENTS OF § 1-225 OF THE HEALTH OCCUPATIONS ARTICLE.

(2) THE PROGRAM MAY APPROVE ONLY IMPLICIT BIAS TRAINING PROGRAMS UNDER PARAGRAPH (1) OF THIS SUBSECTION THAT ARE RECOGNIZED BY A HEALTH OCCUPATIONS BOARD ESTABLISHED UNDER THE HEALTH OCCUPATIONS ARTICLE OR ACCREDITED BY THE ACCREDITATION COUNCIL FOR CONTINUING MEDICAL EDUCATION.

(B) THE PROGRAM SHALL PROVIDE A LIST OF TRAINING PROGRAMS APPROVED UNDER SUBSECTION (A) OF THIS SECTION ON REQUEST.

Article - Health Occupations

1-225.

(A) AN APPLICANT FOR THE RENEWAL OF A LICENSE OR CERTIFICATE ISSUED BY A HEALTH OCCUPATIONS BOARD UNDER THIS ARTICLE SHALL ATTEST IN THE APPLICATION THAT THE APPLICANT HAS COMPLETED AN IMPLICIT BIAS TRAINING PROGRAM APPROVED BY THE CULTURAL AND LINGUISTIC HEALTH CARE PROFESSIONAL COMPETENCY PROGRAM UNDER § 20-1306 OF THE HEALTH - GENERAL ARTICLE ~~IF THE APPLICATION FOR RENEWAL IS THE FIRST APPLICATION FOR RENEWAL SUBMITTED BY THE APPLICANT AFTER OCTOBER 1, 2021.~~

(B) THE REQUIREMENTS OF SUBSECTION (A) OF THIS SECTION SHALL APPLY ONLY TO AN APPLICANT'S FIRST LICENSE OR CERTIFICATE RENEWAL AFTER APRIL 1, 2022.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2021.