

HOUSE BILL 1082

J1, P2

2lr1892

By: ~~Delegate Pena-Melnyk~~ Delegates Pena-Melnyk, Cullison, and Hill

Introduced and read first time: February 10, 2022

Assigned to: Health and Government Operations and Appropriations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 13, 2022

CHAPTER _____

1 AN ACT concerning

2 **Public Health – Consumer Health Information – Hub and Requirements**

3 FOR the purpose of designating a certain center as the State’s Consumer Health
4 Information Hub; requiring State and local agencies to use plain language in public
5 communications about health, safety, and social services benefits; providing that the
6 provisions of this Act are not subject to judicial review and do not create a judicial or
7 administrative right of action; establishing grant ~~and procurement~~ requirements
8 related to health literacy; and generally relating to consumer health information.

9 BY adding to

10 Article – Health – General

11 Section 20–2201 through ~~20–2207~~ 20–2208 to be under the new subtitle “Subtitle 22.
12 Consumer Health Information”

13 Annotated Code of Maryland

14 (2019 Replacement Volume and 2021 Supplement)

15 ~~BY adding to~~

16 ~~Article – State Finance and Procurement~~

17 ~~Section 14–418~~

18 ~~Annotated Code of Maryland~~

19 ~~(2021 Replacement Volume)~~

20 Preamble

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 WHEREAS, The COVID–19 pandemic has shown that the residents of Maryland
2 need plain–language information and guidance to make informed health care decisions;
3 and

4 WHEREAS, Access to accurate, consistent, evidence–based, plain–language
5 information that is culturally and linguistically appropriate is as important as access to
6 health care services, thereby making information access a health equity issue; and

7 WHEREAS, The federal government recognizes the importance of plain language in
8 public communication and enacted the Plain Writing Act of 2010 that requires all federal
9 executive branch agencies to use plain language in public communications; and

10 WHEREAS, Health literacy is both a personal issue of finding and using health
11 information and an organizational issue of whether health care providers, health
12 departments, and other entities make it easy or difficult for people to find and use
13 information; and

14 WHEREAS, The residents of Maryland have the burden of navigating many State
15 and local agencies, community organizations, and other sources to find accurate, consistent,
16 evidence–based health information that is easy to understand and in their preferred
17 languages; and

18 WHEREAS, Health care materials, such as health plan benefits and costs, hospital
19 discharge instructions, and prescription and over–the–counter medicine directions, are
20 challenging for people of all education levels to read and comprehend; and

21 WHEREAS, State and local agencies need support for plain–language
22 communication with the public during times of emergency and crisis response as well as
23 for nonemergency high–priority areas such as diabetes prevention and opioid abuse
24 prevention; and

25 WHEREAS, Maryland’s health care system is based on the Total Cost of Care model
26 that depends on health care consumers being informed of policy changes, new services, and
27 their individual rights and responsibilities; and

28 WHEREAS, High–quality, low–cost, person–centered health care at population scale
29 is the stated goal of Maryland’s health care policymakers and health services organizations;
30 and

31 WHEREAS, Maryland health care providers remain the public’s preferred source for
32 health information; and

33 WHEREAS, The University of Maryland School of Public Health is unique among
34 public health schools in having a dedicated center to promote health literacy, the Herschel
35 S. Horowitz Center for Health Literacy; and

1 WHEREAS, Public education, research, and service are part of the University of
2 Maryland's mission as a public institution; now, therefore,

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

5 **Article – Health – General**

6 **SUBTITLE 22. CONSUMER HEALTH INFORMATION.**

7 **20–2201.**

8 **(A) IN THIS SUBTITLE, THE FOLLOWING WORDS HAVE THE MEANINGS**
9 **INDICATED.**

10 **(B) “HUB” MEANS THE CONSUMER HEALTH INFORMATION HUB.**

11 **(C) “PLAIN LANGUAGE” MEANS LANGUAGE THAT IS CLEAR, CONCISE,**
12 **WELL–ORGANIZED, AND COMPLIES WITH OTHER BEST PRACTICES APPROPRIATE TO**
13 **THE SUBJECT OR FIELD AND INTENDED AUDIENCE.**

14 **(D) (1) “PUBLIC COMMUNICATION” MEANS A DOCUMENT THAT:**

15 **(I) IS NECESSARY FOR OBTAINING A GOVERNMENT BENEFIT OR**
16 **SERVICE;**

17 **(II) PROVIDES INFORMATION ABOUT A GOVERNMENT BENEFIT**
18 **OR SERVICE; OR**

19 **(III) EXPLAINS TO THE PUBLIC HOW TO COMPLY WITH A**
20 **REQUIREMENT THAT THE GOVERNMENT ADMINISTERS OR ENFORCES.**

21 **(2) “PUBLIC COMMUNICATION” INCLUDES A LETTER, A**
22 **PUBLICATION, A FORM, A NOTICE, OR AN INSTRUCTION.**

23 **(3) “PUBLIC COMMUNICATION” DOES NOT INCLUDE A REGULATION.**

24 **20–2202.**

25 **THE GENERAL ASSEMBLY FINDS THAT HEALTH LITERACY IS:**

26 **(1) PART OF THE STATE'S CRITICAL PUBLIC HEALTH AND HEALTH**
27 **SYSTEMS INFRASTRUCTURE; AND**

28 **(2) AN ESSENTIAL CONTRIBUTOR TO HEALTH EQUITY.**

1 **20-2203.**

2 STATE AND LOCAL AGENCIES SHALL USE PLAIN LANGUAGE IN PUBLIC
3 COMMUNICATIONS ABOUT HEALTH, HEALTH INSURANCE, SAFETY, AND SOCIAL
4 SERVICES BENEFITS.

5 **20-2204.**

6 (A) THE UNIVERSITY OF MARYLAND HERSCHEL S. HOROWITZ CENTER
7 FOR HEALTH LITERACY IS DESIGNATED AS THE STATE'S CONSUMER HEALTH
8 INFORMATION HUB.

9 (B) THE PURPOSE OF THE HUB IS TO PROMOTE AND ENSURE PUBLIC
10 ACCESS TO ACCURATE, CONSISTENT, EVIDENCE-BASED, PLAIN-LANGUAGE
11 INFORMATION IN PREFERRED LANGUAGES TO INFORM DECISIONS ABOUT HEALTH,
12 SAFETY, AND SOCIAL SERVICES BENEFITS.

13 (C) THE HUB SHALL:

14 (1) PROTECT AND PROMOTE PUBLIC HEALTH BY ENGAGING WITH
15 STATE AND LOCAL GOVERNMENT AGENCIES, HEALTH SYSTEMS, NONPROFIT AND
16 COMMUNITY-BASED ORGANIZATIONS, AND OTHER ENTITIES TO CARRY OUT THE
17 HUB'S PURPOSE AND DUTIES UNDER THIS SUBTITLE;

18 (2) ESTABLISH AND PROMOTE HEALTH LITERACY CRITERIA,
19 CERTIFICATIONS, AND BEST PRACTICES THAT ADVANCE THE EFFECTIVENESS OF
20 THE STATE'S HEALTH CARE SYSTEM;

21 (3) IDENTIFY HEALTH LITERACY CHALLENGES AND PROVIDE
22 RECOMMENDATIONS TO AGENCIES AND ORGANIZATIONS ON HOW TO ADDRESS THE
23 CHALLENGES, INCLUDING BY IMPROVING PROGRAMS AND MATERIALS TO PROVIDE
24 THE PUBLIC WITH ACCESS TO PLAIN-LANGUAGE HEALTH, SAFETY, AND SOCIAL
25 SERVICES BENEFITS INFORMATION;

26 (4) MONITOR AND REPORT ON THE USE OF HEALTH LITERACY AND
27 PLAIN-LANGUAGE INITIATIVES AND SUPPORT PUBLIC REPORTING OF VITAL PUBLIC
28 HEALTH INFORMATION, INCLUDING HEALTH CARE QUALITY REPORTS FROM THE
29 MARYLAND HEALTH CARE COMMISSION; AND

30 (5) SUPPORT THE IDENTIFICATION AND ONGOING TRAINING OF
31 HEALTH LITERACY OFFICERS IN STATE AND LOCAL AGENCIES.

1 (D) FOR FISCAL YEAR 2024 AND EACH FISCAL YEAR THEREAFTER, THE
2 GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION OF
3 \$350,000 TO THE HUB.

4 (E) ON OR BEFORE JULY 1 EACH YEAR, BEGINNING IN 2024, THE HUB
5 SHALL SUBMIT A REPORT TO THE ~~GENERAL ASSEMBLY~~ SENATE FINANCE
6 COMMITTEE AND THE HOUSE HEALTH AND GOVERNMENT OPERATIONS
7 COMMITTEE, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT
8 ARTICLE, ON THE IMPLEMENTATION OF THIS SUBTITLE, INCLUDING THE STATUS OF
9 STATEWIDE HEALTH LITERACY EFFORTS AND MATERIALS PROVIDED.

10 20-2205.

11 (A) THE HUB SHALL FACILITATE CONSISTENT STATE AND LOCAL
12 GOVERNMENT USE OF HEALTH LITERACY AND PLAIN-LANGUAGE CRITERIA, WHICH
13 MAY INCLUDE BY:

14 (1) IDENTIFYING VENDORS OF HEALTH INFORMATION PRODUCTS
15 THAT ADOPT THE HUB'S HEALTH LITERACY CRITERIA;

16 (2) OFFERING A HEALTH LITERACY REVIEW OF SOURCES OF PUBLIC
17 INFORMATION OR PUBLIC MEDIA REGARDING HEALTH, SAFETY, AND SOCIAL
18 SERVICES BENEFITS INFORMATION;

19 (3) PUBLISHING TEMPLATES THAT AID THE DEVELOPMENT OF
20 PLAIN-LANGUAGE HEALTH INFORMATION MATERIALS; AND

21 (4) PUBLISHING TEMPLATES AND MODEL LANGUAGE FOR USE BY
22 STATE AGENCIES AND LOCAL GOVERNMENT AGENCIES FOR AWARDED GRANTS AND
23 CONTRACTS TO ENSURE THAT RECIPIENTS:

24 (I) ADDRESS HEALTH LITERACY ISSUES IN THEIR PROPOSALS
25 AND WORKPLANS; AND

26 (II) REFRAIN FROM CREATING ADDITIONAL HEALTH LITERACY
27 BARRIERS.

28 (B) THE HUB SHALL SUPPORT WORKFORCE DEVELOPMENT, WHICH MAY
29 INCLUDE BY:

30 (1) OFFERING OR RECOMMENDING EDUCATIONAL SESSIONS ON
31 HEALTH LITERACY FOR HEALTH PROFESSIONALS AND INDIVIDUALS WHO DEVELOP
32 HEALTH, SAFETY, AND SOCIAL SERVICES BENEFITS INFORMATION FOR THE PUBLIC;
33 AND

1 **(2) PROVIDING EDUCATIONAL AND AGE-APPROPRIATE RESOURCES**
2 **THAT TEACH STUDENTS HEALTH LITERACY AND HEALTH LITERACY SKILLS FOR**
3 **PRIMARY AND SECONDARY SCHOOLS AND INSTITUTIONS OF HIGHER EDUCATION.**

4 **(C) THE HUB SHALL ASSIST PROGRAMS AND ORGANIZATIONS TO PROMOTE**
5 **COMMUNITY HEALTH LITERACY, WHICH MAY INCLUDE BY:**

6 **(1) OFFERING HUB ASSESSMENTS OF PROGRAMS AND**
7 **ORGANIZATIONS TO IDENTIFY BARRIERS TO PUBLIC ACCESS OF HEALTH, SAFETY,**
8 **AND SOCIAL SERVICES BENEFITS INFORMATION AND SERVICES; AND**

9 **(2) ASSISTING ENTITIES WITH PROVIDING CONSUMERS WITH**
10 **PLAIN-LANGUAGE HEALTH INFORMATION AND REFERRAL AND SUPPORT SERVICES**
11 **IN A CONSUMER'S PREFERRED LANGUAGE.**

12 **(D) IN CARRYING OUT THIS SECTION, THE HUB MAY COLLABORATE WITH**
13 **ENTITIES THAT DIRECTLY EDUCATE THE PUBLIC, INCLUDING EDUCATION**
14 **INSTITUTIONS, LIBRARIES, AND CONSUMER REFERRAL SERVICES.**

15 **20-2206.**

16 **(A) THE HUB SHALL DEVELOP AND PUBLISH CRITERIA FOR EVALUATING**
17 **WHETHER MEDIA OR A MEDIA CAMPAIGN FOLLOWS BEST PRACTICES FOR THE**
18 **PROMOTION OF HEALTH LITERACY.**

19 **(B) (1) IF A PERSON SUBMITS ITS MEDIA OR MEDIA CAMPAIGN TO THE**
20 **HUB FOR REVIEW, THE HUB SHALL USE THE CRITERIA DEVELOPED UNDER**
21 **SUBSECTION (A) OF THIS SECTION TO EVALUATE WHETHER THE MEDIA OR MEDIA**
22 **CAMPAIGN FOLLOWS BEST PRACTICES FOR THE PROMOTION OF HEALTH LITERACY.**

23 **(2) THE DEPARTMENT AND THE HUB SHALL ENCOURAGE PERSONS**
24 **THAT PROMOTE PUBLIC HEALTH, HEALTH EDUCATION, OR HEALTH AWARENESS TO**
25 **SUBMIT MEDIA FOR EVALUATION BY THE HUB UNDER THIS SECTION.**

26 **(C) WHEN AWARDING GRANTS, THE DEPARTMENT AND LOCAL HEALTH**
27 **DEPARTMENTS SHALL GIVE SPECIAL CONSIDERATION, IN A MANNER DETERMINED**
28 **TO BE APPROPRIATE BY THE DEPARTMENT AWARDING THE GRANT, TO ENTITIES**
29 **THAT ARE DESIGNATED BY THE HUB TO MEET HEALTH LITERACY CRITERIA UNDER**
30 **SUBSECTION (B) OF THIS SECTION.**

31 **20-2207.**

1 **(A) ALLEGED COMPLIANCE OR NONCOMPLIANCE WITH A PROVISION OF**
2 **THIS SUBTITLE IS NOT SUBJECT TO JUDICIAL REVIEW.**

3 **(B) THIS SUBTITLE DOES NOT CREATE OR AUTHORIZE A RIGHT**
4 **ENFORCEABLE BY ADMINISTRATIVE OR JUDICIAL ACTION.**

5 **20-2208.**

6 **THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THIS**
7 **SUBTITLE.**

8 **~~Article State Finance and Procurement~~**

9 **~~14-418.~~**

10 **~~STATE AGENCIES SHALL GIVE PREFERENCE TO BIDDERS OR OFFERORS THAT~~**
11 **~~THE CONSUMER HEALTH INFORMATION HUB HAS DESIGNATED AS FOLLOWING~~**
12 **~~HEALTH LITERACY PRACTICES THAT PROMOTE PUBLIC UNDERSTANDING OF~~**
13 **~~HEALTH INFORMATION UNDER § 20-2206(B) OF THE HEALTH GENERAL ARTICLE.~~**

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
15 1, 2022. It shall remain effective for a period of 4 years and, at the end of June 30, 2026,
16 this Act, with no further action required by the General Assembly, shall be abrogated and
17 of no further force and effect.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.