



Maryland
Hospital Association

March 4, 2020

To: The Honorable Shane Pendergrass, Chairman
House Health & Government Operations Committee

From: Jennifer Witten, Vice President, Government Affairs-Maryland Hospital Association

Re: Letter of Information—House Bill 1010—Health Care Facilities – Discrimination (LGBTQ Senior Bill of Rights)

Dear Chairman Pendergrass and Committee Members:

On behalf of the Maryland Hospital Association's (MHA) 61-member hospitals and health systems, we appreciate the opportunity to comment on House Bill 113. No Marylander should ever face discrimination, particularly in a health care setting where people often are at their most vulnerable. Maryland hospitals have a long-standing commitment to anti-discrimination and equitable care. Not only are their efforts central to the mission of the state's hospitals, it also is, rightly, mandated by federal and state laws and regulations.

While Maryland's hospitals appreciate the intent of this bill, there are a number of state and federal laws in place to ensure patients are protected against discrimination. Maryland's Patient Bill of Rights includes protections against discrimination on the basis of age, gender, sexual orientation, identity or expressionⁱ. Individuals are also protected against discrimination based on race, color, national origin, sex, age or disability in certain health programs and activities under section 1557 of the Affordable Care Act (ACA).

Section 1557 builds on previous federal civil rights laws that prohibit sex discrimination in health care. The final rule requires that women be treated the same as men regarding the health care they receive as well as prohibiting the denying of health care or health coverage based on an individual's sex, including discrimination based on pregnancy, gender identity, and sex stereotyping. The final rule also requires covered health programs and activities to treat individuals consistent with their gender identityⁱⁱ.

Moreover, a bill introduced this session (Senate Bill 872 for Consumer Protections) includes additional specific protections to prohibit carriers from refusing, withholding or denying any individual coverage under a health benefit plan offered by the carrier or discriminating against any individual for any reason including sexual orientation and gender identity.ⁱⁱⁱ We appreciate the intent of the bill, however are confident that the federal and state laws currently ensure these protections for patients at hospitals.

For more information, please contact: Jennifer Witten
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ⁱ Md. Code Ann., Health General §19-342

<http://mgaleg.maryland.gov/mgawebsite/laws/StatuteText?article=ghg§ion=19-342&enactments=false>

ⁱⁱ Summary: Final Rule Implementing Section 1557 of the Affordable Care Act <https://www.hhs.gov/sites/default/files/2016-06-07-section-1557-final-rule-summary-508.pdf>

ⁱⁱⁱ Senate Bill 872- Health Insurance- Consumer Protections (2020 Session)

<http://mgaleg.maryland.gov/mgawebsite/Legislation/Details/sb0872>