



Maryland
Hospital Association

March 20, 2019

To: The Honorable Chair Delores Kelley
Senate Finance Committee and Sponsor Senator Nathan-Pulliam

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

Re: Letter of Concern – Senate Bill 953: Health Care Facilities – Hospitals and Related
Institutions – Discrimination Protections

Dear Chair Kelley:

On behalf of the Maryland Hospital Association's (MHA) 62-member hospitals and health systems, we appreciate the opportunity to comment on SB 953. No Marylander should ever face discrimination, particularly in a health care setting where people often are at their most vulnerable. That is why the state's hospitals have a long-standing commitment to anti-discrimination and equitable care. Not only is that effort central to the mission of Maryland's health care providers, it also is, rightly, mandated by federal and state laws and regulations.

At the federal level, **anti-discrimination protections are specifically included in section 1557 of the Affordable Care Act**, which “builds on long-standing and familiar Federal civil rights laws: Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973 and the Age Discrimination Act of 1975.”¹ These statutory protections are enacted through practice standards detailed by Medicare, which are enforced through an accreditation process that uses on-site inspections by the Joint Commission and the Maryland Department of Health's Office of Health Care Quality (OHCQ). In addition to the inspection process, OHCQ will also investigate patient complaints regarding their care. If non-compliance is found, corrective actions may be taken, including the termination of a hospital's license.

Hospitals are required by the Emergency Medical Treatment and Labor Act (**EMTALA**) a federal law that requires anyone coming to an emergency department to be stabilized and treated, regardless of their insurance status or ability to pay to care for all persons. Other healthcare facilities are not held to the same standards, therefore any consideration for these protections should focus on those care centers. The ACA includes protections of sex with further guidance from HHS. The Joint Commission under the umbrella of CMS is specific to patient protections that prohibit discrimination based on sexual orientation and gender identity.

- Section 1557 of the ACA prevents discrimination on race, color, national origin, age, disability, or sex : <https://www.hhs.gov/civil-rights/for-individuals/section-1557/index.html>

¹ U.S. Department of Health & Human Services, <https://www.hhs.gov/civil-rights/for-individuals/section-1557/index.html>

- Joint Commission standards prohibits discrimination based on age, race, ethnicity, religion, culture, language, physical or mental disability, socioeconomic status, **sex, sexual orientation, and gender identity or expression.**

In addition to federal law, there are numerous state laws and regulations prohibiting discrimination. Most recently, the Maryland General Assembly supported legislation to update Maryland statute to the **Patient Bill of Rights** that specifically include protections related to prohibit discrimination based on gender, sexual orientation and gender identity.

While hospitals appreciate the intent of SB 953, it is important to note these provisions are specifically covered in federal and state laws along with CMS, Joint Commission guidelines.

We thank you for your careful consideration of this issue.