



Maryland  
Hospital Association

**Senate Bill 738-Health Care Providers and Health Benefit Plans-  
Discrimination in Provision of Services**

**Position: *Support with Amendments***

February 26, 2020

Senate Finance Committee

**MHA Position**

On behalf of the Maryland Hospital Association's (MHA) 61 member hospitals and health systems, we appreciate the opportunity to comment on Senate Bill 738. 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 (ACA)**, 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."<sup>i</sup> There also are numerous state laws and regulations prohibiting discrimination. The revised Patient Bill of Rights, which passed in 2019, includes anti-discrimination provisions that require all Maryland hospitals to treat patients without discrimination based on race, color, national origin, ethnicity, age, gender, sexual orientation, gender identity or expression, physical or mental disability, religion, language, or ability to pay.

As a member of the consumer protections work group, we appreciate discussions about codifying ACA protections in Maryland state law given uncertainty at the federal level. With respect to the anti-discrimination protections, the work group focused on discrimination protections related to health plans but did not vet additional sections of the bill. We appreciate the intent of the legislation but recommend technical amendments to the bill to clarify the provider sections. We look forward to working with the sponsor and the committee on potential amendments. The ACA's consumer protections have brought gains in coverage and improved health care delivery by helping people receive the right care, at the right time, in the right setting.

For these reasons, we respectfully ask the committee to allow the appropriate subcommittee to work through amendments on the bill with a result for a *favorable* report.

For more information, please contact:

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