



Maryland
Hospital Association

March 4, 2019

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

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

Re: Letter of Concern - House Bill 856: Health Care Facilities – Hospitals and Related
Institutions – Discrimination Protections

Dear Chairman Pendergrass:

On behalf of the Maryland Hospital Association's (MHA) 62-member hospitals and health systems, we appreciate the opportunity to comment on HB 856. 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.

In addition to federal law, there are numerous state laws and regulations prohibiting discrimination. The most recent addition to this body of protections is OHCQ regulations requiring hospital patients be made aware of certain enumerated rights, including the right to receive care free of discrimination.

While hospitals appreciate the intent of HB 856, it is important to note these provisions are already covered by multiple federal and state laws. We thank you for your careful consideration of this issue.

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