



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 Concern—House Bill 113—Hospital-Patient’s Bill of Rights—Minor Patients

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. The state’s 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.

The proposed legislation is unnecessary as the Maryland Court of Appeals has repeatedly held that medical care is included in a parent’s legal responsibility for their children’s support, care, nurture, welfare, and education. *See Levitsky v. Levitsky*, 231 Md. 388 (Md. 1963). And, there is already robust federal and Maryland case law that considers medical care, including medical decision-making for a minor, as the parent’s responsibility.

Although Maryland has some existing exceptions to this default, these principles are narrowly defined and clearly enumerated in MD Code, Health–General, § 20-102. The exceptions were the result of the legislature’s careful weighing of parental rights against a child’s bodily integrity and state’s authority to intervene in a child’s best interests. We believe they must be upheld fully; granting full decision-making authority to a parent may undermine treating providers’ recommendations in the best interests of the child. A clear example of this is conversion therapy. The Maryland General Assembly took action to prohibit this type of personal violation two years ago, but if this new legislation is passed, parents will again be able to send children to out-of-state facilities that still engage in this unsubstantiated practice. Moreover, the proposed language introduces ambiguity and potentially takes away the state’s ability to intervene in the event the parent is not acting in the child’s best interests.

For these legal and personal right concerns, we kindly ask the committee to give this bill an unfavorable report. There will be significant unintended consequences should it pass.

For more information, please contact:
Jennifer Witten
Jwitten@mhaonline.org