



Maryland Independent College
and University Association

Unfavorable

House Appropriations Committee

***HB 1457 – Higher Education – Students With a Chronic Health Condition –
Reporting Requirements***

Tina M. Bjarekull, MICUA President

March 8, 2018

On behalf of Maryland’s independent colleges and universities and the 64,000 students they serve, thank you for the opportunity to provide this testimony in opposition to ***HB 1457 – Higher Education – Students With a Chronic Health Condition – Reporting Requirements***. The bill mandates extensive reporting by Maryland’s higher education community with respect to students who suffer from a chronic health condition. “Chronic health condition” is defined as “a physical, developmental, behavioral, or emotional condition that requires health and related services for a period of 3 months or longer.”

Each institution must submit an annual report, beginning July 1, 2019, to the Maryland Higher Education Commission (MHEC), Governor, and General Assembly that provides vast amounts of data about the institution including the makeup of the student body; students with chronic health conditions; the participation of students with a chronic health condition in various aspects of campus life; a summary of their experiences living on campus; information on programs that the school has to support chronically ill students; information on accommodations that the institution provides for chronically ill students; information on protocols if a chronically ill student misses an assignment, a class, or exams; data on how many chronically ill students drop out, don’t graduate, or are unable to complete a class; and perspectives from the institution on students with chronic health conditions to include “thoughts, comments, needs, goals, solutions, and questions.”

This legislation creates a tremendous burden on institutions of higher education with no clear goal as to how the information will be used or how the collection of such information will help students with chronic health conditions. Moreover, MICUA believes the legislation violates student privacy and conflicts with federal laws.

The bill establishes a unique definition of a chronic health condition that does not exist in any other setting. Furthermore, students who enroll at institutions of higher education are adults and are not required to share any information about their health conditions. As a result, any information reported by an institution of higher education about the chronic health conditions of

students would be incomplete, and the accuracy and usefulness of the data would be questionable.

Most college and university campuses operate student health centers. Any information collected by health professionals and maintained at a campus student health center is confidential and is not shared with any other employees or departments at the institution.

MICUA is extremely concerned about the ability to protect the privacy of students given the extensive reporting requirements contained in this bill and believes the legislation violates the federal Health Insurance Portability and Accountability Act and the Family Educational Rights and Privacy Act. In many instances, the sample size reported would be so small that it would be impossible to successfully de-identify students.

The collection and aggregation of this data would be extremely burdensome, time consuming, and expensive for MICUA member institutions. The bill itself includes fifteen broad information requests about students with chronic illnesses with tremendous levels of detail and additional information within each request. There is little evidence to suggest that the data collection involved in the bill can or will result in improvements to outcomes for chronically ill students. After institutions collect the data they simply report it to MHEC, the Governor, and the General Assembly. The bill is completely silent as to how this comprehensive data collection effort will help students with chronic health conditions.

MICUA and its member institutions believe this legislation is a violation of the privacy rights of students and should be given an unfavorable Committee report.