

**Protected Health Care Commission's Assessment and
Recommendations Surrounding Sensitive Health
Services**

2025 Semiannual Report

Health General Article § 4-310(g)

Maryland Department of Health

May 2025



DEPARTMENT OF HEALTH

Wes Moore, Governor · Aruna Miller, Lt. Governor · Meena Seshamani, M.D., Ph.D., Secretary

September 2, 2025

Senator Pamela Beidle
Chair, Senate Finance Committee
3 East, Miller Senate Office Building
Annapolis, Maryland 21401

Delegate Joseline Peña-Melnyk
Chair, Health and Government Operations Committee
Room 241, House Office Building
Annapolis, Maryland 21401

**RE: Health-General Article §4-310(g) - Protected Health Care Commission - 2025
Semiannual Report 2025**

Dear Chair Beidle and Chair Peña-Melnyk:

Pursuant to Health-General Article §4-310(g), this response is submitted to the Protected Health Care Commission's (the Commission's) semiannual report. The Commission is charged with making recommendations to the Secretary regarding sensitive health services that should be determined to be legally protected health care.

The Commission, established in 2023 by Health-General Article §4-310, is a nine-member body. At its inception, the Commission reviewed the proposed COMAR 10.11.08 Abortion Care Disclosure regulations and provided helpful feedback regarding the regulations to Maryland Department of Health (MDH) staff. MDH adopted the regulations on September 16, 2024.

In addition, the Commission created subcommittees to discuss gender-affirming care (GAC) and miscarriage management as potential services to propose for determination as legally protected health care. The subcommittee paused work while the Commission learned more about Electronic Health Record/Health Information Exchange (EHR/HIE) implementation plans and potential implications for the inclusion of additional codes. The Maryland Health Care Commission has continued to share updates on the EHR/HIE vendors' behalf at quarterly Commission meetings and has reported significant progress. The GAC subcommittee resumed its work in late 2024, and the subcommittee presented to the full Commission on February 27, 2025

its recommendations for a specific set of GAC services (F64 ICD-10 codes) to be designated legally protected health care. The Commission voted in that meeting to recommend the GAC F64 ICD-10 codes for inclusion in the COMAR as legally protected health care. On May 9, 2025, I agreed to adopt the Commission's recommendations. MDH has drafted regulations for the codes and is working through the regulatory process.

If you have any questions about this report, please contact Sarah Case-Herron, Director, Office of Governmental Affairs, at 443-826-1851 or sara.case-herron@maryland.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Meena Seshamani', with a stylized flourish at the end.

Meena Seshamani, MD, PhD
Secretary

cc: Sarah Case-Herron, JD, Director, Office of Governmental Affairs
Meg Sullivan, M.D., MPH, Deputy Secretary of Public Health Services
Sarah Albert, Department of Legislative Services (5 copies)