SENATE BILL 234
EMERGENCY BILL

Unofficial Copy 2002 Regular Session
P3 2lr0168
CF 2lr0171

By: **The President (Administration) and Senators Bromwell, Collins, Conway, Exum, Forehand, Green, Hollinger, Hughes, Kelley, Lawlah, Teitelbaum, and Van Hollen**
Introduced and read first time: January 18, 2002
Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 20, 2002

CHAPTER 1

AN ACT concerning

Catastrophic Health Emergencies - Powers of the Governor and the Secretary of Health and Mental Hygiene

FOR the purpose of authorizing the Governor to ~~proclaim~~ issue an order proclaiming the existence of a catastrophic health emergency; specifying the powers of the Governor during a catastrophic health emergency; specifying when a proclamation of a catastrophic health emergency will expire; specifying the contents of an order; requiring the Secretary of Health and Mental Hygiene to issue a certain directive in a certain manner; providing for the contents of the directive; providing for a hearing to contest the directive; authorizing certain individuals to request a hearing in circuit court under certain circumstances; requiring the circuit court to follow certain procedures under certain circumstances; requiring the Court of Appeals to develop certain emergency rules of procedure; providing for civil and criminal immunity for health care providers under certain circumstances; requiring the State to include health care providers in any application for financial aid under certain circumstances; authorizing the Secretary ~~of Health and Mental Hygiene~~ to exercise certain duties under certain circumstances in order to maintain an effective disease surveillance system; authorizing the Secretary to require certain health care facilities to develop and implement certain contingency plans; requiring the Secretary to develop certain protocols; authorizing the Secretary to require certain health care practitioners to implement certain plans; requiring the Secretary to develop a process to license, certify, and credential health care practitioners under certain circumstances; prohibiting certain persons from disclosing certain information; authorizing the Secretary to perform certain duties when investigating actual or potential exposures to certain deadly

agents; specifying certain penalties under certain circumstances; ~~requiring the Maryland Emergency Management Agency to coordinate efforts with the Maryland Institute for Emergency Medical Services Systems and the Department of Health and Mental Hygiene;~~ requiring a certain report by a certain date; requiring the Secretary to work collaboratively with the Maryland Emergency Management Agency, the Maryland Institute for Emergency Medical Services Systems, certain health care providers, and other interested parties on the implementation of this Act; making provisions of this Act severable; requiring the Secretary to adopt certain regulations; making this Act an emergency measure; defining certain terms; and generally relating to catastrophic health emergencies.

BY adding to
Article 41 - Governor - Executive and Administrative Departments
Section 2-201 through 2-204, inclusive, to be under the new subtitle "Subtitle 2. Governor's Emergency Powers - Catastrophic Health Emergencies"
Annotated Code of Maryland
(1997 Replacement Volume and 2001 Supplement)

BY adding to
Article - Health - General
Section 18-901 through ~~18-907~~ 18-908, inclusive, to be under the new subtitle "Subtitle 9. Catastrophic Health Emergency Disease Surveillance and Response Program"
Annotated Code of Maryland
(2000 Replacement Volume and 2001 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article 41 - Governor - Executive and Administrative Departments

SUBTITLE 2. GOVERNOR'S EMERGENCY POWERS - CATASTROPHIC HEALTH EMERGENCIES.

2-201.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) (1) "CATASTROPHIC HEALTH EMERGENCY" MEANS AN IMMINENT THREAT OF EXTENSIVE LOSS OF LIFE OR OF SERIOUS DISABILITY CAUSED BY EXPOSURE TO A DEADLY AGENT.

(2) "DEADLY AGENT" MEANS:

(I) ANTHRAX, EBOLA, PLAGUE, SMALLPOX, TULAREMIA, OR OTHER BACTERIAL, FUNGAL, RICKETTSIAL, OR VIRAL AGENT, BIOLOGICAL TOXIN, OR OTHER AGENT CAPABLE OF CAUSING EXTENSIVE LOSS OF LIFE OR SERIOUS DISABILITY;

(II) MUSTARD GAS, NERVE GAS, OR OTHER CHEMICAL AGENT CAPABLE OF CAUSING EXTENSIVE LOSS OF LIFE OR SERIOUS DISABILITY; OR

(III) RADIATION AT LEVELS CAPABLE OF CAUSING EXTENSIVE LOSS OF LIFE OR SERIOUS DISABILITY.

(3) "EXPOSURE TO A DEADLY AGENT" MEANS A THREAT TO HUMAN HEALTH CAUSED BY:

(I) THE ~~RELEASE OR DISTRIBUTION~~ RELEASE, DISTRIBUTION, OR TRANSMISSION OF A DEADLY AGENT IN MARYLAND; OR

(II) THE ~~RELEASE OR DISTRIBUTION~~ RELEASE, DISTRIBUTION, OR TRANSMISSION OF A DEADLY AGENT IN ANOTHER JURISDICTION THAT POSES AN IMMINENT THREAT TO MARYLAND CITIZENS THROUGH THE MOVEMENT OF EXPOSED INDIVIDUALS~~, WIND CURRENTS,~~ OR OTHER CAUSE INTO THE STATE.

(4) "HEALTH CARE FACILITY" HAS THE MEANING STATED IN § 19-114(E)(1) OF THE HEALTH - GENERAL ARTICLE.

(5) (I) "HEALTH CARE PRACTITIONER" HAS THE MEANING STATED IN § 19-114(F) OF THE HEALTH - GENERAL ARTICLE.

(II) "HEALTH CARE PRACTITIONER" INCLUDES AN INDIVIDUAL LICENSED OR CERTIFIED AS AN EMERGENCY MEDICAL SERVICES PROVIDER UNDER § 13-516 OF THE EDUCATION ARTICLE.

(6) "HEALTH CARE PROVIDER" MEANS:

(I) A HEALTH CARE FACILITY; OR

(II) A HEALTH CARE PRACTITIONER.

(7) "SECRETARY" MEANS THE SECRETARY OF HEALTH AND MENTAL HYGIENE.

2-202.

(A) IF THE GOVERNOR DETERMINES THAT EXPOSURE TO A DEADLY AGENT PRESENTS AN IMMINENT THREAT OF EXTENSIVE LOSS OF LIFE OR OF SERIOUS DISABILITY, THE GOVERNOR MAY ISSUE AN EXECUTIVE ORDER PROCLAIMING ~~PROCLAIM~~ THE EXISTENCE OF A CATASTROPHIC HEALTH EMERGENCY.

(B) FOLLOWING A PROCLAMATION UNDER SUBSECTION (A) OF THIS SECTION, THE GOVERNOR MAY ORDER:

(1) ~~THE SECRETARY OR OTHER DESIGNATED OFFICIAL TO:~~

~~(I) USE APPROPRIATE MEANS TO REDUCE MORBIDITY AND MORTALITY CAUSED BY A CATASTROPHIC HEALTH EMERGENCY; AND~~

~~(II) ENSURE TO THE GREATEST EXTENT FEASIBLE THAT ALL PERSONS EXPOSED TO A DEADLY AGENT ARE SUBJECT TO APPROPRIATE TREATMENT AND CONTROL.~~

~~(2)~~ THE SECRETARY OR OTHER DESIGNATED OFFICIAL TO TAKE IMMEDIATE POSSESSION OF ANY ITEM OR MATERIAL NEEDED TO RESPOND TO THE MEDICAL CONSEQUENCES OF THE CATASTROPHIC HEALTH EMERGENCY AND TO WORK COLLABORATIVELY, TO THE EXTENT FEASIBLE, WITH HEALTH CARE PROVIDERS TO DESIGNATE AND GAIN ACCESS TO A FACILITY NEEDED TO RESPOND TO THE CATASTROPHIC HEALTH EMERGENCY;

~~(3)~~ (2) ANY HEALTH CARE PROVIDER WHO DOES NOT VOLUNTARILY PARTICIPATE, TO PARTICIPATE IN DISEASE SURVEILLANCE, TREATMENT, AND SUPPRESSION EFFORTS OR OTHERWISE ACT IN ACCORDANCE WITH THE DIRECTIVES OF THE SECRETARY OR OTHER DESIGNATED OFFICIAL;

~~(4)~~ (3) THE SECRETARY OR OTHER DESIGNATED OFFICIAL TO CONTROL, RESTRICT, OR REGULATE THE USE, SALE, DISPENSING, DISTRIBUTION OR TRANSPORTATION OF ANY ITEM OR MATERIAL NEEDED TO RESPOND TO THE MEDICAL CONSEQUENCES OF THE CATASTROPHIC HEALTH EMERGENCY BY:

(I) RATIONING;

(II) THE CREATION AND DISTRIBUTION OF STOCKPILES;

(III) THE USE OF QUOTAS;

(IV) THE PROHIBITION OF SHIPMENTS;

(V) THE SETTING OF PRICES; OR

(VI) OTHER APPROPRIATE MEANS;

~~(5)~~ (4) WHEN MEDICALLY NECESSARY AND REASONABLE TO TREAT, PREVENT, OR REDUCE THE SPREAD OF THE DISEASE OR OUTBREAK BELIEVED TO HAVE BEEN CAUSED BY THE EXPOSURE TO A DEADLY AGENT, THE SECRETARY OR OTHER DESIGNATED OFFICIAL TO:

(I) REQUIRE INDIVIDUALS TO SUBMIT TO MEDICAL EXAMINATION OR TESTING;

(II) UNLESS THE VACCINATION OR MEDICAL TREATMENT WILL LIKELY CAUSE SERIOUS HARM TO THE INDIVIDUAL ~~OR CONFLICTS WITH THE INDIVIDUAL'S BONA FIDE RELIGIOUS BELIEFS AND PRACTICES~~, REQUIRE THE INDIVIDUAL TO SUBMIT TO VACCINATION OR MEDICAL TREATMENT;

(III) ESTABLISH PLACES OF TREATMENT, ISOLATION, AND QUARANTINE; AND

(IV) REQUIRE INDIVIDUALS TO GO TO AND REMAIN IN PLACES OF ISOLATION AND QUARANTINE~~;~~ UNTIL THE SECRETARY OR OTHER DESIGNATED OFFICIAL DETERMINES THAT THE INDIVIDUALS NO LONGER POSE A SUBSTANTIAL RISK OF TRANSMITTING THE DISEASE OR CONDITION TO THE PUBLIC;

~~(6)~~ (5) THE EVACUATION, CLOSING, OR DECONTAMINATION OF ANY FACILITY;

~~(7)~~ (6) INDIVIDUALS TO REMAIN INDOORS OR REFRAIN FROM CONGREGATING UNTIL FURTHER ~~ORDER~~ ORDERED IF NECESSARY AND REASONABLE IN ORDER TO SAVE LIVES OR PREVENT EXPOSURE TO A DEADLY AGENT; AND

~~(8)~~ (7) SUCH OTHER ACTIONS AS ARE DEEMED NECESSARY TO ~~REDUCE MORBIDITY AND MORTALITY CAUSED BY~~ RESPOND TO THE CATASTROPHIC HEALTH EMERGENCY.

(C) IF A COMPETENT INDIVIDUAL OVER THE AGE OF 18 REFUSES VACCINATION, MEDICAL EXAMINATION, TREATMENT, OR TESTING UNDER SUBSECTION (B)(4) OF THIS SECTION, THE SECRETARY MAY REQUIRE THE INDIVIDUAL TO GO TO AND REMAIN IN A PLACE OF ISOLATION OR QUARANTINE UNTIL THE SECRETARY DETERMINES THAT THE INDIVIDUAL NO LONGER POSES A SUBSTANTIAL RISK OF TRANSMITTING THE DISEASE OR CONDITION TO THE PUBLIC.

(D) (1) (I) IF THE SECRETARY OR OTHER DESIGNATED OFFICIAL REQUIRES AN INDIVIDUAL OR A GROUP OF INDIVIDUALS TO GO TO AND REMAIN IN PLACES OF ISOLATION OR QUARANTINE UNDER SUBSECTION (B)(4) OF THIS SECTION, THE SECRETARY SHALL ISSUE A DIRECTIVE TO THE INDIVIDUAL OR GROUP OF INDIVIDUALS.

(II) THE DIRECTIVE SHALL SPECIFY:

1. THE IDENTITY OF THE INDIVIDUAL OR GROUP OF INDIVIDUALS SUBJECT TO ISOLATION OR QUARANTINE;

2. THE PREMISES SUBJECT TO ISOLATION OR QUARANTINE;

3. THE DATE AND TIME AT WHICH ISOLATION OR QUARANTINE COMMENCES;

4. THE SUSPECTED DEADLY AGENT CAUSING THE OUTBREAK OR DISEASE, IF KNOWN;

5. THE BASIS UPON WHICH ISOLATION OR QUARANTINE IS JUSTIFIED; AND

6. THE AVAILABILITY OF A HEARING TO CONTEST THE DIRECTIVE.

(III) 1. EXCEPT AS PROVIDED IN SUB-SUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, THE DIRECTIVE SHALL BE IN WRITING AND GIVEN TO THE INDIVIDUAL OR GROUP OF INDIVIDUALS PRIOR TO THE INDIVIDUAL OR GROUP OF INDIVIDUALS BEING REQUIRED TO GO TO AND REMAIN IN PLACES OF ISOLATION AND QUARANTINE.

2. A. IF THE SECRETARY OR OTHER DESIGNATED OFFICIAL DETERMINES THAT THE NOTICE REQUIRED IN SUB-SUBPARAGRAPH 1 OF THIS SUBPARAGRAPH IS IMPRACTICAL BECAUSE OF THE NUMBER OF INDIVIDUALS OR GEOGRAPHICAL AREAS AFFECTED, THE SECRETARY OR OTHER DESIGNATED OFFICIAL SHALL ENSURE THAT THE AFFECTED INDIVIDUALS ARE FULLY INFORMED OF THE DIRECTIVE USING THE BEST POSSIBLE MEANS AVAILABLE.

B. IF THE DIRECTIVE APPLIES TO A GROUP OF INDIVIDUALS AND IT IS IMPRACTICAL TO PROVIDE INDIVIDUAL WRITTEN COPIES UNDER SUB-SUBPARAGRAPH 1 OF THIS SUBPARAGRAPH, THE WRITTEN DIRECTIVE MAY BE POSTED IN A CONSPICUOUS PLACE IN THE ISOLATION OR QUARANTINE PREMISES.

(2) (I) AN INDIVIDUAL OR GROUP OF INDIVIDUALS ISOLATED OR QUARANTINED UNDER SUBSECTION (B)(4) OF THIS SECTION MAY REQUEST A HEARING IN CIRCUIT COURT CONTESTING THE ISOLATION OR QUARANTINE.

(II) A REQUEST FOR A HEARING MAY NOT STAY OR ENJOIN AN ISOLATION OR QUARANTINE DIRECTIVE.

(3) UPON RECEIPT OF A REQUEST UNDER THIS SUBSECTION, THE COURT SHALL CONDUCT A HEARING WITHIN 3 DAYS FROM RECEIPT OF THE REQUEST.

(4) (I) IN ANY PROCEEDINGS BROUGHT FOR RELIEF UNDER THIS SUBSECTION, THE COURT MAY EXTEND THE TIME FOR A HEARING UPON A SHOWING BY THE SECRETARY OR OTHER DESIGNATED OFFICIAL THAT EXTRAORDINARY CIRCUMSTANCES EXIST THAT JUSTIFY THE EXTENSION.

(II) IN GRANTING OR DENYING AN EXTENSION, THE COURT SHALL CONSIDER THE RIGHTS OF THE AFFECTED INDIVIDUAL, THE PROTECTION OF THE PUBLIC HEALTH, THE SEVERITY OF THE CATASTROPHIC HEALTH EMERGENCY, AND THE AVAILABILITY, IF NECESSARY, OF WITNESSES AND EVIDENCE.

(5) (I) 1. THE COURT SHALL GRANT THE REQUEST FOR RELIEF UNLESS THE COURT DETERMINES THAT THE ISOLATION OR QUARANTINE DIRECTIVE IS NECESSARY AND REASONABLE TO PREVENT OR REDUCE THE SPREAD OF THE DISEASE OR OUTBREAK BELIEVED TO HAVE BEEN CAUSED BY THE EXPOSURE TO A DEADLY AGENT.

2. IF FEASIBLE, IN MAKING A DETERMINATION UNDER THIS SUBPARAGRAPH, THE COURT MAY CONSIDER THE MEANS OF TRANSMISSION, THE

DEGREE OF CONTAGION, AND TO THE EXTENT POSSIBLE, THE DEGREE OF PUBLIC EXPOSURE TO THE DISEASE.

(II) 1. AN ORDER AUTHORIZING THE ISOLATION OR QUARANTINE ISSUED UNDER THIS PARAGRAPH SHALL:

A. IDENTIFY THE ISOLATED OR QUARANTINED INDIVIDUAL OR GROUP OF INDIVIDUALS BY NAME OR SHARED CHARACTERISTICS;

B. SPECIFY FACTUAL FINDINGS WARRANTING ISOLATION OR QUARANTINE; AND

C. EXCEPT AS PROVIDED IN SUB-SUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, BE IN WRITING AND GIVEN TO THE INDIVIDUAL OR GROUP OF INDIVIDUALS.

2. IF THE COURT DETERMINES THAT THE NOTICE REQUIRED IN SUB-SUBPARAGRAPH 1C OF THIS SUBPARAGRAPH IS IMPRACTICAL BECAUSE OF THE NUMBER OF INDIVIDUALS OR GEOGRAPHICAL AREA AFFECTED, THE COURT SHALL ENSURE THAT THE AFFECTED INDIVIDUALS ARE FULLY INFORMED OF THE ORDER USING THE BEST POSSIBLE MEANS AVAILABLE.

(III) AN ORDER AUTHORIZING ISOLATION OR QUARANTINE IS EFFECTIVE FOR A PERIOD NOT TO EXCEED 30 DAYS.

(IV) 1. PRIOR TO THE EXPIRATION OF AN ORDER, THE SECRETARY OR DESIGNATED OFFICIAL MAY MOVE TO CONTINUE ISOLATION OR QUARANTINE FOR SUBSEQUENT 30-DAY PERIODS.

2. THE COURT SHALL BASE ITS DECISION ON THE STANDARDS PROVIDED UNDER THIS PARAGRAPH.

(6) IN THE EVENT THAT AN INDIVIDUAL CANNOT PERSONALLY APPEAR BEFORE THE COURT, PROCEEDINGS MAY BE CONDUCTED:

(I) BY AN INDIVIDUAL'S AUTHORIZED REPRESENTATIVE; AND

(II) THROUGH ANY MEANS THAT ALLOWS OTHER INDIVIDUALS TO FULLY PARTICIPATE.

(7) SUBJECT TO ANY EMERGENCY RULES DEVELOPED BY THE COURT OF APPEALS UNDER PARAGRAPH (9) OF THIS SUBSECTION, IN ANY PROCEEDINGS BROUGHT UNDER THIS SUBSECTION, THE COURT MAY ORDER THE CONSOLIDATION OF INDIVIDUAL CLAIMS INTO GROUP CLAIMS WHERE:

(I) THE NUMBER OF INDIVIDUALS INVOLVED OR AFFECTED IS SO LARGE AS TO RENDER INDIVIDUAL PARTICIPATION IMPRACTICAL;

(II) THERE ARE QUESTIONS OF LAW OR FACT COMMON TO THE INDIVIDUAL CLAIMS OR RIGHTS TO BE DETERMINED;

(III) THE GROUP CLAIMS OR RIGHTS TO BE DETERMINED ARE TYPICAL OF THE AFFECTED INDIVIDUAL'S CLAIMS OR RIGHTS; OR

(IV) THE ENTIRE GROUP WILL BE ADEQUATELY REPRESENTED IN THE CONSOLIDATION.

(8) THE COURT SHALL APPOINT COUNSEL TO REPRESENT INDIVIDUALS OR A GROUP OF INDIVIDUALS WHO ARE NOT OTHERWISE REPRESENTED BY COUNSEL.

(9) THE COURT OF APPEALS SHALL DEVELOP EMERGENCY RULES OF PROCEDURE TO FACILITATE THE EFFICIENT ADJUDICATION OF ANY PROCEEDINGS BROUGHT UNDER THIS SUBSECTION.

(E) A PROCLAMATION ISSUED UNDER THIS SECTION SHALL INDICATE:

(1) THE NATURE OF THE CATASTROPHIC HEALTH EMERGENCY;

(2) THE AREA OR AREAS THREATENED OR AFFECTED; AND

(3) THE CONDITIONS THAT HAVE BROUGHT THE CATASTROPHIC HEALTH EMERGENCY ABOUT OR THAT MAKE POSSIBLE THE TERMINATION OF THE EMERGENCY.

~~(C)~~ (F) A PROCLAMATION BY THE GOVERNOR UNDER THIS SECTION:

(1) SHALL BE RESCINDED BY THE GOVERNOR WHENEVER THE GOVERNOR DETERMINES THAT ~~A~~ THE CATASTROPHIC HEALTH EMERGENCY NO LONGER EXISTS;

(2) UNLESS RENEWED, SHALL EXPIRE 30 DAYS AFTER ISSUANCE; AND

(3) MAY BE RENEWED BY THE GOVERNOR FOR SUCCESSIVE PERIODS, EACH NOT TO EXCEED 30 DAYS, IF THE GOVERNOR DETERMINES THAT A CATASTROPHIC HEALTH EMERGENCY CONTINUES TO EXIST.

(G) A HEALTH CARE PROVIDER ACTING IN GOOD FAITH AND IN ACCORDANCE WITH A CATASTROPHIC HEALTH EMERGENCY PROCLAMATION IS IMMUNE FROM CIVIL OR CRIMINAL LIABILITY RELATED TO THOSE ACTIONS, UNLESS THE HEALTH CARE PROVIDER ACTS WITH WILLFUL MISCONDUCT.

2-203.

THE AUTHORITY GRANTED UNDER THIS SUBTITLE IS IN ADDITION TO, AND NOT IN DEROGATION OF, ANY OTHER AUTHORITY THAT THE GOVERNOR, THE SECRETARY, OR ANY OTHER PUBLIC OFFICIAL MAY EXERCISE UNDER OTHER LAW.

2-204.

(A) A PERSON MAY NOT KNOWINGLY AND WILLFULLY FAIL TO COMPLY WITH ANY ORDER, REQUIREMENT, OR DIRECTIVE ISSUED IN ACCORDANCE WITH THIS SUBTITLE.

(B) A PERSON WHO VIOLATES SUBSECTION (A) OF THIS SECTION IS GUILTY OF A ~~FELONY~~ MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING ~~3 YEARS,~~ 1 YEAR OR A FINE NOT EXCEEDING ~~$10,000,~~ $5,000 OR BOTH.

Article - Health - General

SUBTITLE 9. CATASTROPHIC HEALTH EMERGENCY DISEASE SURVEILLANCE AND RESPONSE PROGRAM.

18-901.

(A) IN THIS ~~SECTION~~ SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) "CATASTROPHIC HEALTH EMERGENCY" HAS THE MEANING STATED IN ARTICLE 41, § 2-104 OF THE CODE.

(C) "DEADLY AGENT" HAS THE MEANING STATED IN ARTICLE 41, § 2-104 OF THE CODE.

(D) "EXPOSURE TO A DEADLY AGENT" HAS THE MEANING STATED IN ARTICLE 41, § 2-104 OF THE CODE.

(E) "HEALTH CARE FACILITY" HAS THE MEANING STATED IN ~~ARTICLE 41, § 2-104 OF THE CODE~~ § 19-114(E)(1) OF THIS ARTICLE.

(F) (1) "HEALTH CARE PRACTITIONER" HAS THE MEANING STATED IN ~~ARTICLE 41, § 2-104 OF THE CODE~~ § 19-114(F) OF THIS ARTICLE.

(2) "HEALTH CARE PRACTITIONER" INCLUDES AN INDIVIDUAL LICENSED OR CERTIFIED AS AN EMERGENCY MEDICAL SERVICES PROVIDER UNDER § 13-516 OF THE EDUCATION ARTICLE.

(G) "HEALTH CARE PROVIDER" ~~HAS THE MEANING STATED IN ARTICLE 41, § 2-104 OF THE CODE~~ MEANS:

(1) A HEALTH CARE FACILITY; OR

(2) A HEALTH CARE PRACTITIONER.

18-902.

NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE SECRETARY MAY EXERCISE THE AUTHORITY GRANTED IN THIS SUBTITLE TO:

(1) CONTINUOUSLY EVALUATE AND MODIFY EXISTING DISEASE SURVEILLANCE PROCEDURES IN ORDER TO DETECT A CATASTROPHIC HEALTH EMERGENCY;

(2) INVESTIGATE ACTUAL OR POTENTIAL EXPOSURES TO A DEADLY AGENT; AND

(3) ~~MINIMIZE POTENTIAL MORBIDITY AND MORTALITY CAUSED BY A CATASTROPHIC HEALTH EMERGENCY~~ TREAT, PREVENT, OR REDUCE THE SPREAD OF THE DISEASE OR OUTBREAK BELIEVED TO HAVE BEEN CAUSED BY THE EXPOSURE TO A DEADLY AGENT.

18-903.

(A) (1) IN ACCORDANCE WITH PROCEDURES TO BE ADOPTED BY THE DEPARTMENT, THE SECRETARY, IN CONSULTATION WITH HEALTH CARE FACILITIES, MAY REQUIRE HEALTH CARE FACILITIES TO DEVELOP AND IMPLEMENT CONTINGENCY PLANS ADDRESSING:

(I) STAFF TRAINING NEEDS;

(II) STOCKPILING OF EQUIPMENT, MEDICATION, AND SUPPLIES NECESSARY TO ADDRESS A CATASTROPHIC HEALTH EMERGENCY;

(III) TREATMENT AND DECONTAMINATION PROTOCOLS;

(IV) THE COORDINATION OF SERVICES WITH OTHER PUBLIC AND PRIVATE ENTITIES; AND

(V) ANY OTHER AREA THAT THE SECRETARY DETERMINES IS NECESSARY TO ASSIST IN THE EARLY DETECTION AND TREATMENT OF AN INDIVIDUAL EXPOSED TO A DEADLY AGENT.

(2) TO THE EXTENT FEASIBLE, THE PROCEDURES TO BE ADOPTED BY THE DEPARTMENT UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE CONSISTENT WITH ACCREDITATION REQUIREMENTS OF THE JOINT COMMISSION ON THE ACCREDITATION OF HEALTH CARE ORGANIZATIONS.

(B) AFTER CONSULTING WITH THE APPROPRIATE LICENSING BOARD, THE SECRETARY:

(1) SHALL PUBLISH PROTOCOLS TO ASSIST HEALTH CARE PRACTITIONERS IN DEVELOPING PLANS TO RESPOND TO A CATASTROPHIC HEALTH EMERGENCY; AND

(2) MAY, IF NECESSARY, REQUIRE HEALTH CARE PRACTITIONERS TO IMPLEMENT THE PLANS DEVELOPED UNDER ITEM (1) OF THIS SUBSECTION.

(C) THE SECRETARY SHALL DEVELOP A PROCESS TO LICENSE, CERTIFY, OR CREDENTIAL HEALTH CARE PRACTITIONERS WHO MAY BE NEEDED TO RESPOND TO A CATASTROPHIC HEALTH EMERGENCY.

18-904.

(A) IN THIS SECTION, "INFORMATION" MEANS MEDICAL, EPIDEMIOLOGICAL, OR OTHER DATA CONCERNING A SPECIFIC INDIVIDUAL OR A GROUP OF INDIVIDUALS, REGARDLESS ~~IF~~ OF WHETHER THE INFORMATION IS OTHERWISE DEEMED CONFIDENTIAL ~~BY LAW~~ UNDER TITLE 4 OF THIS ARTICLE OR AS OTHERWISE PROVIDED UNDER LAW.

(B) IN ORDER TO MAINTAIN AN EFFECTIVE DISEASE SURVEILLANCE SYSTEM FOR DETECTING WHETHER INDIVIDUALS HAVE BEEN EXPOSED TO A DEADLY AGENT, THE SECRETARY MAY BY ORDER, DIRECTIVE, OR REGULATION:

(1) REQUIRE A HEALTH CARE PROVIDER OR OTHER PERSON TO REPORT INFORMATION TO THE SECRETARY OR OTHER PUBLIC OFFICIAL ON THE FOLLOWING:

(I) THE PRESENCE OF AN INDIVIDUAL OR GROUP OF INDIVIDUALS WITH SPECIFIED ILLNESSES OR SYMPTOMS;

(II) DIAGNOSTIC AND LABORATORY FINDINGS RELATING TO DISEASES CAUSED BY DEADLY AGENTS;

(III) STATISTICAL OR UTILIZATION TRENDS RELATING TO POTENTIAL DISEASE OUTBREAKS;

(IV) INFORMATION NEEDED TO CONDUCT CONTACT TRACING FOR EXPOSED INDIVIDUALS; AND

(V) OTHER DATA DEEMED BY THE SECRETARY TO HAVE EPIDEMIOLOGICAL SIGNIFICANCE IN DETECTING POSSIBLE CATASTROPHIC HEALTH EMERGENCIES;

(2) OBTAIN ACCESS TO INFORMATION IN THE POSSESSION OF A HEALTH CARE PROVIDER;

(3) REQUIRE OR AUTHORIZE A HEALTH CARE PROVIDER TO DISCLOSE INFORMATION TO AN AGENCY OF THE FEDERAL, STATE, OR LOCAL GOVERNMENT OR ANOTHER HEALTH CARE PROVIDER;

(4) REQUIRE A HEALTH CARE PROVIDER OR OTHER PERSON TO SUBMIT REPORTS TO THE DEPARTMENT CONTAINING INFORMATION DETAILING THE PRESENCE AND USE OF DEADLY AGENTS;

(5) OBTAIN ACCESS TO PREMISES IN ORDER TO SECURE ENVIRONMENTAL SAMPLES AND OTHERWISE INVESTIGATE ACTUAL OR POTENTIAL EXPOSURES TO DEADLY AGENTS; AND

(6) REQUIRE A VETERINARIAN OR OTHER PERSON TO REPORT DATA RELATING TO SPECIFIED ILLNESSES OR SYMPTOMS IN ANIMAL POPULATIONS.

(C) THE SECRETARY, IN ACQUIRING INFORMATION UNDER SUBSECTION (B) OF THIS SECTION, SHALL:

(1) REQUEST AND USE NONIDENTIFYING INFORMATION WHENEVER POSSIBLE; AND

(2) LIMIT THE USE OF CONFIDENTIAL INFORMATION TO THE EXTENT NECESSARY TO DETECT AND INVESTIGATE ACTUAL OR POTENTIAL EXPOSURES TO A DEADLY AGENT.

~~(C)~~ (D) (1) ANY INFORMATION THAT THE SECRETARY RECEIVES UNDER SUBSECTION (B) OF THIS SECTION IS CONFIDENTIAL AND MAY BE USED OR DISCLOSED ONLY IN ACCORDANCE WITH THIS SECTION.

~~(1)~~ (2) IF THE INFORMATION REQUESTED IN SUBSECTION (B) OF THIS SECTION IS OTHERWISE CONFIDENTIAL ~~BY LAW~~ UNDER TITLE 4 OF THIS ARTICLE OR AS OTHERWISE PROVIDED UNDER LAW, ~~A~~ THE SECRETARY OR PERSON THAT RECEIVES THE INFORMATION MAY NOT REDISCLOSE THE INFORMATION EXCEPT AS PROVIDED IN PARAGRAPH ~~(2)~~ (3) OF THIS SUBSECTION.

~~(2)~~ (3) A PERSON MAY REDISCLOSE THE INFORMATION TO ANOTHER HEALTH CARE PROVIDER OR PUBLIC OFFICIAL PROVIDED THAT ~~THE SECRETARY DEEMS THE REDISCLOSURE NECESSARY FOR THE TREATMENT, CONTROL, INVESTIGATION, AND PREVENTION OF A CATASTROPHIC HEALTH EMERGENCY~~:

(I) THE HEALTH CARE PROVIDER OR PUBLIC AGENCY TO WHOM THE INFORMATION IS DISCLOSED WILL MAINTAIN THE CONFIDENTIALITY OF THE DISCLOSURE; AND

(II) THE SECRETARY DETERMINES THE DISCLOSURE IS NECESSARY TO TREAT, PREVENT, OR REDUCE THE SPREAD OF THE DISEASE OR OUTBREAK BELIEVED TO HAVE BEEN CAUSED BY THE EXPOSURE TO A DEADLY AGENT.

18-905.

(A) IN INVESTIGATING ACTUAL OR POTENTIAL EXPOSURES TO A DEADLY AGENT, THE SECRETARY ~~MAY~~:

~~(1) IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION, ESTABLISH, MAINTAIN, AND ENFORCE APPROPRIATE EVALUATION, ISOLATION, TREATMENT, AND QUARANTINE ORDERS FOR ANY PERSONS ACTUALLY OR POTENTIALLY EXPOSED TO A DEADLY AGENT;~~

(1) (I) MAY ISSUE AN ORDER REQUIRING INDIVIDUALS WHOM THE SECRETARY HAS REASON TO BELIEVE HAVE BEEN EXPOSED TO A DEADLY AGENT TO SEEK APPROPRIATE AND NECESSARY EVALUATION AND TREATMENT;

(II) WHEN THE SECRETARY DETERMINES THAT IT IS MEDICALLY NECESSARY AND REASONABLE TO PREVENT OR REDUCE THE SPREAD OF THE DISEASE OR OUTBREAK BELIEVED TO HAVE BEEN CAUSED BY THE EXPOSURE TO A DEADLY AGENT, MAY ORDER AN INDIVIDUAL OR GROUP OF INDIVIDUALS TO GO TO AND REMAIN IN PLACES OF ISOLATION OR QUARANTINE UNTIL THE SECRETARY DETERMINES THAT THE INDIVIDUAL NO LONGER POSES A SUBSTANTIAL RISK OF TRANSMITTING THE DISEASE OR CONDITION TO THE PUBLIC; AND

(III) IF A COMPETENT INDIVIDUAL OVER THE AGE OF 18 REFUSES VACCINATION, MEDICAL EXAMINATION, TREATMENT, OR TESTING UNDER THIS PARAGRAPH, MAY REQUIRE THE INDIVIDUAL TO GO TO AND REMAIN IN PLACES OF ISOLATION OR QUARANTINE UNTIL THE SECRETARY DETERMINES THAT THE INDIVIDUAL NO LONGER POSES A SUBSTANTIAL RISK OF TRANSMITTING THE DISEASE OR CONDITION TO THE PUBLIC;

(2) MAY COORDINATE AND DIRECT THE EFFORTS OF ANY HEALTH OFFICER OR HEALTH COMMISSIONER OF ANY SUBDIVISION IN SEEKING TO DETECT OR RESPOND TO THREATS POSED BY A DEADLY AGENT; AND

(3) MAY ORDER ANY SHERIFF, DEPUTY SHERIFF, OR OTHER LAW ENFORCEMENT OFFICER OF THE STATE OR ANY SUBDIVISION TO ASSIST IN THE EXECUTION OR ENFORCEMENT OF ANY ORDER ISSUED UNDER THIS SUBTITLE.

(B) THE SECRETARY MAY ISSUE AN ORDER UNDER SUBSECTION (A) OF THIS SECTION:

(1) IF, PRIOR TO THE ISSUANCE OF A PROCLAMATION UNDER ARTICLE 41, § 2-104 OF THE CODE, THE SECRETARY DETERMINES THAT THE DISEASE OR OUTBREAK CAN BE MEDICALLY CONTAINED BY THE DEPARTMENT AND APPROPRIATE HEALTH CARE PROVIDERS; AND

(2) AS NECESSARY TO IMPLEMENT AN ORDER ISSUED BY THE GOVERNOR UNDER ARTICLE 41, § 2-104 OF THE CODE.

18-906.

(A) (1) (I) IF THE SECRETARY REQUIRES AN INDIVIDUAL OR A GROUP OF INDIVIDUALS TO GO TO AND REMAIN IN PLACES OF ISOLATION OR QUARANTINE UNDER SUBSECTION § 18-905 OF THIS SUBTITLE, THE SECRETARY SHALL ISSUE A DIRECTIVE TO THE INDIVIDUAL OR GROUP OF INDIVIDUALS.

(II) THE DIRECTIVE SHALL SPECIFY:

1. THE IDENTITY OF THE INDIVIDUAL OR GROUP OF INDIVIDUALS SUBJECT TO ISOLATION OR QUARANTINE;

2. THE PREMISES SUBJECT TO ISOLATION OR QUARANTINE;

3. THE DATE AND TIME AT WHICH ISOLATION OR QUARANTINE COMMENCES;

4. THE SUSPECTED DEADLY AGENT CAUSING THE OUTBREAK OR DISEASE, IF KNOWN;

5. THE BASIS UPON WHICH ISOLATION OR QUARANTINE IS JUSTIFIED; AND

6. THE AVAILABILITY OF A HEARING TO CONTEST THE DIRECTIVE.

(III) 1. EXCEPT AS PROVIDED IN SUB-SUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, THE DIRECTIVE SHALL BE IN WRITING AND GIVEN TO THE INDIVIDUAL OR GROUP OF INDIVIDUALS PRIOR TO THE INDIVIDUAL OR GROUP OF INDIVIDUALS BEING REQUIRED TO GO TO AND REMAIN IN PLACES OF ISOLATION AND QUARANTINE.

2. A. IF THE SECRETARY DETERMINES THAT THE NOTICE REQUIRED UNDER SUB-SUBPARAGRAPH 1 OF THIS SUBPARAGRAPH IS IMPRACTICAL BECAUSE OF THE NUMBER OF INDIVIDUALS OR GEOGRAPHICAL AREAS AFFECTED, THE SECRETARY SHALL ENSURE THAT THE AFFECTED INDIVIDUALS ARE FULLY INFORMED OF THE DIRECTIVE USING THE BEST POSSIBLE MEANS AVAILABLE.

B. IF THE DIRECTIVE APPLIES TO A GROUP OF INDIVIDUALS AND IT IS IMPRACTICAL TO PROVIDE WRITTEN INDIVIDUAL COPIES UNDER SUB-SUBPARAGRAPH 1 OF THIS SUBPARAGRAPH, THE WRITTEN DIRECTIVE MAY BE POSTED IN A CONSPICUOUS PLACE IN THE ISOLATION OR QUARANTINE PREMISES.

(B) (1) AN INDIVIDUAL OR GROUP OF INDIVIDUALS ISOLATED OR QUARANTINED UNDER SUBSECTION (A) OF THIS SECTION MAY REQUEST A HEARING IN CIRCUIT COURT CONTESTING THE ISOLATION OR QUARANTINE.

(2) A REQUEST FOR A HEARING MAY NOT STAY OR ENJOIN AN ISOLATION OR QUARANTINE DIRECTIVE.

(3) UPON RECEIPT OF A REQUEST UNDER THIS SUBSECTION, THE COURT SHALL CONDUCT A HEARING WITHIN 3 DAYS FROM RECEIPT OF THE REQUEST.

(4) (I) IN ANY PROCEEDINGS BROUGHT FOR RELIEF UNDER THIS SUBSECTION, THE COURT MAY EXTEND THE TIME FOR A HEARING UPON A SHOWING BY THE SECRETARY OR OTHER DESIGNATED OFFICIAL THAT EXTRAORDINARY CIRCUMSTANCES EXIST THAT JUSTIFY THE EXTENSION.

(II) IN GRANTING OR DENYING AN EXTENSION, THE COURT SHALL CONSIDER THE RIGHTS OF THE AFFECTED INDIVIDUAL, THE PROTECTION OF THE PUBLIC HEALTH, THE SEVERITY OF THE CATASTROPHIC HEALTH EMERGENCY, AND THE AVAILABILITY, IF NECESSARY, OF WITNESSES AND EVIDENCE.

(5) (I) 1. THE COURT SHALL GRANT THE REQUEST FOR RELIEF UNLESS THE COURT DETERMINES THAT THE ISOLATION OR QUARANTINE DIRECTIVE IS NECESSARY AND REASONABLE TO PREVENT OR REDUCE THE SPREAD OF THE

DISEASE OR OUTBREAK BELIEVED TO HAVE BEEN CAUSED BY THE EXPOSURE TO A DEADLY AGENT.

2. IF FEASIBLE, IN MAKING A DETERMINATION UNDER THIS SUBPARAGRAPH, THE COURT MAY CONSIDER THE MEANS OF TRANSMISSION, THE DEGREE OF CONTAGION, AND, TO THE EXTENT POSSIBLE, THE DEGREE OF PUBLIC EXPOSURE TO THE DISEASE.

(II) 1. AN ORDER AUTHORIZING THE ISOLATION OR QUARANTINE ISSUED UNDER THIS PARAGRAPH SHALL:

A. IDENTIFY THE ISOLATED OR QUARANTINED INDIVIDUAL OR GROUP OF INDIVIDUALS BY NAME OR SHARED CHARACTERISTICS;

B. SPECIFY FACTUAL FINDINGS WARRANTING ISOLATION OR QUARANTINE; AND

C. EXCEPT AS PROVIDED IN SUB-SUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, BE IN WRITING AND GIVEN TO THE INDIVIDUAL OR GROUP OF INDIVIDUALS.

2. IF THE COURT DETERMINES THAT THE NOTICE REQUIRED IN SUB-SUBPARAGRAPH 1C OF THIS SUBPARAGRAPH IS IMPRACTICAL BECAUSE OF THE NUMBER OF INDIVIDUALS OR GEOGRAPHICAL AREAS AFFECTED, THE COURT SHALL ENSURE THAT THE AFFECTED INDIVIDUALS ARE FULLY INFORMED OF THE ORDER USING THE BEST POSSIBLE MEANS AVAILABLE.

(III) AN ORDER AUTHORIZING ISOLATION OR QUARANTINE IS EFFECTIVE FOR A PERIOD NOT TO EXCEED 30 DAYS.

(IV) 1. PRIOR TO THE EXPIRATION OF AN ORDER, THE SECRETARY OR DESIGNATED OFFICIAL MAY MOVE TO CONTINUE ISOLATION OR QUARANTINE FOR SUBSEQUENT 30-DAY PERIODS.

2. THE COURT SHALL BASE ITS DECISION ON THE STANDARDS PROVIDED UNDER THIS PARAGRAPH.

(6) IN THE EVENT THAT AN INDIVIDUAL CANNOT PERSONALLY APPEAR BEFORE THE COURT, PROCEEDINGS MAY BE CONDUCTED:

(I) BY AN INDIVIDUAL'S AUTHORIZED REPRESENTATIVE; AND

(II) THROUGH ANY MEANS THAT ALLOWS OTHER INDIVIDUALS TO FULLY PARTICIPATE.

(7) IN ANY PROCEEDINGS BROUGHT UNDER THIS SUBSECTION, THE COURT MAY ORDER THE CONSOLIDATION OF INDIVIDUAL CLAIMS INTO GROUP CLAIMS WHERE:

(I) THE NUMBER OF INDIVIDUALS INVOLVED OR AFFECTED IS SO LARGE AS TO RENDER INDIVIDUAL PARTICIPATION IMPRACTICAL;

(II) THERE ARE QUESTIONS OF LAW OR FACT COMMON TO THE INDIVIDUAL CLAIMS OR RIGHTS TO BE DETERMINED;

(III) THE GROUP CLAIMS OR RIGHTS TO BE DETERMINED ARE TYPICAL OF THE AFFECTED INDIVIDUAL'S CLAIMS OR RIGHTS; OR

(IV) THE ENTIRE GROUP WILL BE ADEQUATELY REPRESENTED IN THE CONSOLIDATION.

(C) THE COURT SHALL APPOINT COUNSEL TO REPRESENT INDIVIDUALS OR A GROUP OF INDIVIDUALS WHO ARE NOT OTHERWISE REPRESENTED BY COUNSEL.

(D) THE COURT OF APPEALS SHALL DEVELOP EMERGENCY RULES OF PROCEDURE TO FACILITATE THE EFFICIENT ADJUDICATION OF ANY PROCEEDINGS BROUGHT UNDER THIS SECTION.

(E) IT SHALL BE UNLAWFUL FOR ANY PUBLIC OR PRIVATE EMPLOYER TO DISCHARGE AN EMPLOYEE WHO IS UNDER AN ORDER OF ISOLATION OR QUARANTINE OR BECAUSE OF SUCH AN ORDER.

~~18-906.~~ 18-907.

(A) (1) A PERSON MAY NOT KNOWINGLY AND WILLFULLY FAIL TO COMPLY WITH ANY ORDER, REGULATION, OR DIRECTIVE ISSUED IN ACCORDANCE WITH § 18-905 OF THIS SUBTITLE.

(2) A PERSON WHO VIOLATES PARAGRAPH (1) OF THIS SUBSECTION IS GUILTY OF A ~~FELONY~~ MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING ~~2 YEARS,~~ 1 YEAR OR A FINE NOT EXCEEDING ~~$5,000,~~ $3,000 OR BOTH.

(B) IF A HEALTH CARE FACILITY FAILS TO COMPLY WITH AN ORDER, REGULATION, OR DIRECTIVE ISSUED UNDER § 18-903 OR § 18-904 OF THIS SUBTITLE, THE SECRETARY MAY IMPOSE A CIVIL PENALTY NOT TO EXCEED ~~$10,000~~ $3,000 FOR EACH OFFENSE.

(C) IF A HEALTH CARE PRACTITIONER FAILS TO COMPLY WITH AN ORDER, REGULATION, OR DIRECTIVE ISSUED UNDER § 18-903 OR § 18-904 OF THIS SUBTITLE, THE SECRETARY MAY REQUEST THE APPROPRIATE LICENSING BOARD TO TAKE DISCIPLINARY ACTION AGAINST THE HEALTH CARE PRACTITIONER, INCLUDING:

(1) PLACING THE LICENSEE OR CERTIFICATE HOLDER ON PROBATION;

(2) SUSPENDING OR REVOKING THE LICENSE OR CERTIFICATE HOLDER; OR

(3) IMPOSING A CIVIL PENALTY NOT TO EXCEED ~~$10,000~~ $3,000 FOR EACH OFFENSE.

(D) A HEALTH CARE PROVIDER ACTING IN GOOD FAITH AND IN ACCORDANCE WITH A CATASTROPHIC HEALTH EMERGENCY DISEASE SURVEILLANCE AND RESPONSE PROGRAM IS IMMUNE FROM CIVIL OR CRIMINAL LIABILITY RELATED TO THOSE ACTIONS, UNLESS THE HEALTH CARE PROVIDER ACTS WITH WILLFUL MISCONDUCT.

~~18-907.~~ 18-908.

(A) ON OR BEFORE DECEMBER 31, 2002, ~~AND ON OR BEFORE EVERY DECEMBER 31 OF EACH SUCCEEDING YEAR THROUGH 2005,~~ THE SECRETARY ~~OF HEALTH AND MENTAL HYGIENE~~ SHALL SUBMIT A REPORT TO THE GOVERNOR AND TO THE GENERAL ASSEMBLY IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE REGARDING ~~THE IMPLEMENTATION AND OPERATION OF MARYLAND'S CATASTROPHIC HEALTH EMERGENCY DISEASE SURVEILLANCE PROGRAM~~ ANY PLANS, PROCEDURES, OR PROTOCOLS DEVELOPED UNDER THIS SUBTITLE OR ANY RECOMMENDATIONS FOR ADDITIONAL LEGISLATION THAT MAY BE NECESSARY TO RESPOND TO A CATASTROPHIC HEALTH EMERGENCY.

(B) THE SECRETARY SHALL UPDATE THE REPORT REQUIRED UNDER SUBSECTION (A) OF THIS SECTION EVERY 3 YEARS OR WHEN ANY PLAN, PROCEDURE, OR PROTOCOL DEVELOPED UNDER THIS SUBTITLE OR ANY OTHER PROVISION OF THIS SUBTITLE IS USED IN ORDER TO DETECT A CATASTROPHIC HEALTH EMERGENCY.

~~SECTION 2. AND BE IT FURTHER ENACTED, That the Maryland Emergency Management Agency shall coordinate efforts with the Maryland Institute for Emergency Medical Services Systems and the Department of Health and Mental Hygiene to assure that surveillance efforts to detect and respond to a catastrophic health emergency are conducted in a manner that support, and are not duplicative of, the State's overall emergency preparedness efforts.~~

SECTION 2. AND BE IT FURTHER ENACTED, That after an executive order proclaiming the existence of a catastrophic health emergency is rescinded, the State shall make reasonable efforts to determine the costs associated with health care providers' compliance with the proclamation and, based on that information, include health care providers in any application for State and federal financial aid as appropriate.

SECTION 3. AND BE IT FURTHER ENACTED, That the Secretary of Health and Mental Hygiene shall develop a process and work collaboratively, to the extent feasible, with the Maryland Emergency Management Agency, the Maryland Institute for Emergency Medical Services Systems, health care providers, including the Association of Maryland Hospitals & Health Systems and the Maryland State Medical Society, and interested parties on the implementation of this Act. In implementing the requirements of this Act, the Secretary shall use every attempt to build on existing health and medical disaster preparedness plans.

SECTION 4. AND BE IT FURTHER ENACTED, That the Secretary shall adopt regulations to ensure that any individual subject to isolation or quarantine under the provisions of this Act shall receive appropriate and adequate care which may include daily monitoring of the individual's care, and to the extent feasible, provisions for communication of information and recognition of cultural and religious beliefs.

SECTION 5. AND BE IT FURTHER ENACTED, That the Department of Health and Mental Hygiene shall adopt regulations for health care facilities to follow in providing for the needs of pediatric patients, related to:

(1) staff training needs;

(2) stockpiling of equipment, medication, and supplies necessary to address a catastrophic health emergency;

(3) treatment and decontamination protocols; and

(4) the coordination of services with other public and private entities.

SECTION 6. AND BE IT FURTHER ENACTED, That if any provision of this Act or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Act which can be given effect without the invalid provision or application, and for this purpose the provisions of this Act are declared severable.

SECTION ~~3.~~ 7. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.