

HOUSE BILL 1163

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2002 Regular Session
2lr2030
CF 2lr2555

By: **Delegate Hubbard**
Introduced and read first time: February 8, 2002
Assigned to: Environmental Matters

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 23, 2002

CHAPTER 283

1 AN ACT concerning

2 **Statewide Office for Children, Youth, and Families - Codification of the**
3 **Maryland School-Based Health Center Policy Advisory Commission on**
4 **Immunizations Council**

5 FOR the purpose of ~~establishing the Statewide~~ codifying the Maryland School-Based
6 Health Center Policy Advisory Commission on Immunizations Council;
7 providing for the ~~composition of the Commission~~; ~~requiring the Secretary of the~~
8 ~~Department of Health and Mental Hygiene to appoint the membership,~~
9 ~~chairman, purpose, and duties of the Advisory Council~~; ~~defining a certain term~~;
10 ~~specifying the terms of the initial members of the Commission~~; ~~requiring a~~
11 ~~certain member to chair the Commission, establish certain subcommittees, and~~
12 ~~appoint certain subcommittee chairs~~; ~~providing for the terms of the members~~;
13 ~~prohibiting a member from receiving compensation but allowing members to be~~
14 ~~reimbursed for expenses~~; ~~requiring the Department to provide staffing for the~~
15 ~~Commission~~; ~~requiring the Commission to study and recommend whether the~~
16 ~~State should adopt a certain vaccine program by a certain date~~; ~~requiring the~~
17 ~~Commission to continuously monitor the status of certain vaccines and develop~~
18 ~~a recommendation on a certain plan~~; ~~requiring the Commission to develop and~~
19 ~~publish certain recommendations regarding skipped or postponed dosages of~~
20 ~~vaccines and to develop a certain form to be used by certain schools~~; ~~requiring~~
21 ~~the Commission to develop and implement a certain process to delay certain~~
22 ~~school requirements under certain circumstances~~; ~~requiring the Commission to~~
23 ~~develop a certain communications campaign~~; ~~requiring the Commission to~~
24 ~~create a plan for a certain infrastructure to be used under certain~~
25 ~~circumstances~~; ~~requiring the Commission to submit certain reports~~; ~~altering the~~
26 ~~process to be used for adopting certain regulations relating to immunizations~~
27 ~~and certain blood tests of children~~; and generally relating to the ~~Statewide~~
28 creation of the Maryland School-Based Health Center Policy Advisory

1 ~~Commission on Immunizations~~ Council within the Office for Children, Youth,
2 and Families.

3 BY ~~adding to repealing and reenacting, with amendments,~~
4 Article ~~Health—General~~ 49D - Office for Children, Youth, and Families
5 Section ~~18-214~~ 1
6 Annotated Code of Maryland
7 (~~2000~~ 1998 Replacement Volume and 2001 Supplement)

8 BY ~~repealing and reenacting, with amendments, adding to~~
9 Article 49D - Education Office for Children, Youth, and Families
10 Section ~~7-403(a)(1)~~ 40 through 44, inclusive, to be under the new subheading
11 "Maryland School-Based Health Center Policy Advisory Council"
12 Annotated Code of Maryland
13 (~~2004~~ 1998 Replacement Volume and 2001 Supplement)

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

16 **Article 49D - Health—General Office for Children, Youth, and Families**

17 1.

18 (a) The Office for Children, Youth, and Families is created as part of the
19 Executive Department.

20 (b) The head of the Office is the Special Secretary for Children, Youth, and
21 Families. The Special Secretary is appointed by and serves at the pleasure of the
22 Governor and is directly responsible to him. The Special Secretary shall receive the
23 salary provided in the State budget.

24 (c) The Office shall have a Director and the assistants, fiscal analysts,
25 consultants, and employees provided in the State budget. The Special Secretary may
26 establish areas of responsibility within the Office and may designate staff as
27 necessary to fulfill the duties assigned to the Special Secretary.

28 (d) The following units are in the Office:

29 (1) Advisory Committee for Children, Youth, and Families;

30 (2) Children's councils;

31 (3) Governor's Council on Adolescent Pregnancy;

32 (4) State Coordinating Council for Residential Placement of
33 Handicapped Children; [and]

1 (5) THE MARYLAND SCHOOL-BASED HEALTH CENTER POLICY ADVISORY
2 COUNCIL; AND

3 [~~(5)~~] (6) Other multiple agency initiatives for children, youth, and
4 families that are not reserved by law to another agency.

5 MARYLAND SCHOOL-BASED HEALTH CENTER POLICY ADVISORY COUNCIL

6 40.

7 IN THIS SUBHEADING, "COUNCIL" MEANS THE MARYLAND SCHOOL-BASED
8 HEALTH CENTER POLICY ADVISORY COUNCIL.

9 41.

10 ~~48-214.~~

11 (A) THERE IS A STATEWIDE MARYLAND SCHOOL-BASED HEALTH CENTER
12 POLICY ADVISORY COMMISSION ON IMMUNIZATIONS COUNCIL.

13 (B) THE COUNCIL SHALL BE INDEPENDENT AND LOCATED IN THE OFFICE
14 FOR CHILDREN, YOUTH, AND FAMILIES FOR BUDGETARY AND ADMINISTRATIVE
15 PURPOSES ONLY.

16 (C) STAFF SUPPORT FOR THE COUNCIL SHALL BE PROVIDED BY THE
17 GOVERNOR'S OFFICE FOR CHILDREN, YOUTH, AND FAMILIES.

18 42.

19 ~~(B)~~ (A) THE COMMISSION COUNCIL CONSISTS OF AT LEAST THE FOLLOWING
20 25 MEMBERS:

21 (1) THE SPECIAL SECRETARY OF THE OFFICE FOR CHILDREN, YOUTH,
22 AND FAMILIES OR THE SPECIAL SECRETARY'S DESIGNEE;

23 (2) THE STATE SUPERINTENDENT OF SCHOOLS OR THE STATE
24 SUPERINTENDENT'S DESIGNEE;

25 (3) THE SECRETARY OF HEALTH AND MENTAL HYGIENE OR THE
26 SECRETARY'S DESIGNEE;

27 (4) THE SECRETARY OF JUVENILE JUSTICE OR THE SECRETARY'S
28 DESIGNEE;

29 (5) THE SECRETARY OF HUMAN RESOURCES OR THE SECRETARY'S
30 DESIGNEE;

31 (6) THE SECRETARY OF BUDGET AND MANAGEMENT OR THE
32 SECRETARY'S DESIGNEE;

1 (7) ONE MEMBER OF THE SENATE OF MARYLAND APPOINTED BY THE
2 PRESIDENT OF THE SENATE;

3 (8) ONE MEMBER OF THE HOUSE OF DELEGATES OF MARYLAND
4 APPOINTED BY THE SPEAKER OF THE HOUSE;

5 (9) THE FOLLOWING MEMBERS APPOINTED BY THE GOVERNOR:

6 (I) ONE INDIVIDUAL WITH EXPERIENCE OR EXPERTISE WITH THE
7 MARYLAND MEDICAL ASSISTANCE PROGRAM;

8 (II) ONE LOCAL HEALTH OFFICER;

9 (III) ONE LOCAL SUPERINTENDENT OF SCHOOLS;

10 (IV) THREE INDIVIDUALS FROM LOCAL JURISDICTIONS, INCLUDING
11 AT LEAST ONE REPRESENTATIVE OF A LOCAL MANAGEMENT BOARD;

12 (V) THREE INDIVIDUALS WHO REPRESENT COMMUNITY LEADERS
13 FROM ORGANIZATIONS AND FAITH COMMUNITIES THAT HAVE EXPERIENCE OR
14 EXPERTISE WITH THE SERVICES OFFERED IN SCHOOL-BASED HEALTH CENTERS;
15 AND

16 (VI) THREE CONSUMERS OF SCHOOL-BASED HEALTH CARE
17 INCLUDING STUDENTS AND THEIR PARENTS;

18 (VII) A PEDIATRICIAN;

19 (VIII) A NURSE PRACTITIONER WHO SERVES CHILDREN IN A
20 SCHOOL-BASED HEALTH CENTER;

21 (IX) A MEMBER OF THE MARYLAND ASSEMBLY OF SCHOOL-BASED
22 HEALTH CENTERS;

23 (X) A DENTAL HEALTH PROFESSIONAL; AND

24 (XI) A REPRESENTATIVE OF THE MENTAL HYGIENE
25 ADMINISTRATION OR A CORE SERVICE AGENCY.

26 (B) IN MAKING THE APPOINTMENTS REQUIRED UNDER THIS SECTION, THE
27 GOVERNOR SHALL ENSURE THAT THE COUNCIL IS REPRESENTATIVE OF:

28 (1) THE GEOGRAPHIC REGIONS OF THE STATE; AND

29 (2) MINORITY POPULATIONS OF THE STATE.

30 (1) ~~ONE PHYSICIAN MEMBER OF THE MEDICAL AND CHIRURGICAL~~
31 ~~FACULTY PUBLIC HEALTH COUNCIL;~~

32 (2) ~~ONE PHYSICIAN MEMBER OF THE MARYLAND CHAPTER OF THE~~
33 ~~AMERICAN ACADEMY OF PEDIATRICS WHO SPECIALIZES IN INFECTIOUS DISEASES;~~

1 (3) ~~ONE PHYSICIAN MEMBER OF THE MARYLAND CHAPTER OF THE~~
2 ~~AMERICAN ACADEMY OF PEDIATRICS WITH EXPERIENCE IN PRIVATE PRACTICE;~~

3 (4) ~~ONE PHYSICIAN MEMBER OF THE MARYLAND ACADEMY OF FAMILY~~
4 ~~PHYSICIANS;~~

5 (5) ~~ONE PHYSICIAN MEMBER OF THE AMERICAN COLLEGE OF~~
6 ~~PHYSICIANS — INTERNAL MEDICINE SOCIETY OF MARYLAND;~~

7 (6) ~~FOUR PHYSICIANS WHO ADMINISTER VACCINES;~~

8 (7) ~~ONE LOCAL HEALTH OFFICER;~~

9 (8) ~~ONE REPRESENTATIVE FROM THE DEPARTMENT'S CENTER FOR~~
10 ~~IMMUNIZATIONS;~~

11 (9) ~~ONE REPRESENTATIVE FROM THE DEPARTMENT'S VACCINES FOR~~
12 ~~CHILDREN PROGRAM; AND~~

13 (10) ~~ONE REPRESENTATIVE OF THE MARYLAND SCHOOL SYSTEM,~~
14 ~~NOMINATED BY THE STATE SUPERINTENDENT OF SCHOOLS.~~

15 ~~(C) THE SECRETARY OF THE DEPARTMENT OF HEALTH AND MENTAL~~
16 ~~HYGIENE SHALL APPOINT THE MEMBERSHIP OF THE COMMISSION, BASED ON THE~~
17 ~~RECOMMENDATION OF THE APPROPRIATE MEDICAL SOCIETY OR AGENCY.~~

18 ~~(D) THE PHYSICIAN MEMBER OF THE MEDICAL AND CHIRURGICAL FACULTY~~
19 ~~PUBLIC HEALTH COUNCIL SHALL:~~

20 (1) ~~CHAIR THE COMMISSION;~~

21 (2) ~~ESTABLISH SUBCOMMITTEES TO FACILITATE THE WORK OF THE~~
22 ~~COMMISSION; AND~~

23 (3) ~~APPOINT SUBCOMMITTEE CHAIRS FROM AMONG THE COMMISSION~~
24 ~~MEMBERS.~~

25 ~~(E) (C) (1) THE TERM OF A MEMBER APPOINTED UNDER SUBSECTION (A)~~
26 ~~OF THIS SECTION IS 4 3 YEARS.~~

27 (2) ~~A MEMBER MAY NOT SERVE MORE THAN TWO CONSECUTIVE TERMS~~
28 ~~THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED~~
29 ~~FOR MEMBERS OF THE COUNCIL ON OCTOBER 1, 2002.~~

30 (3) ~~AT THE END OF A TERM, A MEMBER SHALL CONTINUE TO SERVE~~
31 ~~UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.~~

32 (4) ~~A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SHALL~~
33 ~~SERVE FOR THE REST OF THE TERM OR UNTIL A SUCCESSOR IS APPOINTED AND~~
34 ~~QUALIFIES.~~

1 (D) THE GOVERNOR SHALL APPOINT A SUCCESSOR IN THE EVENT OF A
2 VACANCY ON THE COMMISSION.

3 (E) FROM AMONG THE MEMBERS OF THE COUNCIL, THE GOVERNOR SHALL
4 DESIGNATE A CHAIRMAN FOR A 2-YEAR TERM.

5 (F) A MEMBER OF THE ~~COMMISSION~~ COUNCIL MAY NOT RECEIVE
6 COMPENSATION BUT IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE
7 STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

8 43.

9 (A) A MAJORITY OF THE MEMBERS THEN SERVING ON THE COUNCIL IS A
10 QUORUM.

11 (B) THE COUNCIL SHALL DETERMINE THE TIMES AND PLACES OF ITS
12 MEETINGS AND ANY OTHER NECESSARY OPERATING PROCEDURES WHICH MAY
13 INCLUDE THE ESTABLISHMENT OF SUBCOMMITTEES, CONSULTANT PANELS, OR
14 WORK GROUPS UTILIZING THE EXPERTISE OF NONCOUNCIL AND NONPANEL
15 MEMBERS.

16 44.

17 (A) THE PURPOSE OF THE COUNCIL IS TO COORDINATE THE INTERAGENCY
18 EFFORT TO DEVELOP, SUSTAIN, AND PROMOTE QUALITY SCHOOL-BASED HEALTH
19 CENTERS IN MARYLAND.

20 (B) IN CONSULTATION WITH APPROPRIATE STATE AGENCIES AND OTHER
21 INTEREST ORGANIZATIONS, INCLUDING REPRESENTATIVES FROM ACADEMIC
22 INSTITUTIONS, HEALTH CARE PROVIDERS, AND PAYORS, THE COUNCIL SHALL:

23 (1) MONITOR THE ACTIVITIES AND RANGE OF SERVICES OF THE
24 SCHOOL-BASED HEALTH CENTERS;

25 (2) RECOMMEND LEGISLATIVE INITIATIVES;

26 (3) DEVELOP AND UPDATE A COMPENDIUM OF TECHNICAL ASSISTANCE
27 EXPERTS THAT WILL BE USED AS REFERENCE WHEN LOCAL REQUESTS FOR
28 ASSISTANCE COME TO THE STATE;

29 (4) MONITOR THE DEVELOPMENT OF NOTIFICATIONS OF AVAILABLE
30 FUNDS;

31 (5) PARTICIPATE IN THE REVIEW OF GRANTS TO LOCAL JURISDICTIONS
32 FOR THE DEVELOPMENT OF SCHOOL-BASED HEALTH CARE PROGRAMS;

33 (6) DEVELOP STRATEGIES FOR FUNDING AND REIMBURSEMENT OF
34 CARE DELIVERED IN SCHOOL-BASED HEALTH CENTERS;

35 (7) DEVELOP A CONSISTENT OUTCOME MEASUREMENT TOOL TO BE
36 USED BY ALL SCHOOL-BASED HEALTH CENTERS IN THE STATE AND ASSESS THE

1 PROGRESS OF ALL SCHOOL-BASED HEALTH CENTERS BASED ON THE INFORMATION
2 COLLECTED;

3 (8) ESTABLISH STANDARDS OF PRACTICE WITHIN SCHOOL-BASED
4 HEALTH CENTERS;

5 (9) ENCOURAGE THE DEVELOPMENT OF MODELS OF EXCELLENCE IN
6 SCHOOL-BASED HEALTH CENTERS;

7 (10) PREPARE AN ANNUAL REPORT TO THE SUBCABINET; AND

8 (11) PERFORM OTHER ACTIVITIES IDENTIFIED THAT IMPACT ON THE
9 DEVELOPMENT, SUSTAINABILITY, OR QUALITY OF SCHOOL-BASED HEALTH CARE IN
10 MARYLAND.

11 ~~(G) THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE SHALL PROVIDE~~
12 ~~THE STAFFING FOR THE COMMISSION.~~

13 ~~(H) THE COMMISSION SHALL:~~

14 ~~(1) STUDY AND RECOMMEND ON OR BEFORE DECEMBER 15, 2003~~
15 ~~WHETHER THE STATE SHOULD ADOPT A PROGRAM TO PURCHASE VACCINES FOR ALL~~
16 ~~CHILDREN, KNOWN AS UNIVERSAL PURCHASE, THROUGH POOLED FUNDING FROM~~
17 ~~THE FEDERAL VACCINES FOR CHILDREN PROGRAM, INSURERS, AND OTHER~~
18 ~~CURRENT FUNDERS OF VACCINE;~~

19 ~~(2) CONTINUOUSLY MONITOR THE INVENTORY OF VACCINES IN THE~~
20 ~~STATE INCLUDING:~~

21 ~~(I) DETERMINING WHERE COMMUNITY VACCINE SHORTAGES~~
22 ~~EXIST AND WHICH VACCINES ARE IN SHORT SUPPLY;~~

23 ~~(II) DEVELOPING A RECOMMENDATION ON A PLAN FOR THE~~
24 ~~EQUITABLE DISTRIBUTION OF VACCINES; AND~~

25 ~~(III) REPORTING ANY FINDINGS TO THE DEPARTMENT IN A TIMELY~~
26 ~~MANNER;~~

27 ~~(3) DEVELOP AND PUBLISH UNIFORM AND CONSISTENT STATE~~
28 ~~SPONSORED RECOMMENDATIONS FOR SKIPPED OR POSTPONED DOSAGES OF~~
29 ~~VACCINES AND DEVELOP A FORM THAT SHALL BE USED BY SCHOOLS IN THE STATE;~~

30 ~~(4) DEVELOP AND IMPLEMENT A UNIFORM PROCESS FOR SUSPENDING~~
31 ~~SCHOOL ENTRY VACCINATION REQUIREMENTS WHEN VACCINE SHORTAGES DELAY~~
32 ~~IMMUNIZATION OF CHILDREN;~~

33 ~~(5) DEVELOP A COMMUNICATIONS CAMPAIGN TO INFORM THE~~
34 ~~GENERAL PUBLIC IN THE EVENT OF A VACCINE SHORTAGE; AND~~

35 ~~(6) CREATE A PLAN FOR AN INFRASTRUCTURE THAT CAN EQUITABLY~~
36 ~~DISTRIBUTE VACCINATIONS IN THE EVENT OF A BIOTERRORISM EMERGENCY.~~

1 (f) ~~ON OR BEFORE DECEMBER 15 OF EACH YEAR, THE COMMISSION SHALL~~
2 ~~SUBMIT A REPORT ON THE STATUS OF VACCINE SHORTAGES AND IMMUNIZATION~~
3 ~~RATES IN THE STATE, TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF~~
4 ~~THE STATE GOVERNMENT ARTICLE, TO THE SENATE EDUCATION, HEALTH, AND~~
5 ~~ENVIRONMENTAL AFFAIRS COMMITTEE AND THE ENVIRONMENTAL MATTERS~~
6 ~~COMMITTEE.~~

7

~~Article -- Education~~

8 ~~7-403.~~

9 (a) (1) ~~In cooperation with the State Board and the [Medical and~~
10 ~~Chirurgical Faculty of Maryland] STATEWIDE ADVISORY COMMISSION ON~~
11 ~~IMMUNIZATIONS, the Department of Health and Mental Hygiene shall adopt rules~~
12 ~~and regulations regarding the immunizations and blood tests for lead poisoning~~
13 ~~required of children entering schools.~~

14 ~~SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December~~
15 ~~15, 2003, the Commission shall report on the Commission's recommendations~~
16 ~~regarding the universal purchase of vaccine described in § 18-214(h)(1) of the Health~~
17 ~~General Article, as enacted by Section 1 of this Act, to the Governor and, in~~
18 ~~accordance with § 2-1246 of the State Government Article, to the Senate Education,~~
19 ~~Health, and Environmental Affairs Committee and the Environmental Matters~~
20 ~~Committee.~~

21 ~~SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the initial~~
22 ~~members of the Maryland School-Based Health Center Policy Advisory Council shall~~
23 ~~expire as follows:~~

24 (1) ~~five members in 2003;~~

25 (2) ~~six members in 2004; and~~

26 (3) ~~six members in 2005.~~

27 ~~SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect~~
28 ~~October 1, 2002.~~