

HOUSE BILL 386

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2003 Regular Session
(3r1360)

ENROLLED BILL

-- Health and Government Operations/Education, Health, and Environmental Affairs --

Introduced by **Delegates Nathan-Pulliam, Barkley, Benson, Bromwell, Cane, Cardin, Donoghue, Frush, Hammen, Haynes, Hubbard, Jones, Mandel, Marriott, Menes, Morhaim, Murray, Oaks, Patterson, Pendergrass, Redmer, Rosenberg, Taylor, V. Turner, and Zirkia Zirkia, Hurson, Boutin, Costa, Elliott, Goldwater, McDonough, Rudolph, Smigiel, and Weldon**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER 149

1 AN ACT concerning

2 **Disease Prevention - Hepatitis C Advisory Council**

3 FOR the purpose of establishing a State Advisory Council on Hepatitis C to ~~provide~~
4 ~~advice and recommendations to the General Assembly on public awareness,~~
5 ~~education, screening, and treatment related to hepatitis C~~ review, recommend
6 changes to, and solicit funds to implement a certain hepatitis C prevention plan;
7 specifying the membership, terms, removal, chairman, and purpose of the
8 Advisory Council; requiring the Advisory Council to issue certain reports on or
9 before certain dates; requiring the Secretary of Health and Mental Hygiene to
10 take certain actions in connection with the Hepatitis C Advisory Council;
11 defining certain terms; providing for the termination of this Act; and generally
12 relating to the Hepatitis C Advisory Council.

1 BY adding to
2 Article - Health - General
3 Section 18-1001 through 18-1009, inclusive, to be under the new subtitle
4 "Subtitle 10. Hepatitis C Advisory Council"
5 Annotated Code of Maryland
6 (2000 Replacement Volume and 2002 Supplement)

7 Preamble

8 WHEREAS, Hepatitis C is a silent killer, being largely asymptomatic until
9 irreversible liver damage may have occurred; and

10 WHEREAS, Hepatitis C has been characterized by the World Health
11 Organization as a disease of primary concern to humanity; and

12 WHEREAS, Hepatitis C currently infects approximately 4.5 million persons in
13 the United States, and each year there are some 30,000 new infections nationwide;
14 and

15 WHEREAS, The federal Centers for Disease Control and Prevention estimate
16 that approximately 12,000 persons die annually from the consequences of hepatitis C,
17 and this number continues to grow each year; and

18 WHEREAS, The disease is considered to be such a public health threat that the
19 United States Department of Health and Human Services has initiated a
20 comprehensive plan to address this significant health problem, beginning with the
21 identification of, and notification to, hundreds of thousands of persons who are
22 inadvertently exposed to hepatitis C through blood transfusions; and

23 WHEREAS, In the absence of a vaccine for hepatitis C, emphasis must be placed
24 on other means of awareness and prevention of this disease, including, but not limited
25 to, education of persons at high risk for hepatitis C as defined by the federal Centers
26 for Disease Control and Prevention, as well as police officers, firefighters, health care
27 workers, and the general public; and

28 WHEREAS, Educating the public and health care community throughout the
29 State about hepatitis C will ensure an optimal approach to controlling this lethal
30 disease; now, therefore,

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

33 **Article - Health - General**

34 **SUBTITLE 10. HEPATITIS C ADVISORY COUNCIL.**

35 18-1001.

36 **THERE IS A STATE ADVISORY COUNCIL ON HEPATITIS C.**

1 18-1002.

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

4 (B) "ADVISORY COUNCIL" MEANS THE STATE ADVISORY COUNCIL ON
5 HEPATITIS C.

6 (C) "HCV" MEANS THE HEPATITIS C VIRUS.

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

9 18-1003.

10 (A) (1) THE ADVISORY COUNCIL CONSISTS OF ~~45~~ 16 MEMBERS.

11 (2) OF THE ~~45~~ 16 MEMBERS:

12 (I) ONE SHALL BE A MEMBER OF THE SENATE OF MARYLAND,
13 APPOINTED BY THE PRESIDENT OF THE SENATE;

14 (II) ONE SHALL BE A MEMBER OF THE HOUSE OF DELEGATES,
15 APPOINTED BY THE SPEAKER OF THE HOUSE;

16 (III) ONE SHALL BE THE SECRETARY OF HEALTH AND MENTAL
17 HYGIENE OR THE SECRETARY'S DESIGNEE;

18 (IV) ONE SHALL BE THE SECRETARY OF VETERANS AFFAIRS OR THE
19 SECRETARY'S DESIGNEE;

20 (V) ONE SHALL BE THE SECRETARY OF ~~CORRECTIONS~~ PUBLIC
21 SAFETY AND CORRECTIONAL SERVICES OR THE SECRETARY'S DESIGNEE; AND

22 (VI) ~~TEN~~ ELEVEN SHALL BE APPOINTED BY THE GOVERNOR.

23 (3) OF THE ~~TEN~~ ELEVEN MEMBERS APPOINTED BY THE GOVERNOR:

24 (I) ONE SHALL BE AN INTERNIST;

25 (II) ONE SHALL BE A HEMATOLOGIST;

26 (III) ONE SHALL BE A HEPATOLOGIST;

27 (IV) ONE SHALL BE A CLINICAL RESEARCHER SPECIALIZING IN
28 DISEASES OF THE LIVER;

29 (V) ONE SHALL BE A MEMBER OF THE PUBLIC;

30 (VI) ONE SHALL BE A VETERAN OF THE UNITED STATES ARMED
31 FORCES WHO HAS HEPATITIS C;

1 ~~(V)~~ (VII) TWO SHALL BE REPRESENTATIVES OF THE
2 PHARMACEUTICAL INDUSTRY;

3 ~~(VI)~~ (VIII) ONE SHALL BE A NURSE PRACTITIONER; ~~AND~~

4 ~~(VII)~~ (IX) ONE SHALL BE A REPRESENTATIVE OF THE AMERICAN
5 LIVER FOUNDATION; ~~AND~~

6 ~~(VIII)~~ (X) ONE SHALL BE A REPRESENTATIVE OF THE BALTIMORE
7 CITY HEALTH DEPARTMENT.

8 (B) (1) THE TERM OF A MEMBER IS 2 YEARS.

9 (2) AT THE END OF A TERM A MEMBER CONTINUES TO SERVE UNTIL A
10 SUCCESSOR IS APPOINTED.

11 (3) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES
12 ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED.

13 (C) THE GOVERNOR MAY REMOVE A MEMBER OF THE ADVISORY BOARD FOR
14 INCOMPETENCE OR MISCONDUCT.

15 18-1004.

16 FROM AMONG THE MEMBERS OF THE ADVISORY COUNCIL THE GOVERNOR
17 SHALL APPOINT A CHAIRMAN.

18 18-1005.

19 (A) A MAJORITY OF THE MEMBERS SERVING ON THE ADVISORY COUNCIL
20 REPRESENTS A QUORUM TO CONDUCT BUSINESS.

21 (B) A MEMBER OF THE ADVISORY COUNCIL:

22 (1) MAY NOT RECEIVE COMPENSATION; BUT

23 (2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE
24 STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

25 (C) THE ADVISORY COUNCIL SHALL MEET AT LEAST ~~FOUR~~ TWO TIMES A YEAR,
26 AT THE TIMES AND PLACES THAT IT DETERMINES.

27 18-1006.

28 ~~THE PURPOSE OF THE ADVISORY COUNCIL SHALL BE TO PROVIDE ADVICE AND~~
29 ~~RECOMMENDATIONS TO THE GOVERNOR AND THE GENERAL ASSEMBLY WITH~~
30 ~~RESPECT TO HEPATITIS C BY:~~

31 ~~(1)~~ ~~DEVELOPING A PROPOSAL FOR A STATEWIDE PROGRAM THAT~~
32 ~~PROMOTES PUBLIC EDUCATION AND OUTREACH TO RAISE AWARENESS OF~~
33 ~~HEPATITIS C AMONG PERSONS AT HIGH RISK FOR HEPATITIS C, AS WELL AS POLICE~~

~~1 OFFICERS, FIREFIGHTERS, PERSONS EMPLOYED BY CORRECTIONAL FACILITIES,
2 EMERGENCY RESPONSE PERSONNEL, AND OTHER HIGH RISK GROUPS, INCLUDING,
3 BUT NOT LIMITED TO, HEALTH CARE PROFESSIONALS AND PERSONS EMPLOYED IN
4 PRIMARY CARE SETTINGS OR HEALTH CARE FACILITIES, WHICH SHALL INCLUDE, AT
5 A MINIMUM, INFORMATION ON RISK FACTORS, THE VALUE OF EARLY DETECTION,
6 AND THE OPTIONS AVAILABLE FOR TREATING HEPATITIS C;~~

~~7 (2) PROMOTING PUBLIC AWARENESS ABOUT THE AVAILABILITY OF
8 HEPATITIS C SCREENING, PREVENTION, AND TREATMENT SERVICES AMONG
9 PERSONS AT HIGH RISK FOR HEPATITIS C AS DETERMINED BY THE ADVISORY BOARD
10 BASED ON DATA PROVIDED BY THE FEDERAL CENTERS FOR DISEASE CONTROL AND
11 PREVENTION AND OTHER SOURCES OF INFORMATION DEEMED APPROPRIATE BY
12 THE ADVISORY BOARD;~~

~~13 (3) DEVELOPING EDUCATIONAL ACTIVITIES FOR HEALTH CARE
14 PROFESSIONALS IN REGARD TO THE EPIDEMIOLOGY, NATURAL HISTORY,
15 DETECTION, AND TREATMENT OF HEPATITIS C, WHICH SHALL INCLUDE
16 INFORMATION ABOUT COINFECTION WITH HCV AND HIV AND THE IMPLICATIONS OF
17 COINFECTION FOR HIV OR AIDS TREATMENT;~~

~~18 (4) DEVELOPING EDUCATIONAL AND INFORMATIONAL MEASURES
19 TARGETED AT SPECIFIC GROUPS, INCLUDING ACTIVITIES DESIGNED TO EDUCATE
20 YOUTH ABOUT THE LONG TERM CONSEQUENCES OF INFECTION WITH HCV;~~

~~21 (5) COLLABORATING WITH THE DEPARTMENT OF CORRECTIONS TO
22 DEVELOP SCREENING SERVICES TO IDENTIFY HCV POSITIVE INMATES WHO ARE
23 LIKELY TO BE RELEASED WITHIN A PERIOD OF 1 YEAR AND TO PROVIDE
24 COUNSELING AND TREATMENT OPTIONS TO REDUCE THE POTENTIAL HEALTH RISK
25 TO THE COMMUNITY FROM THESE PERSONS;~~

~~26 (6) EVALUATING EXISTING HEPATITIS C SUPPORT SERVICES IN THE
27 COMMUNITY AND ASSESSING THE NEED FOR IMPROVING THE QUALITY AND
28 ACCESSIBILITY OF THESE SERVICES;~~

~~29 (7) ESTABLISHING PUBLIC PRIVATE PARTNERSHIPS TO PROMOTE
30 OUTREACH AND INCREASE AWARENESS ABOUT HEPATITIS C AMONG EMPLOYERS,
31 ORGANIZED LABOR, HEALTH CARE PROVIDERS, HEALTH INSURERS, AND
32 COMMUNITY BASED ORGANIZATIONS AND COALITIONS;~~

~~33 (8) IDENTIFYING FUNDS OR OTHER RESOURCES FROM PRIVATE
34 NONPROFIT OR FOR PROFIT SOURCES OR THE FEDERAL GOVERNMENT TO
35 EFFECTUATE PROGRAMS AND ACTIVITIES DEVELOPED AS PROVIDED FOR IN THIS
36 SUBTITLE;~~

~~37 (9) DEVELOPING A PLAN TO COORDINATE THE ACTIVITIES OF THE
38 PROGRAM WITH SERVICES PROVIDED SEPARATELY TO SPECIFIC POPULATIONS,
39 INCLUDING VETERANS OF THE UNITED STATES ARMED FORCES, PERSONS
40 PARTICIPATING IN PRIVATE OR PUBLIC DRUG ABUSE OR ALCOHOL TREATMENT
41 PROGRAMS, AND PERSONS WITH HIV; AND~~

1 (10) ~~DEVELOPING A PLAN TO COORDINATE THE ACTIVITIES OF THE~~
2 ~~PROGRAM TO PREVENT REDUNDANCIES. THE PURPOSE OF THE ADVISORY COUNCIL~~
3 ~~SHALL BE TO:~~

4 (1) ~~REVIEW AND RECOMMEND CHANGES TO THE "MARYLAND HEPATITIS~~
5 ~~C PREVENTION AND CONTROL PLAN"; AND~~

6 (2) ~~SOLICIT ANY FUNDS OR GRANTS FROM ANY FEDERAL, LOCAL,~~
7 ~~PRIVATE, OR OTHER SOURCE TO IMPLEMENT "THE MARYLAND HEPATITIS C~~
8 ~~PREVENTION AND CONTROL PLAN".~~

9 18-1007.

10 THE ADVISORY COUNCIL SHALL REPORT ON ITS ACTIVITIES AND
11 RECOMMENDATIONS TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF
12 THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY ON OR BEFORE
13 APRIL 1, 2005 AND ANNUALLY THEREAFTER ~~AND INCLUDE ADVICE AND~~
14 ~~RECOMMENDATIONS ON HEPATITIS C AS PROVIDED FOR IN THIS SUBTITLE.~~

15 18-1008.

16 THE SECRETARY SHALL DESIGNATE THE STAFF NECESSARY TO ASSIST THE
17 ADVISORY COUNCIL IN CARRYING OUT ITS FUNCTIONS AS PROVIDED UNDER THIS
18 SUBTITLE.

19 18-1009.

20 (A) THE PROGRAM SHALL BE FUNDED AS PROVIDED IN THE STATE BUDGET.

21 (B) THE FUNDING PROVIDED IN THE STATE BUDGET FOR THE PROGRAM IS
22 INTENDED TO COMPLEMENT FUNDING RECEIVED FROM ANY OTHER LAWFUL
23 SOURCE.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 2003. It shall remain effective for a period of 2 years and, at the end of
26 September 30, 2005, with no further action required by the General Assembly, this
27 Act shall be abrogated and of no further force and effect.