

HOUSE BILL 86

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P1

2004 Regular Session
4lr0874
CF 4lr1685

(PRE-FILED)

By: ~~Delegate Nathan Pulliam~~ **Delegates Nathan Pulliam, Hurson, Hammen, Benson, Boteler, Boutin, Bromwell, Costa, Donoghue, Elliott, Goldwater, Hubbard, Kach, Mandel, McDonough, Morhaim, Murray, Oaks, Pendergrass, Rosenberg, Rudolph, Smigiel, V. Turner, and Weldon**

Requested: November 5, 2003

Introduced and read first time: January 14, 2004

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 24, 2004

CHAPTER 319

1 AN ACT concerning

2 **Maryland Office of Minority Health and Health Disparities**

3 FOR the purpose of requiring the Department of Health and Mental Hygiene to
4 include certain recommendations in a certain plan; establishing the Maryland
5 Office of Minority Health and Health Disparities in the ~~Executive Department;~~
6 establishing the Director of Minority Affairs as head of the ~~Office Department;~~
7 requiring the Director of the Office to report to the Secretary of Health and
8 Mental Hygiene; establishing the duties and responsibilities of the Office;
9 establishing a ~~Minority Health Advisory Commission; providing for the~~
10 membership, chairperson, expenses, and staff of the ~~Commission; establishing~~
11 the duties of the ~~Commission;~~ requiring the Director to promote health and
12 prevention of disease among members of certain groups; authorizing the
13 Director to distribute certain grants for the improvement of minority health and
14 health disparities under certain circumstances; authorizing the Director to fund
15 certain projects; requiring that the ~~Office Department~~ provide a certain report;
16 declaring the intent of the General Assembly; defining certain terms; and
17 generally relating to the establishment of the Maryland Office of Minority
18 Health ~~and the Minority Health Advisory Commission~~ and Health Disparities.

19 BY repealing and reenacting, with amendments,

20 Article - Health - General

21 Section 20-904(d)

22 Annotated Code of Maryland

1 (2000 Replacement Volume and 2003 Supplement)

2 BY adding to

3 Article - ~~State Government~~ Health - General

4 Section ~~9-3A-04 20-1001~~ through ~~9-3A-08 20-1007~~, inclusive, to be under the
5 new subtitle "Subtitle 3A 10. Office of Minority Health and Health

6 Disparities"

7 Annotated Code of Maryland

8 (1999 Replacement Volume and 2003 Supplement)

9 Preamble

10 WHEREAS, The cost of racial and ethnic disparities in health care has a
11 substantial negative economic impact on the State; and

12 WHEREAS, There is a social and economic benefit to ensuring that minorities
13 have access to preventive health care; now, therefore,

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

16 Article - Health - General

17 20-904.

18 (d) The plan shall include recommendations to coordinate existing programs
19 related to health care disparities by:

20 (1) Identifying available funding;

21 (2) Identifying any gaps in service delivery based on gender, race,
22 ethnicity, and poverty;

23 (3) Reducing the duplication of available health care services;

24 (4) Reducing the fragmentation of health care services; [and]

25 (5) Identifying outcome measures to reduce health care disparities; AND

26 (6) ASSESSING THE ESTABLISHMENT OF A MINORITY HEALTH
27 ADVISORY COMMISSION TO BE COMPOSED OF REPRESENTATIVES FROM THE
28 LEGISLATIVE AND EXECUTIVE BRANCHES THAT WOULD ASSIST THE OFFICE OF
29 MINORITY HEALTH AND HEALTH DISPARITIES.

~~Article—State Government~~SUBTITLE ~~3A~~ 10. OFFICE OF MINORITY HEALTH AND HEALTH DISPARITIES.~~9-3A-01. 20-1001.~~

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

~~(B) "COMMISSION" MEANS THE MINORITY HEALTH ADVISORY COMMISSION.~~

~~(C) "DEPARTMENT" MEANS THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE.~~

~~(D)~~ (B) "DIRECTOR" MEANS THE DIRECTOR OF THE OFFICE OF MINORITY HEALTH AND HEALTH DISPARITIES.

~~(E)~~ (C) "MINORITY PERSON" INCLUDES AFRICAN AMERICANS, HISPANICS, ASIAN AND PACIFIC ISLANDERS, AND AMERICAN INDIANS STATEWIDE.

~~(F)~~ (D) "OFFICE" MEANS THE MARYLAND OFFICE OF MINORITY HEALTH AND HEALTH DISPARITIES ESTABLISHED UNDER ~~§ 9-3A-02~~ § 20-1002 OF THIS SUBTITLE.

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

~~9-3A-02. 20-1002.~~

THERE IS AN OFFICE OF MINORITY HEALTH AND HEALTH DISPARITIES IN THE ~~EXECUTIVE DEPARTMENT~~ DEPARTMENT.

~~9-3A-03. 20-1003.~~

~~(A) THE HEAD OF THE OFFICE OF MINORITY HEALTH IS THE DIRECTOR OF MINORITY AFFAIRS.~~

~~(B)~~ THE DIRECTOR SHALL REPORT TO THE SECRETARY.

~~9-3A-04. 20-1004.~~

THE OFFICE SHALL:

(1) BE AN ADVOCATE FOR THE IMPROVEMENT OF MINORITY HEALTH CARE BY WORKING WITH THE DEPARTMENT ON ITS OWN, OR IN PARTNERSHIP WITH OTHER PUBLIC AND PRIVATE ENTITIES TO ESTABLISH APPROPRIATE FORUMS, PROGRAMS, OR INITIATIVES DESIGNED TO EDUCATE THE PUBLIC REGARDING MINORITY HEALTH AND HEALTH DISPARITIES ISSUES, WITH AN EMPHASIS ON PREVENTIVE HEALTH AND HEALTHY LIFESTYLES;

1 (2) ASSIST THE SECRETARY IN IDENTIFYING, COORDINATING AND
2 ESTABLISHING PRIORITIES FOR PROGRAMS, SERVICES, AND RESOURCES THAT THE
3 STATE SHOULD PROVIDE FOR MINORITY HEALTH AND HEALTH DISPARITIES ISSUES;

4 (3) COLLECT, CLASSIFY, AND ANALYZE RELEVANT RESEARCH
5 INFORMATION AND DATA COLLECTED OR COMPILED BY:

6 (I) THE DEPARTMENT;

7 (II) THE DEPARTMENT IN COLLABORATION WITH OTHERS; AND

8 ~~(III)~~ ~~THE MINORITY HEALTH ADVISORY COMMISSION;~~ AND

9 ~~(IV)~~ (III) OTHER PUBLIC AND PRIVATE ENTITIES;

10 (4) RESEARCH INNOVATIVE METHODS AND OBTAIN RESOURCES TO
11 IMPROVE EXISTING DATA SYSTEMS TO ENSURE THAT THE HEALTH INFORMATION
12 THAT IS COLLECTED INCLUDES SPECIFIC RACE AND ETHNICITY IDENTIFIERS;

13 (5) SERVE AS A CLEARINGHOUSE AND RESOURCE LIBRARY FOR
14 INFORMATION ABOUT MINORITY HEALTH AND HEALTH DISPARITIES DATA,
15 STRATEGIES, SERVICES, AND PROGRAMS THAT ADDRESS MINORITY HEALTH AND
16 HEALTH DISPARITIES ISSUES;

17 (6) DEVELOP A STRATEGIC PLAN TO IMPROVE PUBLIC SERVICES AND
18 PROGRAMS TARGETING MINORITIES;

19 (7) OBTAIN FUNDING AND, CONTINGENT UPON FUNDING, PROVIDE
20 GRANTS TO COMMUNITY-BASED ORGANIZATIONS AND HISTORICALLY BLACK
21 COLLEGES AND UNIVERSITIES TO CONDUCT SPECIAL RESEARCH, DEMONSTRATION,
22 AND EVALUATION PROJECTS FOR TARGETED AT-RISK RACIAL AND ETHNIC
23 MINORITY POPULATIONS AND TO SUPPORT ONGOING COMMUNITY-BASED
24 PROGRAMS THAT ARE DESIGNED TO REDUCE OR ELIMINATE RACIAL AND ETHNIC
25 HEALTH DISPARITIES IN THE STATE;

26 (8) DEVELOP CRITERIA FOR THE AWARDING OF GRANTS FOR PROGRAMS
27 THAT ARE DESIGNED TO IMPROVE MINORITY HEALTH CARE;

28 (9) REVIEW EXISTING LAWS AND REGULATIONS TO ENSURE THAT THEY
29 FACILITATE THE PROVISION OF ADEQUATE HEALTH CARE TO THE MINORITIES OF
30 THIS STATE;

31 (10) RECOMMEND TO THE SECRETARY ANY ADDITIONS OR CHANGES TO
32 EXISTING LAWS AND REGULATIONS DESIGNED TO FACILITATE THE ADEQUATE
33 PROVISION OF HEALTH CARE TO MINORITIES IN THIS STATE;

34 ~~(11) EXAMINE THE FINANCING AND ACCESS TO HEALTH SERVICES FOR~~
35 ~~MARYLAND'S MINORITY POPULATIONS;~~

1 ~~(12)~~ (11) IDENTIFY AND REVIEW HEALTH PROMOTION AND DISEASE
2 PREVENTION STRATEGIES RELATING TO THE LEADING HEALTH CAUSES OF DEATH
3 AND DISABILITY AMONG MINORITY POPULATIONS;

4 ~~(13)~~ (12) DEVELOP AND IMPLEMENT MODEL PUBLIC AND PRIVATE
5 PARTNERSHIPS IN RACIAL AND ETHNIC MINORITY COMMUNITIES FOR HEALTH
6 AWARENESS CAMPAIGNS AND TO IMPROVE THE ACCESS, ACCEPTABILITY, AND USE
7 OF PUBLIC HEALTH SERVICES;

8 ~~(14)~~ (13) DEVELOP RECOMMENDATIONS FOR THE MOST EFFECTIVE
9 MEANS OF PROVIDING OUTREACH TO RACIAL AND ETHNIC MINORITY COMMUNITIES
10 THROUGHOUT THE STATE TO ENSURE THEIR MAXIMUM PARTICIPATION IN
11 PUBLICLY FUNDED HEALTH BENEFITS PROGRAMS;

12 ~~(15)~~ (14) DEVELOP A STATEWIDE PLAN FOR INCREASING THE NUMBER
13 OF RACIAL AND ETHNIC MINORITY HEALTH CARE PROFESSIONALS WHICH INCLUDES
14 RECOMMENDATIONS FOR THE FINANCING MECHANISMS AND RECRUITMENT
15 STRATEGIES NECESSARY TO CARRY OUT THE PLAN;

16 ~~(16)~~ (15) WORK COLLABORATIVELY WITH UNIVERSITIES AND COLLEGES
17 OF MEDICINE, NURSING, PHARMACY, AND DENTISTRY IN THIS STATE AND OTHER
18 HEALTH CARE PROFESSIONAL TRAINING PROGRAMS TO DEVELOP COURSES WITH
19 CULTURAL COMPETENCY, SENSITIVITY, AND HEALTH LITERACY, THAT ARE
20 DESIGNED TO ADDRESS THE PROBLEM OF RACIAL AND ETHNIC DISPARITIES IN
21 HEALTH CARE ACCESS, UTILIZATION, TREATMENT DECISIONS, QUALITY, AND
22 OUTCOMES;

23 ~~(17)~~ (16) WORK COLLABORATIVELY WITH THE MARYLAND HEALTH CARE
24 DISPARITIES INITIATIVE, THE MORGAN-HOPKINS CENTER FOR HEALTH DISPARITIES
25 SOLUTIONS, ~~AND THE UNIVERSITY OF MARYLAND DISPARITY PROJECT, THE~~
26 MONUMENTAL CITY MEDICAL SOCIETY, FACULTY AND RESEARCHERS AT
27 HISTORICALLY BLACK COLLEGES AND UNIVERSITIES, AND AS WELL AS OTHER
28 EXISTING ALLIANCES OR PLANS, TO REDUCE OR ELIMINATE RACIAL AND ETHNIC
29 DISPARITIES IN THE STATE;

30 ~~(18)~~ (17) SEEK TO ESTABLISH A STATEWIDE ALLIANCE WITH
31 COMMUNITY-BASED AGENCIES AND ORGANIZATIONS, HISTORICALLY BLACK
32 COLLEGES AND UNIVERSITIES, HEALTH CARE FACILITIES, HEALTH CARE PROVIDER
33 ORGANIZATIONS, MANAGED CARE ORGANIZATIONS, AND PHARMACEUTICAL
34 MANUFACTURERS TO PROMOTE THE OBJECTIVES OF THE OFFICE;

35 ~~(19)~~ (18) EVALUATE MULTICULTURAL OR RACIAL AND ETHNIC
36 MINORITY HEALTH PROGRAMS IN OTHER STATES TO ASSESS THEIR EFFICACY AND
37 POTENTIAL FOR REPLICATION IN THIS STATE AND MAKE RECOMMENDATIONS
38 REGARDING THE ADOPTION OF SUCH PROGRAMS, AS APPROPRIATE;

39 ~~(20)~~ (19) APPLY FOR AND ACCEPT ANY GRANT OF MONEY FROM THE
40 FEDERAL GOVERNMENT, PRIVATE FOUNDATIONS, OR OTHER SOURCES WHICH MAY
41 BE AVAILABLE FOR PROGRAMS RELATED TO MINORITY HEALTH AND HEALTH
42 DISPARITIES; AND

1 ~~(21)~~ (20) SERVE AS THE DESIGNATED STATE AGENCY FOR RECEIPT OF
2 FEDERAL FUNDS SPECIFICALLY DESIGNATED FOR MINORITY HEALTH AND HEALTH
3 DISPARITIES PROGRAMS; AND

4 (21) WORK COLLABORATIVELY WITH THE OFFICE OF MINORITY AFFAIRS
5 AS THE OFFICE DETERMINES NECESSARY.

6 ~~9-3A-05.~~

7 (A) ~~THERE IS A MINORITY HEALTH ADVISORY COMMISSION.~~

8 (B) ~~THE COMMISSION CONSISTS OF 15 MEMBERS APPOINTED AS FOLLOWS:~~

9 ~~(1)~~ ~~FIVE MEMBERS SHALL BE APPOINTED BY THE GOVERNOR FROM~~
10 ~~AMONG HEALTH RESEARCHERS, HEALTH PLANNERS, AND HEALTH PROFESSIONALS;~~

11 ~~(2)~~ ~~FIVE MEMBERS SHALL BE APPOINTED BY THE SPEAKER OF THE~~
12 ~~HOUSE OF DELEGATES, TWO OF WHOM SHALL BE MEMBERS OF THE HOUSE OF~~
13 ~~DELEGATES, AND THE REMAINDER OF WHOM SHALL BE REPRESENTATIVE OF ANY~~
14 ~~OF THE OCCUPATIONS OR PROFESSIONS LISTED IN ITEM (1) OF THIS SUBSECTION;~~
15 ~~AND~~

16 ~~(3)~~ ~~FIVE MEMBERS SHALL BE APPOINTED BY THE PRESIDENT OF THE~~
17 ~~SENATE, TWO OF WHOM SHALL BE MEMBERS OF THE SENATE, AND THE REMAINDER~~
18 ~~OF WHOM SHALL BE REPRESENTATIVE OF ANY OF THE OCCUPATIONS OR~~
19 ~~PROFESSIONS LISTED IN ITEM (1) OF THIS SUBSECTION.~~

20 (C) ~~THE COMMISSION SHALL ELECT A CHAIRPERSON FROM AMONG ITS~~
21 ~~MEMBERS.~~

22 (D) ~~MEMBERS OF THE COMMISSION SHALL SERVE WITHOUT COMPENSATION,~~
23 ~~BUT SHALL BE REIMBURSED FOR EXPENSES UNDER THE STANDARD STATE TRAVEL~~
24 ~~REGULATIONS, AS PROVIDED IN THE STATE BUDGET.~~

25 (E) ~~THE OFFICE SHALL:~~

26 ~~(1)~~ ~~HAVE A STAFF AS PROVIDED IN THE STATE BUDGET; AND~~

27 ~~(2)~~ ~~PROVIDE STAFF AND ASSISTANCE TO THE COMMISSION AS~~
28 ~~NECESSARY FOR IT TO CARRY OUT ITS WORK.~~

29 ~~9-3A-06.~~

30 ~~THE COMMISSION SHALL:~~

31 ~~(1)~~ ~~ADVISE THE DIRECTOR ON PROPOSALS TO IMPLEMENT AND~~
32 ~~ENHANCE THE DUTIES OF THE OFFICE;~~

33 ~~(2)~~ ~~GATHER INFORMATION THAT THE COMMISSION DEEMS NECESSARY~~
34 ~~TO PROMOTE THE GOALS OF THE OFFICE;~~

1 (3) ~~PROVIDE SUCH OTHER ASSISTANCE AS MAY BE REQUIRED TO~~
2 ~~FURTHER THE PURPOSES OF § 9-3A-04 OF THIS SUBTITLE;~~

3 (4) ~~MEET AT THE CALL OF THE DIRECTOR;~~

4 (5) ~~REVIEW AND MAKE RECOMMENDATIONS TO THE OFFICE ON ANY~~
5 ~~RULES, REGULATIONS, AND POLICIES PROPOSED BY THE OFFICE;~~

6 (6) ~~ADVISE THE OFFICE ON THE NEEDS, PRIORITIES, PROGRAMS, AND~~
7 ~~POLICIES RELATING TO MINORITY HEALTH IN THIS STATE; AND~~

8 (7) ~~PROVIDE ANY OTHER ASSISTANCE TO THE OFFICE THAT THE~~
9 ~~DIRECTOR REQUESTS.~~

10 ~~9-3A-07. 20-1005.~~

11 SUBJECT TO THE LIMITATIONS OF ANY LAW THAT GOVERNS THE ACTIVITIES OF
12 OTHER UNITS OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT, THE DIRECTOR
13 SHALL:

14 (1) PROMOTE HEALTH AND THE PREVENTION OF DISEASE AMONG
15 MEMBERS OF MINORITY GROUPS;

16 (2) DISTRIBUTE GRANTS FROM AVAILABLE FEDERAL AND SPECIAL
17 FUNDS TO COMMUNITY-BASED HEALTH GROUPS TO BE USED TO PROMOTE HEALTH
18 AND THE PREVENTION OF DISEASE AMONG MEMBERS OF MINORITY GROUPS; AND

19 (3) FUND PROJECTS WHICH ARE INNOVATIVE, CULTURALLY SENSITIVE,
20 AND SPECIFIC IN THEIR APPROACH TOWARD REDUCTION OF THE INCIDENCE AND
21 SEVERITY OF THOSE DISEASES OR CONDITIONS WHICH ARE RESPONSIBLE FOR
22 EXCESS MORBIDITY AND MORTALITY IN MINORITY POPULATIONS.

23 ~~9-3A-08. 20-1006.~~

24 (A) ON OR BEFORE THE 15TH DAY OF EACH REGULAR SESSION OF THE
25 GENERAL ASSEMBLY, THE ~~DIRECTOR~~ DEPARTMENT SHALL SUBMIT AN ANNUAL
26 REPORT ON THE OFFICE OF MINORITY HEALTH AND HEALTH DISPARITIES TO THE
27 GOVERNOR AND, SUBJECT TO § 2-1246 OF THIS ARTICLE, TO THE GENERAL
28 ASSEMBLY.

29 (B) THE REPORT SHALL INCLUDE THE PROJECTS AND SERVICES DEVELOPED
30 AND FUNDED BY THE OFFICE AND THE HEALTH CARE PROBLEMS THAT THE GRANT
31 FUNDS ARE INTENDED TO AMELIORATE.

32 (C) THE REPORT MAY INCLUDE ANY RECOMMENDATIONS FOR
33 ADMINISTRATIVE OR LEGISLATIVE ACTION THAT IT DEEMS APPROPRIATE.

34 20-1007.

35 IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE OFFICE BE FUNDED
36 FROM FEDERAL AND SPECIAL FUNDING SOURCES.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2004.