

# HOUSE BILL 874

J1, P4

4lr0536

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By: **Delegates Pena–Melnyk, Busch, Costa, Hammen, Hubbard,  
Nathan–Pulliam, Tarrant, and V. Turner**

Introduced and read first time: February 5, 2014

Assigned to: Health and Government Operations

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 12, 2014

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **County Health Officers – Authority of County Governing Body and Secretary**  
3 **of Health and Mental Hygiene**

4 FOR the purpose of requiring the governing body of a county to establish a certain  
5 process for making a recommendation to the Secretary of Health and Mental  
6 Hygiene for the appointment of a health officer ~~committee if a vacancy occurs in~~  
7 ~~the position of health officer for the county; establishing the duties of the~~  
8 ~~committee; repealing a provision of law establishing that the health officer for a~~  
9 ~~county serves at the pleasure of the governing body of the county and the~~  
10 ~~Secretary of Health and Mental Hygiene; providing that a health officer may be~~  
11 ~~removed from office for cause by the governing body of the county or the~~  
12 ~~Secretary; providing for the confidentiality of certain information; requiring~~  
13 ~~certain meetings relating to the removal of a county health officer to be closed;~~  
14 providing for the construction of this Act; providing for a delayed effective date;  
15 and generally relating to county health officers and the appointment and  
16 removal authority of county governing bodies and the Secretary of Health and  
17 Mental Hygiene.

18 BY repealing and reenacting, with amendments,  
19 Article – Health – General  
20 Section 3–302  
21 Annotated Code of Maryland  
22 (2009 Replacement Volume and 2013 Supplement)

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### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

3 **Article – Health – General**

4 3–302.

5 (a) The health officer for a county shall be nominated by the county and  
6 appointed by the Secretary.

7 (b) (1) The governing body of each county shall establish, by ordinance or  
8 resolution, the process by which the county nominates an individual for health officer.

9 ~~(2) IF A VACANCY OCCURS IN THE POSITION OF HEALTH OFFICER~~  
10 ~~FOR A COUNTY, THE GOVERNING BODY OF THE COUNTY SHALL ESTABLISH A~~  
11 ~~COMMITTEE TO ADDRESS THE VACANCY THAT INCLUDES:~~

12 ~~(I) REPRESENTATIVES OF THE GOVERNING BODY; AND~~

13 ~~(II) THE SECRETARY, OR THE SECRETARY’S DESIGNEE.~~

14 ~~(3) THE COMMITTEE ESTABLISHED UNDER PARAGRAPH (2) OF~~  
15 ~~THIS SUBSECTION SHALL:~~

16 ~~(I) DETERMINE THE PROCESS FOR RECRUITING,~~  
17 ~~INTERVIEWING, AND RECOMMENDING APPLICANTS TO FILL THE POSITION OF~~  
18 ~~HEALTH OFFICER; AND~~

19 ~~(II) WITHIN 60 DAYS OF THE DATE ON WHICH THE VACANCY~~  
20 ~~OCCURRED IN THE POSITION OF HEALTH OFFICER, RECOMMEND ONE~~  
21 ~~CANDIDATE FOR HEALTH OFFICER TO THE GOVERNING BODY OF THE COUNTY.~~

22 (2) IF A VACANCY OCCURS IN THE POSITION OF HEALTH OFFICER  
23 FOR A COUNTY, THE GOVERNING BODY SHALL ESTABLISH A PROCESS, IN  
24 CONSULTATION WITH THE DEPARTMENT, FOR MAKING A RECOMMENDATION TO  
25 THE SECRETARY FOR THE APPOINTMENT OF A HEALTH OFFICER.

26 (3) THE PROCESS ESTABLISHED UNDER PARAGRAPH (2) OF THIS  
27 SUBSECTION SHALL INCLUDE THE REQUIREMENTS FOR RECRUITING,  
28 INTERVIEWING, AND RECOMMENDING APPLICANTS FOR THE POSITION OF  
29 HEALTH OFFICER.

30 (c) (1) If the Secretary finds that a nominee meets the qualifications of  
31 this section, the Secretary shall appoint the nominee as health officer.

1 (2) If the Secretary finds that the nominee does not meet the  
 2 qualifications of this section, the Secretary shall reject the nomination, and the  
 3 ~~{county} COMMITTEE ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION~~  
 4 county shall provide the Secretary with another nomination.

5 (d) Each health officer:

6 (1) Shall have:

7 (i) A master's degree in public health and at least 2 years' work  
 8 in the field of public health; or

9 (ii) At least 5 years' work in the field of public health;

10 (2) Shall have any other qualifications and training in the field of  
 11 public health that the Secretary requires by rule or regulation; and

12 (3) Need not be a physician, if the health officer has a deputy who:

13 (i) Is a physician; and

14 (ii) Meets the qualifications of this subsection.

15 (e) Before taking office, each appointee to the office of health officer shall  
 16 take the oath required by Article I, § 9 of the Maryland Constitution.

17 (f) ~~¶~~The health officer for a county serves at the pleasure of the governing  
 18 body of that county and the Secretary.

19 (g) ~~(1) ¶~~~~The~~ ~~EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS~~  
 20 ~~SUBSECTION, THE~~ health officer for a county may be removed from office with the  
 21 concurrence of the governing body of that county and the Secretary.

22 ~~(2) THE HEALTH OFFICER FOR A COUNTY MAY BE REMOVED~~  
 23 ~~FROM OFFICE FOR CAUSE BY THE GOVERNING BODY OF THAT COUNTY OR BY~~  
 24 ~~THE SECRETARY.~~

25 ~~(3)~~ (2) (I) ANY INFORMATION CONCERNING THE REMOVAL  
 26 OF A HEALTH OFFICER FROM OFFICE IS CONFIDENTIAL IN ACCORDANCE WITH  
 27 TITLE 4 OF THE GENERAL PROVISIONS ARTICLE.

28 (II) ANY MEETING OF THE GOVERNING BODY OF A COUNTY  
 29 OR ANY MEETING THAT INCLUDES THE SECRETARY RELATED TO THE REMOVAL  
 30 OF A HEALTH OFFICER FROM OFFICE SHALL BE CLOSED.

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1            SECTION 2. AND BE IT FURTHER ENACTED, That nothing in this Act shall  
 2 be construed to limit the ability of any county governing body to maintain  
 3 responsibilities of its health officer that are concurrent across more than one agency  
 4 providing service in the county, or to enter into an agreement with one or more other  
 5 county governing bodies to allow a health officer to serve multiple jurisdictions.

6            SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take  
 7 effect ~~October 1, 2014~~ January 31, 2015.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.