HOUSE BILL 874

J1, P4 4lr0536

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

A BILL ENTITLED

AN ACT concerning

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

FOR the purpose of requiring the governing body of a county to establish a certain committee if a vacancy occurs in the position of health officer for the county; establishing the duties of the committee; repealing a provision of law establishing that the health officer for a county serves at the pleasure of the governing body of the county and the Secretary of Health and Mental Hygiene; providing that a health officer may be removed from office for cause by the governing body of the county or the Secretary; providing for the confidentiality of certain information; requiring certain meetings relating to the removal of a county health officer to be closed; and generally relating to county health officers and the appointment and removal authority of county governing bodies and the Secretary of Health and Mental Hygiene.

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

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

Article – Health – General

3–302.

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

EXPLANATION: **CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**
[Brackets**]** indicate matter deleted from existing law.

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

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

(I) REPRESENTATIVES OF THE GOVERNING BODY; AND

(II) THE SECRETARY, OR THE SECRETARY'S DESIGNEE.

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

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

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

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

(2) If the Secretary finds that the nominee does not meet the qualifications of this section, the Secretary shall reject the nomination, and the **[**county**]** **COMMITTEE ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION** shall provide the Secretary with another nomination.

(d) Each health officer:

(1) Shall have:

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

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

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

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

(i) Is a physician; and

(ii) Meets the qualifications of this subsection.

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

(f) **[**The health officer for a county serves at the pleasure of the governing body of that county and the Secretary.

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

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

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

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

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.