Article - Health - General

[Previous][Next]

§2–104.

(a) The Secretary is responsible for the budget of the office of the Secretary and for the budget of each unit in the Department.

(b) (1) The Secretary may adopt rules and regulations to carry out the provisions of law that are within the jurisdiction of the Secretary.

(2) (i) The Secretary shall adopt regulations, in consultation and cooperation with local governing bodies, to govern the siting of community residences for special populations funded by the Department, the Department of Housing and Community Development, the Department of Human Resources, and the Department of Juvenile Services.

(ii) Any regulations adopted shall comply with the federal Fair Housing Amendment Act of 1988.

(iii) Prior to the adoption of any regulations proposed under this paragraph, the Secretary shall conduct a public hearing for the sole purpose of allowing all the governing bodies of each county and municipality the opportunity to review and comment on the proposed regulations.

(3) The Secretary shall review and may revise the rules and regulations of:

(i) The Board of Review of the Department;

(ii) Each unit in the Department that is authorized by law to adopt rules and regulations; and

(iii) The Department.

(c) The Secretary may create an advisory board for the Department. The Secretary shall determine the size of the advisory board. The members shall be representative of the different professional areas or fields of endeavor with which the Department is concerned.

(d) The Secretary may create any advisory council that the Secretary considers necessary and assign appropriate functions to it.

(e) The Secretary shall have a seal.

(f) (1) The Secretary is responsible for the coordination and direction of all planning that the office of the Secretary initiates.

(2) The Secretary shall keep fully apprised of plans, proposals, and projects of each unit in the Department and, except as expressly provided otherwise, may approve, disapprove, or modify any of them.

(g) Each unit in the Department shall report to the Secretary as provided in the rules, regulations, or written directives that the Secretary adopts.

(h) Except as expressly provided otherwise, the Secretary may transfer, by rule, regulation, or written directive, any function, staff, or funds from any unit in the Department to the office of the Secretary or another unit in the Department. Any staff transferred to the office of the Secretary shall be provided space, equipment, and services by the unit from which it was transferred, unless the Secretary orders removal to another location for the proper and efficient functioning of that office.

(i) The Secretary may apply for, receive, and spend grants-in-aid by the federal government or any of its agencies or any other federal funds made available to the Department for use in carrying out the powers and duties of the Secretary or the Department.

(j) (1) Except as otherwise provided by law and paragraph (2) of this subsection, the Secretary shall pay all money collected by the Department under this article into the General Fund of this State.

(2) Any rebates received by the Department from the Maryland AIDS Drug Assistance Program shall be distributed to a special nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article, to be used only to fund the Maryland AIDS Drug Assistance Program and the Maryland AIDS Drug Assistance Program Plus (MADAP–Plus).

(k) (1) The Secretary or a designee of the Secretary may subpoena any person or evidence, administer oaths, and take depositions and other testimony.

(2) If a person fails to comply with a lawful order or subpoena issued under this subsection, on petition of the Secretary or designee, a court of competent jurisdiction may compel obedience to the order or subpoena or compel testimony or the production of evidence.

(3) A witness who is subpoenaed at the request of the Secretary or designee is entitled to receive the same fees and mileage provided for by law in civil cases. However, a witness who is subpoenaed at the request of any other party is not entitled to fees or mileage, unless the Secretary or designee certifies that the testimony was material to the matter investigated. The fee and mileage paid under this subsection shall be audited and paid by this State in the same way other expenses are audited and paid and shall be charged to the general appropriation for the Department.

(l) (1) The Secretary or an agent or employee of the Secretary may enter, at any reasonable hour, a place of business or public premises if the entry is necessary to

carry out a duty under this article or the Health Occupations Article.

(2) A person may not deny or interfere with an entry under this subsection.

(3) A person who violates any provision of this subsection is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $100.

(m) The Secretary shall carry out and enforce the provisions of this article, the rules and regulations of the Department, and any other provisions of law that relate to the Secretary or the Department.

(n) (1) The Secretary may adopt regulations establishing fees not to exceed an amount sufficient to cover the administrative costs associated with:

(i) Inspections or investigations carried out under this article; and

(ii) Permits, licenses, certifications, or registrations issued under this article.

(2) The Secretary may waive all or part of any fee established under this subsection.

(o) (1) The Secretary shall designate an agricultural ombudsman.

(2) The agricultural ombudsman shall:

(i) Serve as the primary point of contact for individuals involved in agriculture who interact with the Department; and

(ii) Provide information regarding departmental regulations relating to on-farm food processing, on-farm food preparation, and other on-farm activities.

[Previous][Next]