

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 187
Appropriations

(Delegate Pena-Melnyk, *et al.*)

Education, Health, and Environmental Affairs

Public Institutions of Higher Education - Outbreak Response Plan (Olivia's Law)

This bill requires each “public institution of higher education” to submit a specified outbreak response plan to the Maryland Department of Health (MDH) by August 1 each year beginning in 2021. If there is an outbreak of a contagious disease at a public institution of higher education, the institution must implement the outbreak response plan.

Fiscal Summary

State Effect: Higher education expenditures increase beginning in FY 2021 for public institutions of higher education to prepare and then implement the required plans. The amount of such expenditures depends in large part on the measures required by MDH but may be significant. Revenues are not affected.

Local Effect: Local community college expenditures increase beginning in FY 2021 to prepare and then implement the required plans, as discussed below. Revenues are not affected. **The bill may impose a mandate on a unit of local government.**

Small Business Effect: None.

Analysis

Bill Summary: “Public institution of higher education” means (1) a public senior higher education institution, as defined in § 10-101 of the Education Article (an institution within the University System of Maryland (USM), Morgan State University, and St. Mary’s College of Maryland) and (2) a community college. “Public institution of higher education” does not include an institution without residential housing or a health center.

An outbreak response plan must be customized to the public institution of higher education and include (1) a process for expediently notifying students, families of students, faculty, and staff about the outbreak and providing them with related information; (2) processes for implementing evidence-based outbreak response measures; (3) the provision of staff to successfully implement the outbreak response plan; (4) a process for reporting an outbreak to specified entities; and (5) any other measure required by MDH.

Current Law/Background: There is no requirement for public institutions of higher education to develop and implement outbreak response plans. Under USM bylaws, each constituent USM institution must develop and maintain a campus emergency management program to prepare its campus community in the event of an emergency or incident, mitigate measures to reduce loss of life and property, respond to and recover from emergencies, and maintain campus mission essential functions. As part of this program, each USM institution must conduct an annual risk assessment that reviews a comprehensive range of threats, including pandemic diseases.

For purposes of reporting potential exposure to a contagious disease, “contagious disease or virus” is defined under the Health-General Article to mean human immunodeficiency virus, meningococcal meningitis, tuberculosis, mononucleosis, any form of viral hepatitis, diphtheria, plague, hemorrhagic fever, or rabies.

In fall 2018, more than 40 students at the University of Maryland, College Park Campus were sickened with adenovirus, with 15 students treated at hospitals. One student passed away, with adenovirus listed as one of the causes of death.

In 2019, New Jersey passed legislation requiring long-term care facilities to submit outbreak response plans to the state’s health department following a deadly adenovirus outbreak at a long-term care facility for severely ill children in which 11 children died.

State Expenditures: Higher education expenditures increase beginning in fiscal 2021 for each of the public senior higher education institutions and Baltimore City Community College (BCCC) to prepare the required outbreak response plan (each institution’s initial plan must be submitted within the first month of fiscal 2022). Some institutions may be able to prepare the outbreak response plan with existing staff; others may need a consultant/contractual support to do so. In large part, these expenditures will depend on the measures required by MDH and the timeframe remaining before required submission of the plan. Expenditures also increase to the extent the outbreak response plan must be implemented at any of the institutions. For example, if “contagious disease” is interpreted to include a wide variety of diseases, including influenza, expenditures may be significant. Expenditures also vary based on emergency response plans already in place and the size of the student body at each institution. BCCC is only affected to the extent its counseling center is considered a health center.

Local Expenditures: To the extent local community colleges have residential housing and/or a health center, local community college expenditures increase beginning in fiscal 2021 to prepare (and submit) the required outbreak response plans. Actual expenditures depend on the measures required by MDH, as discussed above. Expenditures may also increase to the extent the outbreak response plan must be implemented.

Additional Information

Prior Introductions: None.

Designated Cross File: SB 329 (Senators Waldstreicher and Rosapepe) - Education, Health, and Environmental Affairs.

Information Source(s): Maryland Higher Education Commission; Maryland Department of Health; University System of Maryland; St. Mary's College of Maryland; *Washington Post*; Department of Legislative Services

Fiscal Note History: First Reader - January 24, 2020
rh/jc Third Reader - March 16, 2020
Revised - Amendment(s) - March 16, 2020

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