

SB0243_Secretary_of_Health_MLC_FAV.pdf

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TESTIMONY FOR SB0243
Secretary of Health – Professional Qualification Requirement

Bill Sponsor: Senator Feldman

Committee: Finance

Organization Submitting: Maryland Legislative Coalition

Person Submitting: Cecilia Plante, co-chair

Position: FAVORABLE

I am submitting this testimony in favor of SB0243 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of individuals and grassroots groups with members in every district in the state with well over 30,000 members.

We shouldn't have to specify the obvious – that the person who is directing health policy in our state is actually qualified to do that. But today we are living in a world where Secretary-level positions are being handed out to people who are not qualified to even speak on a subject, much less provide help and support to the public. Things being what they are, this is an important, and genuinely necessary step.

This bill will require that the Secretary of Health to be professionally qualified in health law or policy, health care facilities administration, health economics or financial management, government operations related to health care or as a health care provider. Eminently reasonable.

We support this bill and recommend a **FAVORABLE** report in committee.

SB0243 Secretary of Health Professional Requiremen

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Position: FAV

Senate Bill 243 Secretary of Health – Professional Qualification Requirement

Finance Committee

February 8, 2022

Position: SUPPORT

The Mental Health Association of Maryland is a nonprofit education and advocacy organization that brings together consumers, families, clinicians, advocates and concerned citizens for unified action in all aspects of mental health, mental illness and substance use. We appreciate this opportunity to present testimony in support of Senate Bill 243.

SB 243 requires the Secretary of Health to be professionally qualified through experience or education in at least one health-related field, health or law policy, health care facilities administration, health economics or financial management, government operations related to health care, or as a health care provider.

According to the Department of Legislative Services, the Secretary of Health is responsible for managing a budget that will reach nearly \$18 billion next year, the largest percentage of the State budget and nearly one-third of total spending.¹ Agencies under the Secretary's purview include the Public Health Administration, the Behavioral Health Administration, the Developmental Disabilities Administration, and Maryland Medicaid, which currently serves over 1.6 million low-income Marylanders. Among many other critical functions, these agencies oversee all local health departments, the Office of Health Care Quality, and the Maryland Primary Care Program. The Secretary also oversees a variety of essential operational functions, including the state hospital system and the Office of Preparedness and Response.

To best serve the health interests of all Marylanders, it is essential that the Secretary of Health be professionally qualified through experience or education in a health-related field. For this reason, MHAMD supports SB 243 and urges a favorable report.

¹ Department of Legislative Services (January 2022). *Maryland Department of Health Fiscal 2023 Budget Overview*.
<https://mgaleg.maryland.gov/pubs/budgetfiscal/2023fy-budget-docs-operating-M00-MDH-Overview.pdf>

SB 243_Information

Uploaded by: Senator Feldman

Position: FAV

SB243

Hearing date February 8, 1:00pm

| State | Qualification/Requirements | Statute or Regulation |
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| Alabama | Must be a physician licensed in the State of Alabama. | AL ST § 22-2-8 |
| Alaska | At least one of the members of the health board must, where practicable, be a licensed physician. | AK ST § 18.10. |
| Arizona | 1.) Administrative experience in the private sector, with progressively increasing responsibilities. 2. An educational background that prepares the director for the administrative responsibilities assigned to the position. 3. Health related experience which insures familiarity with the peculiarities of health problems | AZ ST § 36-102 |
| Arkansas | Be a licensed medical doctor who is a graduate of a school of medicine recognized by the Arkansas State Medical Board; (b) Hold a graduate degree in public health or a graduate degree in a recognized public health discipline from an accredited college or university or have equivalent knowledge and experience in public health as determined by the Secretary of the Department of Health; and (c) Have experience in the practice of public health and in leadership and management, the sufficiency of which shall be determined by the Secretary of the Department of Health; or | AR ST § 20-7-103 |

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| | (ii) Hold a doctoral degree in public health or a doctoral degree in a recognized public health discipline from an accredited college or university with at least five (5) years of experience in the practice of public health and at least ten (10) years of experience in the leadership and management of a large complex organization, the sufficiency of which shall be determined by the Secretary of the Department of Health. | |
| California | The director shall be a licensed physician and surgeon pursuant to Chapter 5 (commencing with Section 2000) of Division 2 of the Business and Professions Code, who has demonstrated medical, public health, and management experience. | CA HLTH & S § 131005 |
| Colorado | <p>The executive director of the department shall:</p> <p>(a) Have a degree of doctor of medicine or doctor of osteopathy, be licensed to practice medicine in the state of Colorado, and have at least one of the following qualifications:</p> <p>(I) One year of graduate study in a school of public health;</p> <p>(II) Not less than two years' experience in an administrative capacity in a health-care organization;</p> <p>(III) Four years of said experience when one year of graduate study in a school of public health has not been completed; or</p> <p>(b) Have, at a minimum, experience or education in public administration and public or environmental health.</p> | CO ST § 25-1-105 |
| Connecticut | Said commissioner shall either (1) be a physician, graduated by an acceptable medical college, recognized by one of the medical examining boards of this state, experienced in actual practice of his profession, skilled in sanitary science and experienced in public | CT ST § 19a-1dx |

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| | health administration and shall have had a minimum of one year of university graduate instruction in public health administration as evidenced by a certificate of graduation or a degree in public health or (2) hold a graduate degree in public health. He shall not engage in any other occupation. | |
| Delaware | Subject to the approval of the Department, the Secretary shall appoint for each county in the State a deputy state health officer, who shall be a person trained and experienced in public health. Each deputy state health officer shall be appointed for a term of 4 years and shall devote full time to the duties of office. | DE ST TI 16 § 103 |
| District of Columbia | | |
| Florida | The State Surgeon General must be a physician licensed under chapter 458 or chapter 459 who has advanced training or extensive experience in public health administration. | FL ST § 20.43 |
| Georgia | An individual appointed to serve as state health officer shall be licensed to practice medicine in this state. | GA ST § 31-1-10 |
| Hawaii | Unclear | |
| Idaho | Unclear | |
| Illinois | <p>(a) The Director of Public Health shall be either a physician licensed to practice medicine in all of its branches in Illinois or a person who has administrative experience in public health work at the local, state, or national level in accordance with subsection (b).</p> <p>If the Director is not a physician licensed to practice medicine in all its branches, then a Medical Director shall be appointed who shall be a physician licensed to practice medicine in all its branches. The Medical Director shall report directly to the Director. If the Director is not a physician, the Medical Director shall have primary</p> | IL ST CH 20 § 5/5-235 |

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| | responsibility for overseeing the following regulatory and policy areas: | |
| Indiana | The state health commissioner must hold an unlimited license to practice medicine under IC 25-22.5. It is the intent of the general assembly that the office of the state health commissioner be held by a person who is qualified by training and experience to administer the affairs of the state department. | IN ST 16-19-4-2 |
| Iowa | The director shall possess education and experience in public health. | IA ST § 135.2 |
| Kansas | Under the supervision of the secretary of health and environment, the director of the division of public health shall administer the division of public health. The director shall be a physician, hold a valid license to practice medicine and surgery, and have experience and educational training in the field of public health. The secretary of health and environment shall appoint the director of the division of public health who shall serve at the pleasure of the secretary. Note: this is for the head of public health, I could not find any such qualification required for the secretary of health and environment | KS ST 75-5603 |
| Kentucky | The commissioner shall be a physician, qualified by training in public health, preventive medicine and public administration and duly qualified and licensed or eligible for a license as a medical practitioner in the Commonwealth of Kentucky. He shall receive an annual salary as prescribed by the board subject to the provisions of the department's merit system, payable as other salaries are paid, and shall serve at the pleasure of the board. If the commissioner is removed by the board he shall be notified in writing. Before his removal shall become effective, the | KY ST § 212.635 |

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| | <p>commissioner shall have fourteen (14) calendar days within which to make a written request for a hearing. The board shall not be required to hold a hearing unless so requested by the commissioner. If no such request is made the removal shall become effective upon the expiration of the fourteen (14) day period. If a request for a hearing is made the hearing shall be held at the office of the board within fourteen (14) calendar days after the request is received by the board. The commissioner shall not be removed until after a hearing has been held if requested and a decision rendered by the board. The board's decision shall be final.</p> <p>(4) The commissioner shall devote his entire time to the duties of his office, which shall include teaching, research, service and administrative duties, and shall not engage in the private practice of medicine. He shall serve as secretary to the board and keep full minutes of the proceedings of the board. The commissioner shall be the chief administrative officer of the department. The commissioner may employ and fix the compensation of, by contract or otherwise, all medical, technical, clerical, professional, and other employees necessary for the maintenance and operation of the department in accordance with the merit system as established by the board.</p> | |
| Louisiana | <p>The state health officer shall be a licensed and practicing physician in the state of Louisiana and continue to be so qualified during his term of office. He shall be a full time employee of the Louisiana Department of Health. The secretary of the Louisiana Department of Health may designate any department employee, including himself, as state health officer. No order, rule, or regulation issued by the state health officer shall take effect until it is approved and signed by the secretary.</p> | LA R.S. 40:2 |

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| Maine | Unclear | |
| Maryland | | |
| Massachusetts | <p>At the time of appointment, the commissioner shall be a graduate of an accredited four-year college or university and shall have had (a) not less than eight years of administrative experience of which at least three years shall have been in the organization, management or delivery of health care services; or (b) a doctorate or other degree beyond the level of baccalaureate in the field of business, economics, education, government, law, medicine, psychology, public administration, public health, public policy, social work, urban planning, or a field substantially related to one or more of the foregoing, and not less than five years of administrative experience of which at least two years shall have been in the organization, management or delivery of health care services. For the purposes of this section administrative experience shall mean service in a management or supervisory capacity. The secretary of health and human services, with the approval of the governor, shall appoint the commissioner who shall serve at the pleasure of the secretary and may be removed by the secretary at any time, subject to the approval of the governor.</p> | MA ST 17 § 2 |
| Michigan | <p>The director shall be qualified in the general field of health administration. Qualification may be demonstrated by either of the following:</p> <p>(a) Not less than 8 years administrative experience of which not less than 5 years have been in the field of health administration.</p> | MI ST 333.2202 |

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| | <p>(b) A degree beyond the level of baccalaureate in a field related to public health or administration, and not less than 5 years of administrative experience in the field of health administration.</p> <p>(2) If the director is not a physician, the director shall designate a physician as chief medical executive of the department. The chief medical executive shall be a full-time employee and shall be responsible to the director for the medical content of policies and programs.</p> <p>(3) As used in this section, "administrative experience" means service in a management or supervisory capacity.</p> | |
| Minnesota | The commissioner shall be selected without regard to political affiliation but with regard to ability and experience in matters of public health. | MN ST § 144.011 |
| Mississippi | The executive officer shall be either a physician who has earned a graduate degree in public health or health care administration, or a physician who in the opinion of the board is fitted and equipped to execute the duties incumbent upon him or her by law. The executive officer shall not engage in the private practice of medicine. | MS ST § 41-3-5.1 |
| Missouri | The director shall be a person of recognized character, integrity and executive ability, shall be a graduate of an institution of higher education approved by recognized accrediting agencies, and shall have had the administrative experience necessary to enable him to successfully perform the duties of his office. He shall have experience in public health management and agency operation and management. | MO ST 192.007 |

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| Montana | Unclear | |
| Nebraska | he Governor shall appoint the chief executive officer of the Department of Health and Human Services who shall have recognized and demonstrated knowledge and expertise in the delivery of publicly funded health and human services programs and services and administrative experience in an executive capacity. | NE ST § 81-3114 |
| Nevada | <p>The Chief Medical Officer must:</p> <ol style="list-style-type: none"> 1. Be a citizen of the United States; 2. Have not less than 5 years' experience in behavioral health or public health in a managerial or supervisory capacity; and 3. Be: <ul style="list-style-type: none"> (a) Licensed in good standing or eligible for a license as a physician or administrative physician in Nevada; (b) Licensed in good standing or eligible for a license as a physician or administrative physician in the District of Columbia or in any state or territory of the United States; or (c) A physician or administrative physician who has a master's degree or doctoral degree in public health or a related field. | NV ST 439.095 |
| New Hampshire | Unclear | |
| New Jersey | The commissioner shall be a person with recognized professional, executive or administrative experience in any capacity in which he has demonstrated a substantial knowledge of the activities of the | NJ ST 26:1A-3 |

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| | department and the principal public health policy issues affecting the State. | |
| New Mexico | Unclear | |
| New York | The commissioner shall be a physician, a graduate of an incorporated medical college, of at least ten years' experience in the actual practice of his profession, and of skill and experience in public health duties and sanitary science. | NY PUB HEALTH § 203 |
| North Carolina | | |
| North Dakota | | |
| Ohio | | |
| Oklahoma | | |
| Oregon | | |
| Pennsylvania | The Commissioner or the commissioner's designee, the Secretary of Health or the Secretary of Health's designee, two members appointed by the Governor who shall be persons representing the public at large and nine members appointed by the Governor, one of whom shall be a physician assistant, seven of whom shall be medical doctors with unrestricted licenses to practice medicine and surgery in this Commonwealth for five years immediately preceding their appointment and one who shall be a nurse midwife, respiratory therapist, licensed athletic trainer or perfusionist licensed or certified under the laws of this Commonwealth | PA ST 63 P.S. § 422.3 |
| Rhode Island | | |
| South Carolina | | |

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| South Dakota | | |
| Tennessee | | |
| Texas | | |
| Utah | | |
| Vermont | | |
| Virginia | There shall be a State Health Commissioner appointed by the Governor, subject to confirmation by each house of the General Assembly. The Commissioner shall be a physician licensed to practice medicine in this Commonwealth and shall be certified by the American Board of Preventive Medicine or a recognized board in a primary care specialty as approved by the American Board of Medical Specialties, experienced in public health duties, sanitary science and environmental health, and otherwise qualified to execute the duties incumbent upon him by law. | VA ST § 32.1-17 |
| Washington | | |
| West Virginia | The commissioner shall be a physician licensed under the laws of this state to practice medicine or a person holding a doctorate degree in public health administration. The commissioner shall have not less than four years' experience in health services administration or a related field. | WV ST § 16-1-5 |
| Wisconsin | | |
| Wyoming | | |