



House Bill 609

Local Health Officers - Removal - Grounds and Process

MACo Position: **OPPOSE**

To: Health and Government Operations Committee

Date: February 23, 2022

From: D'Paul Nibber and Kevin Kinnally

The Maryland Association of Counties (MACo) **OPPOSES** HB 609. This bill would require counties terminate their health officers for only one of five possible reasons and allow a health officer to appeal their termination to the Secretary of the Maryland Department of Health, and should the ruling not be in their favor, to the Maryland Office of Administrative Hearings.

Government appointed officials overwhelmingly serve “at the pleasure” of the governing body or elected official who appointed them. Current law provides an existing check on this commonplace authority, recognizing the dual county/state role of a local health officer. Serving “at the pleasure” of both governmental levels (the county governing body and the State Secretary) offers health officers a layer of protection not afforded to other appointees, but suitable given their hybrid station across both levels of government.

HB 609 is both an overwhelming administrative burden and potentially undemocratic. Maryland’s local health officers have helped prevent the COVID-19 pandemic from taking countless lives. Their work has been laudable and deserves the highest praise. However, a health officer’s work is only possible by having the buy-in of county leadership and the public. In a situation in which a health officer was to disregard local, state, and federal guidance and breach the public’s trust, this bill would potentially protect them from termination or prolong their termination process, preventing the installation of a successor. No other appointee position reporting directly to elected county leadership is afforded this level of protection.

Moreover, this bill removes the discretion and autonomy available to newly elected county leadership to help select heads for their local health departments. Understanding local health officers play a role in many government operations including the enforcement of nuisance violations and oversight of restaurants and other facilities, our shared constituents will lose the ability to use elections to impact policies affecting their day-to-day lives. Local health officers also contribute to the adoption of local policies, having advanced and contributed to legislation in service of their communities. **County leadership should have the ability to decide who will act as their advocates within government and with the public.**

HB 609 is grounded in good intentions, but it creates substantial protections for bad actors and dilutes the ability of voters to influence policy. For these reasons, MACo **OPPOSES** HB 609 and urges an **UNFAVORABLE** report.