

Testimony in Favor of HB0609 and SB0548

My name is David Bishai. the former health officer of Harford County. I was terminated without cause on October 22, 2021. The County still has not found a replacement for me and is being served by an acting health officer with no background in health or science. I speak in favor of the bill for the following 3 reasons.

- 1) Transparency brings out the best performance by health officers and local officials.
- 2) The bill does not take away power from local governing bodies, it adds accountability.
- 3) Abuse of health officers in one county poisons the well of talent for all counties in the state so Annapolis must take action for the good of all Marylanders.

Health officers must be accountable to the people of their county for their actions. But at the same time local government officials and the Secretary of Health must be accountable for their actions as well.

Current version of 3-302 section g about health officer removal requires confidentiality and closed meetings. This needs to change. I have learned firsthand that emboldened by the ability to act in secret, county governing bodies will act in a feckless manner. They will put their political posturing above their duty to protect the health and safety of the residents they serve. When feckless politicians in one county abuse a public servant it affects the ability of all counties to attract qualified talent. Who would want to serve in a job where you can be fired for no reason, at any moment, with no explanation, just for doing your duty to provide facts when asked for facts?

What happened to me is instructive about the inadequacy of the current statute. Under my leadership the Harford County Health Department COVID policies were exactly the same as state guidance. There were no local mandates that deviated from the policies of Governor Hogan. There was no policy question driving the citizen's calls for my termination. was the victim of a social media war conducted to further the careers of local politicians. Neither County Council nor the Secretary of Health ever notified me that my performance was unsatisfactory or even that it did not align with their opinions. If they had to account for terminating me, they would have served the people better by reaching out with substantive suggestions for me to follow in my duties. County Council knew they could act in secret and used secrecy to play to a vocal minority of citizens.

In closing let me restate the reasons my case supports the bill.

Democratic accountability to citizens is not happening under the current system.

Secrecy permits local authorities to pursue goals other than the public interest.

At will firing of competent professionals in one county deters competent public servants from serving Maryland in all counties.

Background

Were you one of those power-hungry health officers who use so-called “science” to rob Americans of freedom and due process?

I am a physician and a public health professor at Johns Hopkins. For 25 years I taught and wrote that public health must listen to and respect people’s values. Science is a set of replicable facts that need to be respectfully communicated to citizens and leaders, and then the political decisions should be done with a balanced three- way partnership of citizens, elected officials, and scientific experts.

I felt a calling to serve the people of Maryland during the worst pandemic of a century because in order to correct an imbalance where people felt that their voices and concerns were not heard or respected. I gave up tenure and took a pay cut to start as Health Officer of Harford County on January 4, 2021.

Within a month I founded Harford Citizens Crush COVID where I could meet weekly with residents to co-design policies that would control the pandemic. I met with dozens of citizen groups in the faith community, at businesses, and associations to hear about their concerns. I met with every member of the County Council one on one. I was putting in 60- hour weeks.

Harford County citizens lean conservative, and knowing this, I kept COVID-19 control policies 100% in step with Governor Hogan’s executive orders. I tuned in and listened to people, and because I sensed their difficulties I did not issue local mandates for COVID control that went beyond those of the Hogan administration. I opened myself as a scientific consultant to the schools on the interpretation and implementation of MSDE and CDC guidance.

What did county council members have to gain from terminating you?

An anti-health officer movement took root in Spring 2021. In May, the School District asked me about how to keep marching bands safe. I reviewed papers on aerosol flows and determined that if there were high rates of community transmission then students could be best protected by using bell-covers. That remains a fact, and it was my job to share it, so I did. I also discussed the human aspects of bell-covers and masks and how it might make children feel. Like so many areas of giving medical advice, I was obligated to state facts, and advise about what they meant.

The school district’s policy of asking the marching band to wear masks triggered rage-tweeting by local political leaders including Maryland Delegates who on May 23 called for my resignation on social media. That put a target on my back. For every week since then citizen testimony at county council identified my name with all things COVID. The hour of protest prior to county council meetings was punctuated by signs calling for me to be fired. Public testimony about COVID included 4 or 5 voices a week asking council to fire me.

Did County Council give you any indication of dissatisfaction?

During my formal performance review, the President of County Council gave me high marks. My one-on-one meetings with each member of my governing body disclosed no concerns. I had phone calls with county council president. He gave me no hint that he or

council was dissatisfied. We discussed the weekly protests, and council president assured me not to worry.

Tuning into county council website in mid October, I saw an October 19 closed meeting devoted to a personnel matter. It briefly occurred to me that I might be the topic, but dismissed that. On October 22 at 10am I got a call to come to headquarters for unspecified business. At 1:30pm I was fired. I asked why and Deputy Secretary said that County Council wanted to go in a new direction. That was all.

I called county council president and he would not pick up the phone. County Council never said why they fired me even after a reinstate Dr. Bishai petition and weekly requests by citizens asking council to explain the action. I still don't know of anything I did to warrant termination. The protest movement started by Maryland Delegates was triggered by me discharging my duty to give the very best scientific advice I could offer to local schools. I would have to give the same advice again today. I would also respect the prerogative of officials not to take my advice.