
By: Montgomery County Delegation

Introduced and read first time: February 1, 1996

Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County - Transfer of Local Health Department and Local Department of**
3 **Social Services to Montgomery County Government**
4 **MC 607-96**

5 FOR the purpose of transferring the duties of the local health department and local
6 department of social services in Montgomery County to the MontgomeryCounty
7 government; requiring the local director of the department of socialservices in
8 Montgomery County to act as the agent of the Secretary of Human Resources to
9 ensure that Montgomery County complies with certain grant agreements; abolishing
10 the local department of social services in Montgomery County; requiring certain
11 State social service and public assistance programs to be administered by the
12 Montgomery County government; requiring the Secretary of Human Resources to
13 enter into a certain contract with Montgomery County for the administration of
14 certain programs; requiring the State to pay certain judgments awarded against
15 Montgomery County that arise from certain suits relating to the administration of
16 certain State programs; requiring the Secretary of Human Resources and the
17 County Executive to consult with each other; altering certain dutiesof the health
18 officer in Montgomery County; transferring certain duties of the health officer in
19 Montgomery County to the Montgomery County government; authorizing health
20 care providers to disclose certain medical records within the Montgomery County
21 Department of Health and Human Services for the purpose of the coordination of
22 services and record retention; applying certain confidentiality lawsto the
23 Montgomery County Department of Health and Human Services under certain
24 circumstances; authorizing the county attorney for Montgomery Countyto represent
25 the Montgomery County Department of Health and Human Services in contested
26 cases under certain circumstances; applying certain activities of Montgomery
27 County government to the contested case provisions of the State Administrative
28 Procedure Act; requiring the county attorney for Montgomery County to determine
29 the applicability of the State Administrative Procedure Act to certain activities of
30 the Montgomery County government; applying certain activities of theMontgomery
31 County government to the Maryland Tort Claims Act under certain circumstances;
32 altering provisions of the Maryland Public Ethics Law to provide that county
33 employees of the Montgomery County Department of Health and Human Services
34 are subject only to the Montgomery County Public Ethics Law; defining certain
35 terms as applied to Montgomery County; abolishing the State merit system status of
36 employees of the Montgomery County Department of Social Services; transferring

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1 certain State employees to the Montgomery County government; establishing
2 certain benefits and rights for certain employees; establishing certain retirement
3 and pension benefits and rights for certain employees under certain circumstances;
4 requiring the State to provide legal defense for the State and Stateemployees for
5 certain causes of action that accrue by a certain date; requiring State liability for
6 certain causes of action; and generally relating to the transfer of duties and
7 employees of the local health department and local department of social services in
8 Montgomery County to the Montgomery County government.

9 BY repealing and reenacting, with amendments,
10 Article 27 - Crimes and Punishments
11 Section 255B(a)(4)
12 Annotated Code of Maryland
13 (1992 Replacement Volume and 1995 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article 29 - Washington Suburban Sanitary District
16 Section 5-102(c)
17 Annotated Code of Maryland
18 (1993 Replacement Volume and 1995 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article 88A - Social Services Administration
21 Section 13(a) and (c)
22 Annotated Code of Maryland
23 (1995 Replacement Volume)

24 BY adding to
25 Article 88A - Social Services Administration
26 Section 13(c-1), 13A, and 13B
27 Annotated Code of Maryland
28 (1995 Replacement Volume)

29 BY repealing and reenacting, with amendments,
30 Article - Courts and Judicial Proceedings
31 Section 5-354(a) and 5-399.2(b)
32 Annotated Code of Maryland
33 (1995 Replacement Volume and 1995 Supplement)

34 BY repealing and reenacting, with amendments,
35 Article - Environment
36 Section 9-102, 9-518, and 11-202(a)
37 Annotated Code of Maryland
38 (1993 Replacement Volume and 1995 Supplement)

39 BY repealing and reenacting, with amendments,

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1 Article - Health - General
2 Section 3-306, 4-305, 10-101, 10-311, 10-312(b), 10-901(b), and 10-904
3 Annotated Code of Maryland
4 (1994 Replacement Volume and 1995 Supplement)

5 BY adding to

6 Article - Health - General
7 Section 3-310
8 Annotated Code of Maryland
9 (1994 Replacement Volume and 1995 Supplement)

10 BY repealing and reenacting, with amendments,

11 Article - State Government
12 Section 6-106, 10-202, 10-203, 12-101, 12-401, and 15-807(b)
13 Annotated Code of Maryland
14 (1995 Replacement Volume)

15 BY adding to

16 Article - State Government
17 Section 12-103.2
18 Annotated Code of Maryland
19 (1995 Replacement Volume)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
21 MARYLAND, That the Laws of Maryland read as follows:

22 **Article 27 - Crimes and Punishments**

23 255B.

24 (a) (4) (i) The nonprofit organization that conducts a raffle or operates a
25 game of bingo shall keep accurate books and records of all transactions occurring on
26 behalf of the raffle or game of bingo.

27 (ii) The books and records shall be kept available for examination for 2
28 years following the game of bingo or raffle that is recorded, and on request, shall be made
29 available for examination by:

- 30 1. The Montgomery County State's Attorney;
- 31 2. The Montgomery County Sheriff;
- 32 3. The Montgomery County Department of Health AND
33 HUMAN SERVICES;
- 34 4. The county attorney for Montgomery County;
- 35 5. The Department of State Police; or

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1 6. Any designated officer or agent of the State and local
2 government offices and agencies enumerated in this subparagraph.

3 **Article 29 - Washington Suburban Sanitary District**

4 5-102.

5 (c) The WSSC may suspend the imposition and collection of a front foot benefit
6 assessment:

7 (1) For any property that is otherwise assessable with respect to a sanitary
8 sewer line if, in the WSSC's judgment, the property cannot obtain service from the sewer
9 pipe upon which the benefit would be based;

10 (2) For water main construction when the owner of the property that is
11 otherwise subject to the assessment is not permitted to connect to the water main:

12 (i) By the WSSC because of a finding by the WSSC that there is an
13 absence of a sanitary sewer and the extension of an improved sewage system is not
14 reasonably feasible; and

15 (ii) Because of a finding by the county health department, OR IN
16 MONTGOMERY COUNTY BY THE DEPARTMENT THAT INSPECTS WELL AND SEPTIC
17 SYSTEMS, that a septic system would not be approved for the disposal of the water for
18 which the connection is requested; or

19 (3) For any property that is otherwise assessable for a sanitary sewer line or
20 a water main if the property has a preexisting residential dwelling already served by a well
21 or septic system until the property owner requests service from the sewer line or water
22 main.

23 **Article 88A - Social Services Administration**

24 13.

25 (a) [The] EXCEPT AS PROVIDED IN § 13A OF THIS ARTICLE, THE State
26 Department shall create or continue in each county and in Baltimore City a local
27 department of social services to be known as such with the name of the county or city
28 prefixed thereto. In each county such local department shall have a local board appointed
29 in accordance with the provisions of § 14 of this article and a local director appointed in
30 accordance with subsection (b)(1) of this section.

31 In Baltimore City the department of social services shall have a commission of social
32 services (herein referred to as "local commission") appointed in accordance with the
33 provisions of § 48(d) of Article VII of the Charter of Baltimore City, 1964 Edition, and
34 the local director of the local department in Baltimore City shall be appointed in
35 accordance with the provisions of subsection (b)(2) of this section.

36 The local boards in the counties and the local commission in Baltimore City shall
37 have all the duties and functions provided in § 14A of this article.

38 (c) [The] EXCEPT IN MONTGOMERY COUNTY, THE local director in each
39 county, including Baltimore City, shall administer the social service and public assistance
40 activities in the respective county, except child support enforcement, in accordance with §

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1 3 of this article. Each local director has a general administrative responsibility to the State
2 Administration. Specifically, by way of example and not in limitation, each local director
3 has the following basic responsibilities:

4 (1) Long-range and short-range planning for the functions and objectives of
5 the respective local department;

6 (2) Exercise of full administrative responsibility for the operations of the
7 respective local department;

8 (3) Except as provided in subsection (b-1)(2) of this section or otherwise by
9 law, appointment of all personnel of the respective local department in accordance with
10 the provisions of the State Personnel and Pensions Article that govern the classified
11 service;

12 (4) Improvement of administrative and social-work practices and
13 procedures;

14 (5) Submission of periodic reports and evaluations as required by the State
15 Administration;

16 (6) Submission of an annual report to the local board of the respective local
17 department in the counties and to the local commission of the local department in
18 Baltimore City; and

19 (7) Other responsibilities as may from time to time be required by the State
20 Administration or by other applicable laws, rules and regulations.

21 (C-1) IN MONTGOMERY COUNTY, THE LOCAL DIRECTOR SHALL ACT AS THE
22 AGENT OF THE SECRETARY OF HUMAN RESOURCES TO ENSURE THAT
23 MONTGOMERY COUNTY COMPLIES WITH RESPONSIBILITIES UNDER GRANT
24 AGREEMENTS ENTERED INTO UNDER § 13A(B) OF THIS ARTICLE.

25 13A.

26 (A) IN MONTGOMERY COUNTY, THERE IS NO LOCAL DEPARTMENT OF SOCIAL
27 SERVICES. IN MONTGOMERY COUNTY, STATE SOCIAL SERVICE AND PUBLIC
28 ASSISTANCE PROGRAMS ADMINISTERED BY A LOCAL DEPARTMENT SHALL BE
29 ADMINISTERED BY THE MONTGOMERY COUNTY GOVERNMENT.

30 (B) THE SECRETARY OF HUMAN RESOURCES SHALL ENTER INTO A GRANT
31 AGREEMENT WITH THE MONTGOMERY COUNTY GOVERNMENT FOR
32 ADMINISTRATION IN MONTGOMERY COUNTY OF PROGRAMS ADMINISTERED BY
33 LOCAL DEPARTMENTS ELSEWHERE IN THE STATE. THE GRANT AGREEMENT SHALL
34 PROVIDE FOR REIMBURSEMENT TO MONTGOMERY COUNTY FOR COSTS TO
35 ADMINISTER STATE PROGRAMS, INCLUDING SALARIES, OVERHEAD, GENERAL
36 LIABILITY COVERAGE, WORKER'S COMPENSATION, AND EMPLOYEE BENEFITS, AT
37 STATE FUNDING RATES AS PROVIDED IN § 13(D) OF THIS ARTICLE.

38 (C) THE USE AND RELEASE OF INFORMATION CONCERNING RECIPIENTS OF
39 STATE SOCIAL SERVICE AND PUBLIC ASSISTANCE PROGRAMS BY THE
40 MONTGOMERY COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES SHALL
41 BE GOVERNED BY THE CONFIDENTIALITY PROVISIONS OF STATE LAW AND

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1 REGULATIONS, INCLUDING § 6 OF THIS ARTICLE AND ARTICLE 49D, § 10 OF THE
2 CODE. THE MONTGOMERY COUNTY DEPARTMENT OF HEALTH AND HUMAN
3 SERVICES SHALL BE TREATED AS ONE AGENCY FOR PURPOSES OF
4 CONFIDENTIALITY PROVISIONS OF STATE LAW AND REGULATIONS.

5 (D) THE ADMINISTRATION OF STATE PROGRAMS BY MONTGOMERY COUNTY
6 SHALL CONTINUE TO BE GOVERNED BY STATE REGULATIONS.

7 (E) (1) THE STATE SHALL PAY ANY JUDGMENT AWARDED AGAINST
8 MONTGOMERY COUNTY OR AN EMPLOYEE OF MONTGOMERY COUNTY THAT ARISES
9 OUT OF A SUIT COMMENCED OR PROSECUTED IN A COURT OF THE UNITED STATES
10 RELATING TO THE ADMINISTRATION AND IMPLEMENTATION OF STATE PROGRAMS
11 DESCRIBED IN THIS SECTION.

12 (2) THE STATE MAY NOT PAY A JUDGMENT AWARDED AGAINST A
13 MONTGOMERY COUNTY EMPLOYEE UNDER THIS SECTION IF THE EMPLOYEE
14 PERFORMS AN ACT OR OMISSION:

15 (I) OUTSIDE THE SCOPE OF EMPLOYMENT; OR

16 (II) WITH MALICE.

17 (F) THE SECRETARY OF HUMAN RESOURCES AND THE COUNTY EXECUTIVE
18 FOR MONTGOMERY COUNTY SHALL CONSULT WITH EACH OTHER ON AT LEAST A
19 BIENNIAL BASIS TO ENSURE THAT THE OBJECTIVES OF THE SOCIAL SERVICE AND
20 PUBLIC ASSISTANCE PROGRAMS ADMINISTERED BY THE MONTGOMERY COUNTY
21 GOVERNMENT ARE CONSISTENT WITH THE OBJECTIVES OF THE STATE SOCIAL
22 SERVICE AND PUBLIC ASSISTANCE PROGRAMS.

23 13B.

24 AS EACH REFERENCE TO A LOCAL DEPARTMENT OF SOCIAL SERVICES IN THE
25 CODE APPLIES TO MONTGOMERY COUNTY, THE TERM MEANS THE MONTGOMERY
26 COUNTY GOVERNMENT.

27 **Article - Courts and Judicial Proceedings**

28 5-354.

29 (a) Whether or not an individual receives compensation for the individual's
30 services, an employee of a county health department OR OTHER LOCAL DEPARTMENT
31 OR AGENCY functioning as a school nurse or school health aide or a member of the
32 administrative, educational, or support staff of, or an individual who serves under a
33 contract for services to, any public, private, or parochial school is immune from liability
34 for:

35 (1) Making a report required by law, if the individual acts on reasonable
36 grounds;

37 (2) Participating in a judicial proceeding that results from the individual's
38 report; and

39 (3) (i) Making a report to the appropriate school official or to a parent if
40 the individual has reasonable grounds to suspect that a student is:

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1 1. Under the influence of alcoholic beverages or a controlled
2 dangerous substance;

3 2. In possession of alcoholic beverages or a controlled
4 dangerous substance; or

5 3. Involved in the illegal sale or distribution of alcoholic
6 beverages or a controlled dangerous substance.

7 (ii) This paragraph is effective only to the extent that its provisions do not
8 conflict with federal or State confidentiality laws and regulations.

9 5-399.2.

10 (b) State personnel, AS DEFINED IN § 12-101 OF THE STATE GOVERNMENT
11 ARTICLE, are immune from suit in courts of the State and from liability in tort for a
12 tortious act or omission that is within the scope of the public duties of the State personnel
13 and is made without malice or gross negligence, and for which the State or its units have
14 waived immunity under Title 12, Subtitle 1 of the State Government Article, even if the
15 damages exceed the limits of that waiver.

16 **Article - Environment**

17 9-102.

18 In addition to the duties set forth elsewhere, the COUNTY health officer [for each
19 county], OR IN MONTGOMERY COUNTY THE DEPARTMENT DESIGNATED BY THE
20 MONTGOMERY COUNTY GOVERNMENT, shall inspect and report on the sanitary
21 conditions of streams, sources of public water supply, and sewerage facilities in the
22 county.

23 9-518.

24 (a) (1) In this section the following words have the meanings indicated.

25 (2) "Commission" means the Washington Suburban Sanitary Commission.

26 (3) "Health officer" means the health officer for[:

27 (i) Montgomery County; or

28 (ii)] Prince George's County.

29 (4) "Issuing authority" means any 1 of the following authorities that is
30 authorized to issue or approve a permit:

31 (i) The Department;

32 (ii) The health officer;

33 (iii) The Montgomery County [Health Department] DEPARTMENT
34 DESIGNATED BY THE MONTGOMERY COUNTY GOVERNMENT; or

35 (iv) The Prince George's County Health Department.

1 (5) "Permit" means a permit issued or approved by the issuing authority for
2 Montgomery County or Prince George's County to install, connect to, or use an individual
3 septic system.

4 (b) This section applies only in Montgomery County and Prince George's County.

5 (c) In each county, a person shall have a permit from an issuing authority before
6 the person may install, connect to, or use an individual septic system.

7 (d) An applicant for a permit shall submit an application to the issuing authority
8 on the form that the issuing authority requires.

9 (e) (1) The health officer AND THE MONTGOMERY COUNTY DEPARTMENT
10 DESIGNATED BY THE MONTGOMERY COUNTY GOVERNMENT shall:

11 (i) Submit each application for a permit to the Commission; and

12 (ii) Notify the Commission if there is more than 1 application for a
13 permit in an area or subdivision of each county when:

14 1. The original permit application is submitted to the
15 Commission; or

16 2. This fact reasonably becomes known to the health officer.

17 (2) This subsection does not apply to an area of each county in which a
18 community sewerage system is not planned within 10 years under the county's
19 comprehensive plan for sewerage systems.

20 (f) (1) Within 30 days after the Commission receives an application under
21 subsection (e)(1) of this section, the Commission shall review the application and
22 comment to the health officer, in writing, on the application.

23 (2) If there is more than 1 application for a permit in an area or subdivision
24 of each county, the Commission may group these applications together for purposes of
25 review and comment.

26 (3) In its review and comments under this subsection, the Commission shall
27 include:

28 (i) A determination of the location of the nearest collection line of a
29 community sewerage system;

30 (ii) The capacity, feasibility, cost, and engineering conditions or
31 requirements for an extension of this collection line; and

32 (iii) If available, an estimate of the time required for this extension.

33 (g) (1) The issuing authority shall issue a permit to any applicant who meets the
34 requirements of this subtitle.

35 (2) If the Commission does not respond as required by subsection (f) of this
36 section, and if the permit otherwise complies with this section, the local health officer
37 may issue the permit.

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1 (h) (1) The issuing authority shall include on each permit that the issuing
2 authority issues a requirement that the holder of a permit shall notify, in writing, any
3 buyer or lessee of the permitted property:

4 (i) That the permitted property is served by an individual septic
5 system;

6 (ii) Of the conditions, estimate of time, and other factors that concern
7 the subsequent extension of a community sewerage system to the permitted property; and

8 (iii) If applicable, that the Commission did not review and comment on
9 the application for a permit because the permitted property was in an area of the county
10 in which at the time of the application a community sewerage system was not planned
11 within 10 years under the county's comprehensive plan for sewerage systems.

12 (2) The health officer AND THE MONTGOMERY COUNTY DEPARTMENT
13 DESIGNATED BY THE MONTGOMERY COUNTY GOVERNMENT:

14 (i) Shall adopt rules and regulations to carry out the provisions of this
15 subsection; and

16 (ii) May require the holder of a permit to record the information
17 required by paragraph (1) of this subsection in the land records of the county in which the
18 permitted property is located.

19 11-202.

20 (a) (1) The Board consists of 9 members appointed by the Governor with the
21 advice of the Secretary, and with the advice and consent of the Senate.

22 (2) Of the 9 Board members:

23 (i) 7 shall be registered environmental sanitarians appointed as
24 follows:

25 1. 1 shall be employed by private industry;

26 2. 2 shall be employed by the Department of the Environment;

27 3. 1 shall be employed by a local health department and be
28 employed under the State Personnel System;

29 4. 1 shall be employed by a local health department in
30 Baltimore City[,] OR Baltimore County, [or] THE Montgomery County DEPARTMENT
31 OF HEALTH AND HUMAN SERVICES, or [by] the Montgomery County Department of
32 Environmental Protection; and

33 5. 2 shall be appointed at large. Their selection shall balance
34 the Board as to geographical distribution throughout the State and may not include a
35 second selection from any jurisdiction already represented; and

36 (ii) 2 shall be consumer members.

37 (3) All Board members shall be residents of the State.

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1 **Article - Health - General**

2 3-306.

3 (a) In addition to the powers and duties set forth elsewhere, each health officer
4 has the powers and duties set forth in this section.

5 (b) A health officer may obtain samples of food and drugs for analysis.

6 (c) (1) The health officer for a county is the executive officer and secretary of the
7 county board of health.

8 (2) [The] EXCEPT IN MONTGOMERY COUNTY, THE health officer for a
9 county shall appoint the staff of the county health department.

10 (3) The health officer for a county shall have an office at an accessible place
11 in the county.

12 (4) (i) The health officer for a county shall enforce throughout the county:

13 1. Under the direction of the Secretary, the State health laws
14 and the policies, rules, and regulations that the Secretary adopts; and

15 2. Except as provided in subparagraph (ii) of this paragraph,
16 under the direction of the county board of health, the rules and regulations that the
17 county board of health adopts.

18 (ii) The health officer for a county shall enforce in each municipality
19 or special taxing district in the county the rules or regulations that the county board of
20 health adopts unless the municipality or district has a charter provision or ordinance that:

21 1. Covers the same subject matter as the county rule or
22 regulation;

23 2. Is at least as restrictive as the county rule or regulation; and

24 3. Includes provisions for enforcement.

25 (5) A health officer shall perform any investigation or other duty or function
26 directed by the Secretary or the county board of health and submit appropriate reports to
27 them.

28 (6) IN MONTGOMERY COUNTY, THE INSPECTION, INVESTIGATION,
29 ENFORCEMENT, AND OTHER ADMINISTRATIVE DUTIES OF THE HEALTH OFFICER,
30 INCLUDING THE DUTIES UNDER PARAGRAPH (4) OF THIS SUBSECTION, SHALL BE
31 PERFORMED BY THE MONTGOMERY COUNTY DEPARTMENT OF HEALTH AND
32 HUMAN SERVICES.

33 (d) The Secretary may delegate duties, powers, and functions as provided in this
34 article to a health officer for a county or other county official authorized to administer
35 and enforce environmental laws.

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1 3-310.

2 UNLESS OTHERWISE PROVIDED, AS EACH REFERENCE TO A COUNTY HEALTH
3 DEPARTMENT OR LOCAL HEALTH DEPARTMENT IN THE CODE APPLIES TO
4 MONTGOMERY COUNTY, THE TERM MEANS THE MONTGOMERY COUNTY
5 DEPARTMENT OF HEALTH AND HUMAN SERVICES.

6 4-305.

7 (a) This section may not be construed to impose an obligation on a health care
8 provider to disclose a medical record.

9 (b) A health care provider may disclose a medical record without the
10 authorization of a person in interest:

11 (1) (i) To the provider's authorized employees, agents, medical staff,
12 medical students, or consultants for the sole purpose of offering, providing, evaluating, or
13 seeking payment for health care to patients or recipients by the provider;

14 (ii) To the provider's legal counsel regarding only the information in
15 the medical record that relates to the subject matter of the representation; or

16 (iii) To any provider's insurer or legal counsel, or the authorized
17 employees or agents of a provider's insurer or legal counsel, for the sole purpose of
18 handling a potential or actual claim against any provider;

19 (2) If the person given access to the medical record signs an
20 acknowledgment of the duty under this Act not to redisclose any patient identifying
21 information, to a person for:

22 (i) Educational or research purposes, subject to the applicable
23 requirements of an institutional review board;

24 (ii) Evaluation and management of health care delivery systems; or

25 (iii) Accreditation of a facility by professional standard setting entities;

26 (3) Subject to the additional limitations for a medical record developed
27 primarily in connection with the provision of mental health services in § 4-307 of this
28 subtitle, to a government agency performing its lawful duties as authorized by an act of
29 the Maryland General Assembly or the United States Congress;

30 (4) Subject to the additional limitations for a medical record developed
31 primarily in connection with the provision of mental health services in § 4-307 of this
32 subtitle, to another health care provider for the sole purpose of treating the patient or
33 recipient on whom the medical record is kept;

34 (5) If a claim has been or may be filed by, or with the authorization of a
35 patient or recipient on behalf of the patient or recipient, for covered insureds, covered
36 beneficiaries, or enrolled recipients only, to third party payors and their agents, if the
37 payors or agents have met the applicable provisions of Title 19, Subtitle 13 of the Health
38 - General Article, including nonprofit health service plans, health maintenance
39 organizations, fiscal intermediaries and carriers, the Department of Health and Mental
40 Hygiene and its agents, the United States Department of Health and Human Services and

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1 its agents, or any other person obligated by contract or law to pay for the health care
2 rendered for the sole purposes of:

3 (i) Submitting a bill to the third party payor;

4 (ii) Reasonable prospective, concurrent, or retrospective utilization
5 review or predetermination of benefit coverage;

6 (iii) Review, audit, and investigation of a specific claim for payment of
7 benefits; or

8 (iv) Coordinating benefit payments in accordance with the provisions
9 of Article 48A of the Code under more than 1 sickness and accident, dental, or hospital
10 and medical insurance policy;

11 (6) If a health care provider makes a professional determination that an
12 immediate disclosure is necessary, to provide for the emergency health care needs of a
13 patient or recipient;

14 (7) Except if the patient has instructed the health care provider not to make
15 the disclosure, or if the record has been developed primarily in connection with the
16 provision of mental health services, to immediate family members of the patient or any
17 other individual with whom the patient is known to have a close personal relationship, if
18 made in accordance with good medical or other professional practice; or

19 (8) To organ and tissue procurement personnel under the restrictions of §
20 5-408 of this article at the request of a physician for a patient whose organs and tissues
21 may be donated for the purpose of evaluating the patient for possible organ and tissue
22 donation; OR

23 (9) SUBJECT TO SUBSECTION (C) OF THIS SECTION, IF THE PURPOSE OF
24 THE MEDICAL RECORD DISCLOSURE IS FOR THE COORDINATION OF SERVICES AND
25 RECORD RETENTION WITHIN THE MONTGOMERY COUNTY DEPARTMENT OF
26 HEALTH AND HUMAN SERVICES.

27 (C) (1) THE DISCLOSURE OF MEDICAL RECORDS UNDER SUBSECTION (B)(9) OF
28 THIS SECTION TO A PERSON THAT IS NOT EMPLOYED BY OR UNDER CONTRACT
29 WITH THE MONTGOMERY COUNTY DEPARTMENT OF HEALTH AND HUMAN
30 SERVICES SHALL BE CONDUCTED IN ACCORDANCE WITH THIS SUBTITLE.

31 (2) UNDER PROVISIONS OF STATE LAW REGARDING CONFIDENTIALITY,
32 THE MONTGOMERY COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES
33 SHALL BE CONSIDERED TO BE ONE AGENCY.

34 10-101.

35 (a) In this title the following words have the meanings indicated.

36 (b) "Administration" means the Mental Hygiene Administration.

37 (c) (1) "Admission" means the process by which an individual is accepted as a
38 resident in:

39 (i) An inpatient facility; or

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1 (ii) A Veterans' Administration hospital in this State that provides
2 care or treatment for individuals who have mental disorders.

3 (2) "Admission" includes the physical act of the individual entering the
4 facility or Veterans' Administration hospital.

5 (d) "Director" means the Director of Mental Hygiene.

6 (e) (1) Except as otherwise provided in this title, "facility" means any public or
7 private clinic, hospital, or other institution that provides or purports to provide treatment
8 or other services for individuals who have mental disorders.

9 (2) "Facility" does not include a Veterans' Administration hospital.

10 (f) "Health department" means, in Montgomery County, the Department of [
11 Addiction, Victim, and Mental Health Services] HEALTH AND HUMAN SERVICES.

12 [(g) (1) "Health officer" means, in Montgomery County, the Director of the
13 Department of Addiction, Victim, and Mental Health Services.

14 (2) The Director of the Department of Addiction, Victim, and Mental
15 Health Services shall have:

16 (i) 1. A master's degree in public health and at least 2 years of
17 work in the field of public health; or

18 2. At least 5 years of work in the field of public health; and

19 (ii) Any other qualifications and training in the field of public health
20 that the Secretary requires by rule or regulation.

21 (3) The Director of the Department of Addiction, Victim, and Mental
22 Health Services need not be a physician, if the Director has an associate director who:

23 (i) Is a physician; and

24 (ii) Meets the qualifications of this subsection.]

25 [(h)] (G) (1) "Mental disorder" means a behavioral or emotional illness that
26 results from a psychiatric or neurological disorder.

27 (2) "Mental disorder" includes a mental illness that so substantially impairs
28 the mental or emotional functioning of an individual as to make care or treatment
29 necessary or advisable for the welfare of the individual or for the safety of the person or
30 property of another.

31 (3) "Mental disorder" does not include mental retardation.

32 [(i)] (H) "State Advisory Council" means the State Advisory Council on Mental
33 Hygiene.

34 [(j)] (I) "State facility" means a facility that is owned or operated by the
35 Department.

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1 [(k)] (J) "Treatment" means any professional care or attention that is given in a
2 facility, private therapeutic group home for children and adolescents, or Veterans'
3 Administration hospital to improve or to prevent the worsening of a mental disorder.

4 10-311.

5 (a) Each county advisory committee and intercounty advisory committee shall
6 have no fewer than 6 meetings per year at the times and places that the committee
7 determines.

8 (b) [Staff] EXCEPT IN MONTGOMERY COUNTY, STAFF services for each county
9 advisory committee or intercounty advisory committee shall be provided by the health
10 officer for the appropriate county.

11 10-312.

12 (b) Each county advisory committee and intercounty advisory committee shall:

13 (1) Monitor, review and evaluate the allocation and adequacy of publicly
14 funded mental health services within the county through means such as conducting or
15 participating in site visits;

16 (2) Determine the needs of the county mental health system, including
17 quality of services, gaps in the system, and interagency coordination;

18 (3) Participate in the development of the local mental health plan and local
19 mental health budget;

20 (4) (i) Prepare and disseminate an annual report to the following:

- 21 1. The health officer;
- 22 2. IN MONTGOMERY COUNTY, THE DIRECTOR OF THE
23 MONTGOMERY COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES;
- 24 3. The county mental health director;
- 25 [3.] 4. The governing body of the appropriate county;
- 26 [4.] 5. The director of the local core service agency, if any;
- 27 [5.] 6. The regional mental health director;
- 28 [6.] 7. The Director;
- 29 [7.] 8. The Secretary; and
- 30 [8.] 9. The Maryland Advisory Council on Mental Hygiene;
- 31 and

32 (ii) Include in the annual report, at a minimum, the following:

- 33 1. A description of the progress of the county mental health
34 system;
- 35 2. Recommendations on actions needed to improve the system;

15

1 3. Recommendations on priorities for allocation of funds; and

2 4. In accordance with those priorities and after consideration of
3 financial resources, recommendations on appropriate allocation of funds;

4 (5) Review and comment upon the annual core service agency or county
5 mental health plan and preliminary budget, prior to submission of the budget to the State;
6 and

7 (6) Review and comment upon the annual fiscal report.

8 10-901.

9 (b) The Secretary shall:

10 (1) Through the regional mental health director, provide a county with
11 consultative staff services to help ascertain local needs and plan and establish local
12 mental health programs;

13 (2) Review and evaluate local programs and personnel practices;

14 (3) Make recommendations to the governing body [and] , health officer of
15 a county, AND THE DIRECTOR OF THE MONTGOMERY COUNTY DEPARTMENT OF
16 HEALTH AND HUMAN SERVICES on the local program and personnel practices;

17 (4) Review and either approve or disapprove the plans and budgets that a
18 county governing body submits for State funding under Part I of this subtitle; and

19 (5) Exercise any other power or duty required to carry out Part I of this
20 subtitle.

21 10-904.

22 (a) [The] EXCEPT IN MONTGOMERY COUNTY, THE health officer for a county
23 is responsible for:

24 (1) The mental health services program in the county; and

25 (2) Supervising generally the mental health services and facilities that the
26 county health department provides or supports.

27 (b) The health officer for a county shall:

28 (1) With the advice of the regional mental health director, revise annually
29 the county plan for providing or contracting for services, including aftercare, and facilities
30 and for any other matters necessary or desirable to carry out Part I of this subtitle;

31 (2) Prepare annually a budget for carrying out the plan;

32 (3) Assure that the staff and professional services meet the standards that
33 the Secretary adopts;

34 (4) Submit to the mental health advisory committee and the governing body
35 for the county an annual report on the county program, including an account of
36 expenditures and an estimate of anticipated needs for the next year;

16

1 (5) Facilitate the work of the county or intercounty mental health advisory
2 committee; and

3 (6) Perform any other duty necessary to carry out Part I of this subtitle.

4 (C) IN MONTGOMERY COUNTY, ALL SUPERVISORY RESPONSIBILITIES AND
5 ADMINISTRATIVE DUTIES OF A HEALTH OFFICER IN THIS TITLE SHALL BE CARRIED
6 OUT BY THE DIRECTOR OF THE MONTGOMERY COUNTY DEPARTMENT OF HEALTH
7 AND HUMAN SERVICES.

8 **Article - State Government**

9 6-106.

10 (a) Except as otherwise provided by law, the Attorney General has general charge
11 of the legal business of the State.

12 (b) Except as otherwise provided by law, the Attorney General is the legal adviser
13 of and shall represent and otherwise perform all of the legal work for each officer and
14 unit of the State government.

15 (c) Except as provided in subsection (d) of this section or in any other law, an
16 officer or unit of the State government may not employ or be represented by a legal
17 adviser or counsel other than the Attorney General or a designee of the Attorney
18 General.

19 (d) (1) A State institution may employ counsel to represent the institution in a
20 habeas corpus proceeding.

21 (2) A unit of the State government may employ counsel if:

22 (i) an investigation by an investigating committee of the General
23 Assembly affects the unit;

24 (ii) the Attorney General represents both the investigating committee
25 and the unit;

26 (iii) the Attorney General gives the Board of Public Works and the unit
27 written notice that representation by the Attorney General involves or reasonably may
28 involve a conflict of interest; and

29 (iv) the Board of Public Works approves the employment of counsel by
30 the unit.

31 (3) UNLESS OTHERWISE AGREED TO BY THE ATTORNEY GENERAL AND
32 THE COUNTY ATTORNEY FOR MONTGOMERY COUNTY, THE COUNTY ATTORNEY
33 FOR MONTGOMERY COUNTY MAY REPRESENT THE MONTGOMERY COUNTY
34 DEPARTMENT OF HEALTH AND HUMAN SERVICES IN A CONTESTED CASE UNDER
35 TITLE 10, SUBTITLE 2 OF THIS ARTICLE.

36 10-202.

37 (a) In this subtitle the following words have the meanings indicated.

38 (b) "Agency" means:

17

1 (1) an officer or unit of the State government authorized by law to
2 adjudicate contested cases; or

3 (2) a unit that:

4 (i) is created by general law;

5 (ii) operates in at least 2 counties; and

6 (iii) is authorized by law to adjudicate contested cases.

7 (c) "Agency head" means:

8 (1) an individual or group of individuals in whom the ultimate legal
9 authority of an agency is vested by any provision of law; OR

10 (2) THE OFFICER OF STATE GOVERNMENT WHO IS RESPONSIBLE FOR
11 STATE PROGRAMS THAT ARE ADMINISTERED BY THE MONTGOMERY COUNTY
12 DEPARTMENT OF HEALTH AND HUMAN SERVICES.

13 (d) (1) "Contested case" means a proceeding before an agency to determine:

14 (i) a right, duty, statutory entitlement, or privilege of a person that is
15 required by statute or constitution to be determined only after an opportunity for an
16 agency hearing; or

17 (ii) the grant, denial, renewal, revocation, suspension, or amendment
18 of a license that is required by statute or constitution to be determined only after an
19 opportunity for an agency hearing.

20 (2) "Contested case" does not include a proceeding before an agency
21 involving an agency hearing required only by regulation unless the regulation expressly, or
22 by clear implication, requires the hearing to be held in accordance with this subtitle.

23 (e) "Office" means the Office of Administrative Hearings.

24 (f) "License" means all or any part of permission that:

25 (1) is required by law to be obtained from an agency;

26 (2) is not required only for revenue purposes; and

27 (3) is in any form, including:

28 (i) an approval;

29 (ii) a certificate;

30 (iii) a charter;

31 (iv) a permit; or

32 (v) a registration.

18

1 (g) "Presiding officer" means the board, commission, agency head, administrative
2 law judge, or other authorized person conducting an administrative proceeding under this
3 subtitle.

4 10-203.

5 (a) This subtitle does not apply to:

6 (1) the Legislative Branch of the State government or an agency of the
7 Legislative Branch;

8 (2) the Judicial Branch of the State government or an agency of the Judicial
9 Branch;

10 (3) the following agencies of the Executive Branch of the State government:

11 (i) the Governor;

12 (ii) the Department of Assessments and Taxation;

13 (iii) the Insurance Division of the Department of Labor, Licensing, and
14 Regulation except as specifically provided in Article 48A of the Code;

15 (iv) the Injured Workers' Insurance Fund;

16 (v) the Maryland Parole Commission of the Department of Public
17 Safety and Correctional Services;

18 (vi) the Public Service Commission;

19 (vii) the Maryland Tax Court;

20 (viii) the State Workers' Compensation Commission;

21 (ix) the Maryland Automobile Insurance Fund; or

22 (x) the Patuxent Institution Board of Review, when acting on a parole
23 request;

24 (4) an officer or unit not part of a principal department of State government
25 that:

26 (i) is created by or pursuant to the Maryland Constitution or general
27 or local law;

28 (ii) operates in only 1 county; and

29 (iii) is subject to the control of a local government or is funded wholly
30 or partly from local funds;

31 (5) unemployment insurance claim determinations, tax determinations, and
32 appeals in the Department of Business and Economic Development except as specifically
33 provided in Subtitle 5 of Title 8 of the Labor and Employment Article; or

34 (6) any other entity otherwise expressly exempted by statute.

19

1 (b) This subtitle does apply to:

2 (1) the property tax assessment appeals boards; and

3 (2) as to requests for correction of certificates of death under § 5-310(d)(2)
4 of the Health - General Article, the office of the Chief Medical Examiner.

5 (c) A public hearing required or provided for by statute or regulation before an
6 agency takes a particular action is not an agency hearing under § 10-202(d) of this subtitle
7 unless the statute or regulation:

8 (1) expressly requires that the public hearing be held in accordance with this
9 subtitle; or

10 (2) expressly requires that any judicial review of the agency determination
11 following the public hearing be conducted in accordance with this subtitle.

12 (D) (1) SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, THIS
13 SUBTITLE DOES APPLY TO A CONTESTED CASE THAT ARISES FROM A STATE
14 PROGRAM ADMINISTERED BY THE MONTGOMERY COUNTY DEPARTMENT OF
15 HEALTH AND HUMAN SERVICES IN THE SAME MANNER AS THE SUBTITLE APPLIES
16 TO A COUNTY HEALTH DEPARTMENT OR LOCAL DEPARTMENT OF SOCIAL
17 SERVICES.

18 (2) FOR PURPOSES OF THIS SUBTITLE, THE COUNTY ATTORNEY FOR
19 MONTGOMERY COUNTY SHALL DETERMINE IF THE MONTGOMERY COUNTY
20 DEPARTMENT OF HEALTH AND HUMAN SERVICES ADMINISTERS A STATE PROGRAM.

21 (3) THIS SUBSECTION IS NOT INTENDED TO EXTEND OR LIMIT THE
22 AUTHORITY OF THE MONTGOMERY COUNTY DEPARTMENT OF HEALTH AND
23 HUMAN SERVICES TO ADMINISTER STATE PROGRAMS IN THE MANNER OF A
24 COUNTY HEALTH DEPARTMENT OR LOCAL DEPARTMENT OF SOCIAL SERVICES.

25 12-101.

26 (A) In this subtitle, unless the context clearly requires otherwise, "State
27 personnel" means:

28 (1) a State employee or official who is paid in whole or in part by the
29 Central Payroll Bureau in the Office of the Comptroller of the Treasury;

30 (2) an employee or official of the:

31 (i) Maryland Transportation Authority;

32 (ii) Injured Workers' Insurance Fund;

33 (iii) Maryland Stadium Authority;

34 (iv) Maryland Environmental Service;

35 (v) overseas programs of the University College of the University of
36 Maryland System; and

37 (vi) Maryland Economic Development Corporation;

20

1 (3) a person who:

2 (i) is a member of a State board, commission, or similar State entity;

3 or

4 (ii) 1. is providing a service to or for the State;

5 2. is not paid in whole or in part by the State; and

6 3. satisfies all other requirements for designation as State
7 personnel as may be set forth in regulations adopted by the Treasurer pursuant to Title 10
8 of this article;

9 (4) an individual who, without compensation, exercises a part of the
10 sovereignty of the State;

11 (5) a student enrolled in a State educational institution:

12 (i) who is providing services to third parties in the course of
13 participation in an approved clinical training or academic program;

14 (ii) who, as determined by the Treasurer, is required to have liability
15 insurance covering claims arising from services to third parties performed by the student
16 in the course of the approved clinical training or academic program;

17 (iii) who, as determined by the Treasurer, cannot obtain commercial
18 liability insurance at an affordable cost; and

19 (iv) who, as determined by the Treasurer, may be required to
20 contribute to an insurance program for claims arising from services to third parties
21 performed by the student in the course of the approved clinical training or academic
22 program;

23 (6) a sheriff or deputy sheriff of a county or Baltimore City; or

24 (7) an employee of a county who is assigned to a local department of social
25 services, INCLUDING A MONTGOMERY COUNTY EMPLOYEE WHO CARRIES OUT
26 STATE PROGRAMS ADMINISTERED UNDER ARTICLE 88A, § 13A(B) OF THE CODE.

27 (B) IN THIS SUBTITLE, A UNIT OF THE STATE GOVERNMENT INCLUDES THE
28 MONTGOMERY COUNTY GOVERNMENT TO THE EXTENT THAT MONTGOMERY
29 COUNTY ADMINISTERS A STATE PROGRAM UNDER ARTICLE 88A, § 13A(B) OF THE
30 CODE.

31 12-103.2.

32 (A) IN THIS SECTION, "TORT CLAIM" MEANS A TORT CLAIM FILED IN STATE
33 COURT AGAINST THE MONTGOMERY COUNTY GOVERNMENT RELATING TO THE
34 ADMINISTRATION OF A STATE PROGRAM UNDER ARTICLE 88A, § 13A(B) OF THE
35 CODE.

36 (B) A TORT CLAIM SHALL BE CONSIDERED, DEFENDED, SETTLED, AND PAID
37 IN THE SAME MANNER AS ANY OTHER CLAIM COVERED BY THE MONTGOMERY
38 COUNTY SELF-INSURANCE FUND.

21

1 (C) LIABILITY FOR A TORT CLAIM MAY NOT EXCEED THE INSURANCE
2 COVERAGE GRANTED TO UNITS OF STATE GOVERNMENT UNDER TITLE 9 OF THE
3 STATE FINANCE AND PROCUREMENT ARTICLE.

4 (D) (1) THE STATE TREASURER IS NOT LIABLE UNDER § 9-107(C) OF THE
5 STATE FINANCE AND PROCUREMENT ARTICLE FOR A TORT CLAIM.

6 (2) FOR TORT CLAIMS, THE DUTIES, RESPONSIBILITIES, AND
7 LIABILITIES OF THE TREASURER UNDER THIS SUBTITLE SHALL BE ASSUMED BY THE
8 MONTGOMERY COUNTY SELF-INSURANCE FUND.

9 12-401.

10 In this subtitle, "State personnel" means:

11 (1) a regular classified or unclassified employee of the State whose
12 compensation:

13 (i) is provided by a State appropriation; or

14 (ii) is paid wholly or partly from State funds;

15 (2) an employee who is under the jurisdiction of the Department of
16 Personnel;

17 (3) an officer, warrant officer, or enlisted member of the organized militia;

18 (4) an employee of the Maryland Port Administration, as described in §
19 6-204(n) of the Transportation Article;

20 (5) a member or employee of a board of trustees for a community college;

21 (6) EXCEPT IN MONTGOMERY COUNTY, an employee of a county health
22 department;

23 (7) a member or employee of the Baltimore City Board of School
24 Commissioners or of a county board of education;

25 (8) a member of the Board of Visitors of the Maryland School for the Deaf;

26 (9) a member or employee of a board of supervisors for a soil conservation
27 district;

28 (10) a person who, as a volunteer, is providing a service to or for the State;

29 (11) a person who, for or under contract with a unit of the State or a local
30 government, performs an emergency service during a state of emergency under Article
31 16A of the Code;

32 (12) any other individual who, with or without compensation, holds a position
33 that requires the exercise of discretion and of a part of the sovereignty of the State;
34 [and]

35 (13) any other State officer or State employee; AND

1 (14) A MONTGOMERY COUNTY EMPLOYEE WHO ADMINISTERS A STATE
2 PROGRAM UNDER ARTICLE 88A, § 13A(B) OF THE CODE.

3 15-807.

4 (b) In Montgomery County, "local official" includes:

5 (1) each member and employee of the Montgomery County Revenue
6 Authority;

7 (2) each commissioner and employee of the Montgomery County Housing
8 Opportunities Commission; and

9 (3) [if the Ethics Commission determines that the County Ethics Law is
10 more stringent than the State Ethics Law, the] County employees of the [County health
11 department, each of whom shall be covered by both the County Ethics Law and the State
12 Ethics Law] MONTGOMERY COUNTY DEPARTMENT OF HEALTH AND HUMAN
13 SERVICES.

14 SECTION 2. AND BE IT FURTHER ENACTED, That:

15 (a) Except for the local director, the State Personnel Management System
16 classified service employee status of employees of the Montgomery County Department
17 of Social Services shall be abolished. All employees of the Montgomery County
18 Department of Social Services shall continue in their current positions subject to the
19 Montgomery County merit system. Personnel actions affecting the employees shall be
20 governed by Montgomery County law. An employee who has not completed a
21 probationary period by the effective date of this Act continues on probation in the same
22 manner as a county employee hired on the same date as the employee who is transferred
23 under this Act. The State personnel files of an employee transferred under this Act shall
24 be made available to the Montgomery County appointing authority. When taking a
25 personnel action, the appointing authority may consider a personnel action taken prior to
26 the transfer under this Act. All grievances, appeals and other personnel actions accruing
27 on or before the effective date of this Act shall be decided under procedures used for
28 classified service employees in the State Personnel Management System.

29 (b) An employee transferred under this Act shall receive no diminution in
30 compensation or accrued leave solely as a result of this Act taking effect. Accumulated
31 annual and compensatory leave shall be credited to the employee. The employee may
32 accumulate annual leave in excess of that allowed under applicable Montgomery County
33 law up to a maximum of 360 hours. Length of service earned by an employee transferred
34 under this Act shall be used in determining length of service as a county employee for the
35 purpose of determining leave accrual and reduction in force rights. An employee
36 transferred under this Act shall have the option to receive the health and other employee
37 benefits available to new Montgomery County employees at the time the option is elected
38 or the employee may elect to continue to receive the employee benefits the employee is
39 receiving at the effective date of this Act. An employee may continue State employee
40 benefits as long as the employee remains an employee of Montgomery County and has not
41 elected to receive the same type of benefits from Montgomery County. Montgomery
42 County shall pay the employer contribution for State employee benefits at the State rate.
43 State employee benefits may not be reinstated once the employee discontinues the

23

1 benefit unless the employee again becomes employed by an entity that provides its
2 employees with State employee benefits subject to a break in service or employment
3 limitations. Under this section, an employee benefit does not include membership in an
4 employee retirement system and an employee may elect to retain State employee benefits
5 only if the employee was an employee of the Montgomery County Department of Social
6 Services on July 1, 1996.

7 SECTION 3. AND BE IT FURTHER ENACTED, That:

8 (a) An employee transferred under this Act may continue as a member of the
9 State Employees' Retirement System or the State Pension System for Employees as long
10 as the employee remains employed by Montgomery County provided that the employee
11 was an employee of the Montgomery County Department of Social Services on July 1,
12 1996. Montgomery County shall pay to the Board of Trustees of the State Retirement and
13 Pensions System the normal contribution rate of the State, the accrued liability
14 contribution rate of the State, and the employer contribution otherwise required to be
15 made by the State on behalf of the member. The Board of Trustees shall certify to
16 Montgomery County the amount payable under this section. The Board of Trustees may
17 certify the amount on an annual basis or as payrolls are paid. Montgomery County shall
18 pay the amount certified by the Board of Trustees within 45 days. On notification by the
19 Secretary of the Board of Trustees that a delinquency exists, the State Comptroller
20 immediately shall exercise the right of set off against any money due or coming due to
21 Montgomery County plus interest and penalty equal to the amount established under §
22 21-310(b)(3) of the State Personnel and Pensions Article.

23 (b) An employee transferred under this Act may elect to become a member of the
24 Montgomery County Retirement Savings Plan or its successor if the election is made by
25 April 1, 1997. In that event, the employee shall be treated for retirement purposes as a
26 new Montgomery County employee hired at the time of election, the employee may not
27 be entitled to claim a transfer of service credit under § 37-203 of the State Personnel and
28 Pensions Article, and the employee shall be treated for retirement purposes as having
29 separated from State employment under §§ 22-216 and 23-214 of the State Personnel and
30 Pensions Article. An employee may not be reinstated as a member of the State retirement
31 system unless the employee again becomes employed by an entity that provides its
32 employees with State retirement benefits subject to any applicable limitations in Titles 22
33 and 23 of the State Personnel and Pensions Article.

34 SECTION 4. AND BE IT FURTHER ENACTED, That the State shall provide a
35 legal defense for itself and the employees transferred under this Act for any and all claims
36 or causes of action that first accrued before the effective date of this Act to the same
37 extent the State was obligated to provide a legal defense prior to the enactment of this
38 Act. The State shall be liable for all such claims or causes of action including those
39 described in the Maryland Tort Claims Act and the Workers' Compensation Act, that
40 first accrued before the effective date of this Act and to the same extent the State was
41 liable prior to the effective date of this Act.

42 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect
43 October 1, 1996.