
By: Delegate Dembrow

Introduced and read first time: February 2, 1996

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Transfer of Duties of Local Health and Social Services Departments to Counties**

3 FOR the purpose of establishing grant agreements for the assumption of the duties and
4 administration of the State in certain social service and health services functions by
5 certain counties; authorizing a county to apply to the Secretary of Human
6 Resources to enter into a grant agreement for State funds to be used by the county
7 to administer the State social service and public assistance programs of the local
8 department of social services in that county; authorizing a county to apply to the
9 Secretary of Health and Mental Hygiene to enter into a grant agreement for State
10 funds to be used by the county to administer the State health programs of the local
11 health officer and local health department in that county; requiring the Secretaries
12 to adopt certain regulations; authorizing the Secretaries to enter into certain grant
13 agreements with certain counties under certain circumstances; establishing the
14 duties, status, and rights of certain employees; providing for the application of
15 certain provisions of law; defining certain terms; and generally relating to the
16 assumption and administration of certain State functions concerning social service,
17 public assistance, and health programs by certain counties.

18 BY adding to

19 Article 88A - Social Services Administration
20 Section 13A
21 Annotated Code of Maryland
22 (1995 Replacement Volume)

23 BY adding to

24 Article - Health - General
25 Section 3-306.1
26 Annotated Code of Maryland
27 (1994 Replacement Volume and 1995 Supplement)

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

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

2 13A.

3 (A) IN THIS SECTION, "QUALIFYING COUNTY" MEANS A COUNTY THAT
4 APPLIES FOR AND IS GRANTED A GRANT AGREEMENT FROM THE SECRETARY OF
5 HUMAN RESOURCES TO ADMINISTER STATE SOCIAL SERVICE AND PUBLIC
6 ASSISTANCE PROGRAMS THAT ARE NORMALLY ADMINISTERED BY THE LOCAL
7 DEPARTMENT OF SOCIAL SERVICES IN THAT COUNTY.

8 (B) A COUNTY MAY APPLY TO THE SECRETARY OF HUMAN RESOURCES TO
9 ENTER INTO AN ANNUAL GRANT AGREEMENT FOR STATE FUNDS FOR THE
10 ASSUMPTION AND ADMINISTRATION OF THE DUTIES, FUNCTIONS, PERSONNEL, AND
11 RESPONSIBILITY FOR THE STATE SOCIAL SERVICE AND PUBLIC ASSISTANCE
12 PROGRAMS PROVIDED BY THE LOCAL DEPARTMENT OF SOCIAL SERVICES IN THAT
13 COUNTY.

14 (C) ANY FUNDS GRANTED TO A COUNTY UNDER THIS SECTION SHALL NOT
15 EXCEED THE AMOUNT THAT WOULD OTHERWISE BE BUDGETED BY THE STATE FOR
16 THE STATE'S SHARE OF COSTS FOR THE ADMINISTRATION OF THE LOCAL
17 DEPARTMENT OF SOCIAL SERVICES IN THAT COUNTY IN A FISCAL YEAR.

18 (D) (1) THE SECRETARY OF HUMAN RESOURCES SHALL ADOPT
19 REGULATIONS ESTABLISHING:

20 (I) APPLICATION PROCEDURES FOR ANY COUNTY THAT DESIRES
21 TO APPLY FOR A GRANT AGREEMENT;

22 (II) SPECIFIC QUALIFICATIONS THAT A COUNTY MUST MEET IN
23 ORDER TO BE AWARDED A GRANT AGREEMENT;

24 (III) THE TERMS AND CONDITIONS OF A GRANT AGREEMENT; AND

25 (IV) PROCEDURES FOR THE RENEWAL OR CANCELLATION OF A
26 GRANT AGREEMENT.

27 (2) A COUNTY THAT APPLIES FOR A GRANT AGREEMENT UNDER THIS
28 SECTION SHALL SPECIFICALLY DESCRIBE IN THE APPLICATION:

29 (I) THE SERVICES OR FUNCTIONS THAT THE COUNTY INTENDS TO
30 ADMINISTER; AND

31 (II) A DETAILED BUDGET FOR THE USE OF ANY GRANT FUNDS
32 AWARDED UNDER A SUCCESSFUL GRANT AGREEMENT APPLICATION.

33 (E) (1) UPON AN GRANT AGREEMENT APPLICATION FILED BY A COUNTY
34 GOVERNMENT, THE SECRETARY OF HUMAN RESOURCES MAY ENTER INTO A GRANT
35 AGREEMENT WITH A COUNTY GOVERNMENT FOR THE ADMINISTRATION BY THE
36 COUNTY GOVERNMENT OF PROGRAMS CURRENTLY ADMINISTERED BY THE LOCAL
37 DEPARTMENT OF SOCIAL SERVICES IN THE COUNTY.

38 (2) A GRANT AGREEMENT ENTERED INTO UNDER THIS SECTION SHALL
39 PROVIDE STATE FUNDS TO THE COUNTY FOR COSTS TO ADMINISTER STATE

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1 PROGRAMS, INCLUDING SALARIES, OVERHEAD, AND EMPLOYEE BENEFITS IN
2 ACCORDANCE WITH REGULATIONS ADOPTED BY THE SECRETARY.

3 (3) THE ADMINISTRATION OF ANY STATE PROGRAMS BY A QUALIFYING
4 COUNTY UNDER A GRANT AGREEMENT SHALL CONTINUE TO BE GOVERNED BY
5 APPLICABLE STATE AND FEDERAL REGULATIONS.

6 (F) (1) IN A QUALIFYING COUNTY, THERE IS NO LOCAL DEPARTMENT OF
7 SOCIAL SERVICES. STATE SOCIAL SERVICE AND PUBLIC ASSISTANCE PROGRAMS
8 ADMINISTERED BY A LOCAL DEPARTMENT SHALL BE ADMINISTERED BY THE
9 COUNTY GOVERNMENT IN COMPLIANCE WITH THE GRANT AGREEMENT.

10 (2) THE USE AND RELEASE OF INFORMATION CONCERNING RECIPIENTS
11 OF STATE SOCIAL SERVICE AND PUBLIC ASSISTANCE PROGRAMS IN A QUALIFYING
12 COUNTY SHALL BE GOVERNED BY THE CONFIDENTIALITY PROVISIONS OF STATE
13 LAW AND REGULATIONS. THE COUNTY DEPARTMENT THAT ADMINISTERS THESE
14 PROGRAMS AND ITS CONTRACTORS SHALL BE TREATED AS ONE AGENCY FOR
15 PURPOSES OF CONFIDENTIALITY PROVISIONS OF STATE LAW AND REGULATIONS.

16 (3) (I) ANY EMPLOYEE OR OFFICIAL IN A QUALIFYING COUNTY THAT
17 ADMINISTERS STATE PROGRAMS UNDER A GRANT AGREEMENT SHALL BE
18 CONSIDERED COUNTY EMPLOYEES WHO HAVE THE SAME RIGHTS, BENEFITS, AND
19 LIABILITIES OF OTHER REGULAR COUNTY EMPLOYEES IN THAT QUALIFYING
20 COUNTY.

21 (II) THE STATE PERSONNEL MANAGEMENT SYSTEM CLASSIFIED
22 STATUS OF EMPLOYEES OF A LOCAL DEPARTMENT OF SOCIAL SERVICES IN A
23 QUALIFIED COUNTY SHALL BE ABOLISHED, AND THOSE EMPLOYEES SHALL BECOME
24 COUNTY EMPLOYEES SUBJECT TO THE MERIT SYSTEM OF THE QUALIFYING
25 COUNTY. SUCH TRANSFERRED EMPLOYEES SHALL RECEIVE NO DIMINUTION IN
26 SALARY AS A RESULT OF SUCH TRANSFER AND SHALL BE ALLOWED TO TRANSFER
27 FROM THE STATE TO THE COUNTY ALL ACCUMULATED SICK, ANNUAL, AND
28 COMPENSATORY LEAVE.

29 (4) THE SECRETARY OF HUMAN RESOURCES AND THE GOVERNING
30 BODY OF A QUALIFYING COUNTY SHALL CONSULT WITH EACH OTHER ON A
31 REGULAR BASIS TO ENSURE THAT THE OBJECTIVES OF THE SOCIAL SERVICE AND
32 PUBLIC ASSISTANCE PROGRAMS ADMINISTERED BY THE COUNTY GOVERNMENT
33 ARE CONSISTENT WITH THE OBJECTIVES OF THE STATE SOCIAL SERVICE AND
34 PUBLIC ASSISTANCE PROGRAMS.

35 (G) AS EACH REFERENCE TO A LOCAL DEPARTMENT OF SOCIAL SERVICES IN
36 THE CODE APPLIES TO A QUALIFYING COUNTY AND IS CONSISTENT WITH THE
37 TERMS AND CONDITIONS OF THE GRANT AGREEMENT FOR THAT COUNTY, THE
38 TERM MEANS THE QUALIFYING COUNTY GOVERNMENT.

39 (H) EXCEPT AS PROVIDED IN SUBSECTION (G) OF THIS SECTION AND
40 NOTWITHSTANDING ANY OTHER PROVISIONS OF STATE LAW, THE PROVISIONS OF
41 THIS SECTION RELATING TO STATE SOCIAL SERVICE PROGRAMS AND PUBLIC
42 ASSISTANCE PROGRAMS ADMINISTERED BY A QUALIFYING COUNTY UNDER A

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1 GRANT AGREEMENT SHALL SUPERSEDE ANY PROVISIONS OF LAW RELATING TO A
2 LOCAL DEPARTMENT OF SOCIAL SERVICES IN THAT COUNTY.

3 (I) THE SECRETARY OF HUMAN RESOURCES SHALL ADOPT REGULATIONS
4 TO CARRY OUT THE PROVISIONS OF THIS SECTION.

5 **Article - Health - General**

6 3-306.1.

7 (A) IN THIS SECTION, "QUALIFYING COUNTY" MEANS A COUNTY THAT
8 APPLIES FOR AND IS GRANTED A GRANT AGREEMENT FROM THE SECRETARY TO
9 ADMINISTER THE STATE ADMINISTERED AND FUNDED DUTIES OR FUNCTIONS OF
10 THE LOCAL HEALTH OFFICER OR LOCAL HEALTH DEPARTMENT THAT ARE
11 NORMALLY ADMINISTERED BY THE LOCAL HEALTH OFFICER OR LOCAL HEALTH
12 DEPARTMENT IN THAT COUNTY.

13 (B) A COUNTY MAY APPLY TO THE SECRETARY TO ENTER INTO AN ANNUAL
14 GRANT AGREEMENT FOR STATE FUNDS FOR THE ASSUMPTION AND
15 ADMINISTRATION OF THE DUTIES, FUNCTIONS, PERSONNEL, AND RESPONSIBILITY
16 OF THE LOCAL HEALTH OFFICER AND THE LOCAL HEALTH DEPARTMENT IN THAT
17 COUNTY.

18 (C) ANY FUNDS GRANTED TO A COUNTY UNDER THIS SECTION SHALL NOT
19 EXCEED THE AMOUNT THAT WOULD OTHERWISE BE BUDGETED BY THE STATE FOR
20 THE STATE'S SHARE OF COSTS FOR THE ADMINISTRATION OF THE DUTIES OF THE
21 LOCAL HEALTH OFFICER OR LOCAL HEALTH DEPARTMENT IN THAT COUNTY IN A
22 FISCAL YEAR.

23 (D) (1) THE SECRETARY SHALL ADOPT REGULATIONS ESTABLISHING:

24 (I) APPLICATION PROCEDURES FOR ANY COUNTY THAT DESIRES
25 TO APPLY FOR A GRANT AGREEMENT;

26 (II) SPECIFIC QUALIFICATIONS THAT A COUNTY MUST MEET IN
27 ORDER TO BE AWARDED A GRANT AGREEMENT;

28 (III) THE TERMS AND CONDITIONS OF A GRANT AGREEMENT; AND

29 (IV) PROCEDURES FOR THE RENEWAL OR CANCELLATION OF A
30 GRANT AGREEMENT.

31 (2) A COUNTY THAT APPLIES FOR A GRANT AGREEMENT UNDER THIS
32 SECTION SHALL SPECIFICALLY DESCRIBE IN THE APPLICATION:

33 (I) THE SERVICES OR FUNCTIONS THAT THE COUNTY INTENDS TO
34 ADMINISTER; AND

35 (II) A DETAILED BUDGET FOR THE USE OF ANY GRANT FUNDS
36 AWARDED UNDER A SUCCESSFUL GRANT AGREEMENT APPLICATION.

37 (E) (1) UPON A GRANT AGREEMENT APPLICATION FILED BY A COUNTY
38 GOVERNMENT, THE SECRETARY MAY ENTER INTO A GRANT AGREEMENT WITH A
39 COUNTY GOVERNMENT FOR THE ADMINISTRATION BY THE COUNTY GOVERNMENT

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1 OF PROGRAMS OR DUTIES CURRENTLY ADMINISTERED OR PERFORMED BY THE
2 LOCAL HEALTH OFFICER OR LOCAL HEALTH DEPARTMENT IN THE COUNTY.

3 (2) A GRANT AGREEMENT ENTERED INTO UNDER THIS SECTION SHALL
4 PROVIDE STATE FUNDS TO THE COUNTY FOR COSTS TO ADMINISTER STATE DUTIES
5 OR PROGRAMS, INCLUDING SALARIES, OVERHEAD, AND EMPLOYEE BENEFITS IN
6 ACCORDANCE WITH REGULATIONS ADOPTED BY THE SECRETARY.

7 (3) THE ADMINISTRATION OF ANY STATE PROGRAMS BY A QUALIFYING
8 COUNTY UNDER A GRANT AGREEMENT SHALL CONTINUE TO BE GOVERNED BY
9 APPLICABLE STATE AND FEDERAL REGULATIONS.

10 (F) (1) IN A QUALIFYING COUNTY, THERE IS NO LOCAL HEALTH OFFICER
11 OR LOCAL HEALTH DEPARTMENT. THE DUTIES AND RESPONSIBILITIES OF THE
12 LOCAL HEALTH OFFICER OR LOCAL HEALTH DEPARTMENT SHALL BE
13 ADMINISTERED BY THE COUNTY GOVERNMENT IN COMPLIANCE WITH THE GRANT
14 AGREEMENT.

15 (2) THE USE AND RELEASE OF INFORMATION CONCERNING MEDICAL
16 RECORDS OR HEALTH SERVICES PROVIDED BY THE QUALIFYING COUNTY
17 GOVERNMENT UNDER THE PROVISIONS OF A GRANT AGREEMENT SHALL BE
18 GOVERNED BY THE CONFIDENTIALITY PROVISIONS OF STATE LAW AND
19 REGULATIONS. THE COUNTY DEPARTMENT THAT ADMINISTERS THESE PROGRAMS
20 AND ITS CONTRACTORS SHALL BE TREATED AS ONE AGENCY FOR PURPOSES OF
21 CONFIDENTIALITY PROVISIONS OF STATE LAW AND REGULATIONS.

22 (3) (I) ANY EMPLOYEE OR OFFICIAL IN A QUALIFYING COUNTY THAT
23 ADMINISTERS STATE PROGRAMS UNDER A GRANT AGREEMENT SHALL BE
24 CONSIDERED COUNTY EMPLOYEES WHO HAVE THE SAME RIGHTS, BENEFITS, AND
25 LIABILITIES OF OTHER REGULAR COUNTY EMPLOYEES IN THAT QUALIFYING
26 COUNTY.

27 (II) THE STATE PERSONNEL MANAGEMENT SYSTEM CLASSIFIED
28 STATUS OF EMPLOYEES OF A LOCAL DEPARTMENT OF SOCIAL SERVICES IN A
29 QUALIFIED COUNTY SHALL BE ABOLISHED, AND THOSE EMPLOYEES SHALL BECOME
30 COUNTY EMPLOYEES SUBJECT TO THE MERIT SYSTEM OF THE QUALIFYING
31 COUNTY. SUCH TRANSFERRED EMPLOYEES SHALL RECEIVE NO DIMINUTION IN
32 SALARY AS A RESULT OF SUCH TRANSFER AND SHALL BE ALLOWED TO TRANSFER
33 FROM THE STATE TO THE COUNTY ALL ACCUMULATED SICK, ANNUAL, AND
34 COMPENSATORY LEAVE.

35 (4) THE SECRETARY AND THE GOVERNING BODY OF A QUALIFYING
36 COUNTY SHALL CONSULT WITH EACH OTHER ON A REGULAR BASIS TO ENSURE
37 THAT THE OBJECTIVES OF THE HEALTH PROGRAMS AND SERVICES ADMINISTERED
38 BY THE COUNTY GOVERNMENT UNDER THE GRANT AGREEMENT ARE CONSISTENT
39 WITH THE OBJECTIVES OF THE STATE HEALTH PROGRAMS AND SERVICES.

40 (G) AS EACH REFERENCE TO A LOCAL HEALTH OFFICER, COUNTY HEALTH
41 DEPARTMENT, OR LOCAL HEALTH DEPARTMENT IN THE CODE APPLIES TO A
42 QUALIFYING COUNTY AND IS CONSISTENT WITH THE TERMS AND CONDITIONS OF

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1 THE GRANT AGREEMENT FOR THAT COUNTY, THE TERM MEANS THE QUALIFYING
2 COUNTY GOVERNMENT.

3 (H) EXCEPT AS PROVIDED IN SUBSECTION (G) OF THIS SECTION AND
4 NOTWITHSTANDING ANY OTHER PROVISIONS OF STATE LAW, THE PROVISIONS OF
5 THIS SECTION RELATING TO HEALTH PROGRAMS AND SERVICES ADMINISTERED BY
6 A QUALIFYING COUNTY UNDER A GRANT AGREEMENT SHALL SUPERSEDE ANY
7 PROVISIONS OF LAW RELATING TO A LOCAL OFFICER, COUNTY HEALTH
8 DEPARTMENT, OR LOCAL HEALTH DEPARTMENT IN THAT COUNTY.

9 (I) THE SECRETARY SHALL ADOPT REGULATIONS TO CARRY OUT THE
10 PROVISIONS OF THIS SECTION.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 1996.