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By: **Senator McFadden**

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Committee Report: Favorable with amendments

Senate action: Adopted

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Education - ~~Baltimore City - Physical Examinations~~ - Lead Poisoning Tests**  
3 **- Administering and Reporting**

4 FOR the purpose of requiring certain regulations to require ~~a public school physical~~  
5 examination in Baltimore City to include parents or legal guardians of certain  
6 children to report the results of a certain test for lead poisoning at a certain  
7 time; authorizing the Commissioner of the Baltimore City Health Department,  
8 in consultation with certain department heads, to adopt certain regulations;  
9 requiring certain public schools in Baltimore City to report certain information  
10 to the Commissioner each school year; requiring the Commissioner to report  
11 certain information to the Department of the Environment each school year; and  
12 generally relating to requiring a certain test for lead poisoning in Baltimore City  
13 public schools a certain local health department; requiring certain persons to  
14 administer a certain test for lead poisoning under certain circumstances;  
15 requiring a medical laboratory to report the results of a certain test for lead  
16 poisoning to a certain person under certain circumstances; authorizing the  
17 Commissioner of the Baltimore City Health Department to report certain  
18 information to a certain registry program; authorizing the Department of the  
19 Environment to report the results of a certain test for lead poisoning to a certain  
20 immunization registry; authorizing the Secretary of Health and Mental Hygiene  
21 to report certain information concerning a certain test for lead poisoning on a  
22 certain immunization registry; and generally relating to requiring certain  
23 children to have been administered a certain test for lead poisoning and  
24 reporting certain results and information concerning tests for lead poisoning  
25 under certain circumstances.

26 BY repealing and reenacting, with amendments,  
27 Article - Education

1 Section ~~7-402~~ 7-403  
 2 Annotated Code of Maryland  
 3 (1999 Replacement Volume)

4 BY repealing and reenacting, with amendments,  
 5 Article - Environment  
 6 Section 6-303 and 6-304  
 7 Annotated Code of Maryland  
 8 (1996 Replacement Volume and 1999 Supplement)

9 BY repealing and reenacting, with amendments,  
 10 Article - Health - General  
 11 Section 18-106  
 12 Annotated Code of Maryland  
 13 (1994 Replacement Volume and 1999 Supplement)

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

16 **Article - Education**

17 ~~7-402.~~

18 (a) ~~The Department of Education in consultation with the Department of~~  
 19 ~~Health and Mental Hygiene shall adopt regulations requiring a physical examination~~  
 20 ~~for children entering the Maryland Public School System for the first time.~~

21 (b) (1) ~~The regulations shall require each child entering the Maryland~~  
 22 ~~Public School System for the first time to have a physical examination completed~~  
 23 ~~within:~~

24 ~~{(1)} (I) The 9 month period before entering the public school system; or~~

25 ~~{(2)} (II) The 6 month period after entering the public school system.~~

26 (2) (I) ~~THE REGULATIONS SHALL REQUIRE THAT, IN BALTIMORE CITY,~~  
 27 ~~A PHYSICAL EXAMINATION REQUIRED UNDER THIS SECTION INCLUDE A BLOOD TEST~~  
 28 ~~SCREENING FOR LEAD POISONING.~~

29 (II) ~~THE COMMISSIONER OF THE BALTIMORE CITY HEALTH~~  
 30 ~~DEPARTMENT, IN CONSULTATION WITH THE STATE SUPERINTENDENT AND THE~~  
 31 ~~SECRETARY OF THE ENVIRONMENT, MAY ADOPT REGULATIONS TO IMPLEMENT THE~~  
 32 ~~BLOOD TEST SCREENING REQUIRED UNDER THIS PARAGRAPH.~~

33 (c) ~~The physical examination required under subsection (b) of this section~~  
 34 ~~shall be completed by:~~

35 (1) ~~A physician; or~~

1           (2)     A certified nurse practitioner.

2           (d)     (1)     For each school year each public school shall report to the county  
3 board or county health department the number of children entering the public school  
4 system for the first time who have not had a physical examination because of:

5                   (i)     The lack of access to health care;

6                   (ii)    Insufficient financial resources; or

7                   (iii)   Any other reason, including a religious reason, as the public  
8 school deems appropriate.

9           (2)     The county board or county health department shall report the  
10 information obtained under paragraph (1) of this subsection to the Department of  
11 Health and Mental Hygiene.

12           (3)     (1)     ~~FOR EACH SCHOOL YEAR EACH PUBLIC SCHOOL IN BALTIMORE  
13 CITY SHALL REPORT THE RESULTS OF A BLOOD TEST SCREENING TO THE  
14 COMMISSIONER OF THE BALTIMORE CITY HEALTH DEPARTMENT.~~

15                   (II)    ~~FOR EACH SCHOOL YEAR THE COMMISSIONER SHALL REPORT  
16 THE RESULTS OF THE BLOOD TEST SCREENING TO THE DEPARTMENT OF THE  
17 ENVIRONMENT.~~

18 7-403.

19           (a)     (1)     In cooperation with the State Board and the Medical and Chirurgical  
20 Faculty of Maryland, the Department of Health and Mental Hygiene shall adopt rules  
21 and regulations regarding the immunizations AND BLOOD TESTS FOR LEAD  
22 POISONING required of children entering schools.

23           (2)     These rules and regulations shall:

24                   (i)     Be adopted in compliance with the Administrative Procedure  
25 Act; [and]

26                   (ii)    Provide that any child may have the immunization  
27 administered by his personal physician; AND

28                   (III)    1.     BY SEPTEMBER 2003, IN AREAS DESIGNATED AS AT RISK  
29 FOR LEAD POISONING, AS DETERMINED UNDER § 18-106 OF THE HEALTH - GENERAL  
30 ARTICLE, WHEN A CHILD ENTERS A PUBLIC PREKINDERGARTEN PROGRAM,  
31 KINDERGARTEN PROGRAM, OR FIRST GRADE, REQUIRE THE PARENT OR LEGAL  
32 GUARDIAN OF THE CHILD TO PROVIDE EVIDENCE OF THE RESULTS OF THE CHILD'S  
33 BLOOD TESTS FOR LEAD POISONING ADMINISTERED IN ACCORDANCE WITH THE  
34 GUIDELINES OF THE CENTERS FOR DISEASE CONTROL AND PREVENTION IN "THE  
35 SCREENING OF YOUNG CHILDREN FOR LEAD POISONING: GUIDANCE FOR STATE AND  
36 LOCAL PUBLIC HEALTH OFFICIALS (NOVEMBER 1997)" AND ANY SUBSEQUENT  
37 GUIDELINES; AND

1                             2. BY SEPTEMBER 2003, REQUIRE A PROGRAM OR SCHOOL TO  
2 REPORT THE INFORMATION RECEIVED UNDER ITEM 1 OF THIS ITEM TO THE LOCAL  
3 HEALTH DEPARTMENT IN THE JURISDICTION WHERE THE CHILD RESIDES.

4                     (3) Any requirement for the administration of pertussis vaccine shall be  
5 consistent with § 18-332(b) of the Health - General Article.

6         **(b)**         (1) Unless the Secretary of Health and Mental Hygiene declares an  
7 emergency or an epidemic of disease, a child whose parent or guardian objects to  
8 immunization on the ground that it conflicts with the parent's or guardian's bona fide  
9 religious beliefs and practices may not be required to present a physician's  
10 certification of immunization in order to be admitted to school.

11                     (2) The Secretary of Health and Mental Hygiene shall adopt rules and  
12 regulations for religious exemptions under this subsection.

### 13                             Article - Environment

14 6-303.

15         **(a)**         (1) [A] NOTWITHSTANDING PARAGRAPH (2) OF THIS SUBSECTION, A  
16 medical laboratory shall report to the Department the results of all blood [lead] tests  
17 FOR LEAD POISONING performed on any child 18 years and under.

18                     (2) (I) A MEDICAL LABORATORY SHALL REPORT THE RESULTS OF  
19 TESTS UNDER PARAGRAPH (1) OF THIS SUBSECTION CONCERNING A CHILD WHO  
20 RESIDES IN BALTIMORE CITY TO THE COMMISSIONER OF THE BALTIMORE CITY  
21 HEALTH DEPARTMENT.

22                             (II) THE COMMISSIONER OF THE BALTIMORE CITY HEALTH  
23 DEPARTMENT MAY REPORT THE INFORMATION RECEIVED UNDER SUBPARAGRAPH  
24 (I) OF THIS PARAGRAPH TO THE BALTIMORE IMMUNIZATION REGISTRY PROGRAM.

25         **(B)**         THE DEPARTMENT MAY REPORT THE RESULTS OF BLOOD TESTS FOR LEAD  
26 POISONING TO AN IMMUNIZATION REGISTRY SUBSEQUENTLY DEVELOPED BY THE  
27 DEPARTMENT OF HEALTH AND MENTAL HYGIENE.

28         **[(b)]**        **(C)**        The Department shall report the results of blood [lead] tests FOR  
29 LEAD POISONING indicating an elevated blood lead level, as defined by regulation, to:

30                     (1) The local health department in the jurisdiction where the child  
31 resides; and

32                     (2) The Department of Health and Mental Hygiene.

33         **[(c)]**        **(D)**        The Department shall adopt regulations to:

34                     (1) Govern the reporting requirements of laboratories to the Department  
35 under subsection (a) of this section; and

1                   (2)     Provide for the reporting of information by the Department to local  
2 health departments and the Department of Health and Mental Hygiene.

3 6-304.

4           (a)     The Secretary shall assist local governments, if necessary, to provide case  
5 management of children with elevated blood lead levels greater than or equal to 15  
6 micrograms per deciliter (ug/dl).

7           (b)     A local health department that receives the results of a blood [lead] test  
8 FOR LEAD POISONING indicating that a child under 6 years of age has an elevated  
9 blood lead level greater than or equal to 15 ug/dl and less than 20 ug/dl shall notify:

10               (1)     The child's parents; and

11               (2)     In the case of a child who lives in a rental dwelling unit, the owner of  
12 the rental dwelling unit where the child resides.

13   **Article - Health - General**

14 18-106.

15           (a)     The Secretary shall establish and administer a Lead Poisoning Screening  
16 Program that will assure the appropriate screening of children in Maryland for lead  
17 poisoning.

18           (b)     The Lead Poisoning Screening Program shall:

19                   (1)     Encourage continuity of care with the child's continuing care health  
20 care provider;

21                   (2)     Promote timely, appropriate screening of children at risk of being  
22 poisoned by lead;

23                   (3)     Utilize all of the payment mechanisms available to cover lead  
24 poisoning screening, including:

25                           (i)     Third party payments from insurers;

26                           (ii)    The Medical Assistance Program;

27                           (iii)  Primary care medical assistance programs established under  
28 waiver from the federal government;

29                           (iv)    Health maintenance organizations;

30                           (v)     Federally qualified and Maryland qualified community health  
31 centers; and

32                           (vi)    Any other Medicaid reimbursement or waiver to which the  
33 State may be entitled under this section;

1           (4)     Target children under 6 years of age;

2           (5)     Provide lead poisoning screening on a sliding fee scale at sites  
3 designated by local health departments for children unable to afford lead poisoning  
4 screening; and

5           (6)     Employ an initial questionnaire to assess children's exposure to  
6 potential lead hazards, except that children residing in AT RISK areas [of highest  
7 risk] IDENTIFIED UNDER SUBSECTION (C) OF THIS SECTION shall be screened by a  
8 [venous] blood test FOR LEAD POISONING.

9       (c)     The Secretary shall target efforts to promote and to provide BLOOD TESTS  
10 FOR lead poisoning [screening to areas of highest] IN AT risk AREAS, as identified by:

11           (1)     Census tract AND ZIP CODE information noting areas with large  
12 concentrations of pre-1978 housing; [and]

13           (2)     Highest rates of lead poisoning as evidenced by information provided  
14 to and by the Childhood Lead Registry established and maintained by the  
15 Department of the Environment; AND

16           (3)     THE GUIDELINES OF THE CENTERS FOR DISEASE CONTROL AND  
17 PREVENTION IN "THE SCREENING OF YOUNG CHILDREN FOR LEAD POISONING:  
18 GUIDANCE FOR STATE AND LOCAL PUBLIC HEALTH OFFICIALS (NOVEMBER 1997)"  
19 AND ANY SUBSEQUENT GUIDELINES.

20       (D)     THE SECRETARY SHALL REQUIRE PROVIDERS CARING FOR CHILDREN IN  
21 AREAS DESIGNATED AS AT RISK FOR LEAD POISONING, AS DETERMINED UNDER  
22 SUBSECTION (C) OF THIS SECTION, TO ADMINISTER A BLOOD TEST FOR LEAD  
23 POISONING OF CHILDREN BY:

24           (1)     AGE 12 MONTHS;

25           (2)     AGAIN BY AGE 24 MONTHS; OR

26           (3)     IN ACCORDANCE WITH THE GUIDELINES OF THE CENTERS FOR  
27 DISEASE CONTROL AND PREVENTION FOR CHILDREN OVER AGE 24 MONTHS WHO  
28 HAVE NOT RECEIVED A BLOOD TEST FOR LEAD POISONING.

29       (E)     THE SECRETARY MAY INCLUDE INFORMATION ON BLOOD TESTING FOR  
30 LEAD POISONING COLLECTED UNDER THIS SECTION, § 7-403 OF THE EDUCATION  
31 ARTICLE, AND §§ 6-303 AND 6-304 OF THE ENVIRONMENT ARTICLE ON ANY  
32 IMMUNIZATION REGISTRY DEVELOPED BY THE DEPARTMENT.

33       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
34 effect July 1, 2000.