

HOUSE BILL 4
SECOND PRINTING

Unofficial Copy
J1

2001 Regular Session
11r0444
CF 11r1374

(PRE-FILED)

By: **Delegates Stern, Hecht, Taylor, Dewberry, Hurson, Busch, Doory,
Harrison, Hixson, Howard, Kopp, Menes, Owings, Vallario, Wood,
Healey, Petzold, Mandel, Love, Grosfeld, Rosso, V. Jones, Greenip, and
Parrott**

Requested: September 7, 2000

Introduced and read first time: January 10, 2001

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Office of Women's Health - Women's Health Care Grant Fund**

3 FOR the purpose of establishing the Maryland Office of Women's Health in the
4 Department of Health and Mental Hygiene; making certain findings of fact;
5 authorizing the staffing of the Office; establishing the duties and
6 responsibilities of the Office; requiring that the Office provide a certain annual
7 report; establishing a Women's Health Care Grant Fund; providing for deposits
8 into the Fund; providing for the administration of the Fund; establishing certain
9 criteria for the Fund; authorizing the Secretary of Health and Mental Hygiene
10 to adopt certain regulations under certain conditions; authorizing the Secretary
11 to award grants for the improvement of women's health care under certain
12 conditions; defining certain terms; and generally relating to the establishment
13 of the Maryland Office of Women's Health and the Women's Health Care Grant
14 Fund.

15 BY repealing and reenacting, without amendments,
16 Article - Health - General
17 Section 1-101(c) and (i)
18 Annotated Code of Maryland
19 (2000 Replacement Volume)

20 BY adding to
21 Article - Health - General
22 Section 13-1601 through 13-1604, inclusive, to be under the new subtitle
23 "Subtitle 16. Office of Women's Health"
24 Annotated Code of Maryland
25 (2000 Replacement Volume)

1 Preamble

2 WHEREAS, There is a need to recognize the unique health care needs of women
3 and to be responsive to those needs; and

4 WHEREAS, There is a need to expand the State's public health concerns and
5 focus to establish a comprehensive outlook on the overall health and status of women
6 in all phases of their lives; and

7 WHEREAS, There is a need to develop a statewide comprehensive strategic plan
8 to improve public health services and programs for women of all socioeconomic
9 groups, age, race, and ethnic background; and

10 WHEREAS, Women in the State are affected disproportionately by a number of
11 diseases; and

12 WHEREAS, There is a need for a comprehensive program to coordinate and
13 evaluate existing programs for women's health care; and

14 WHEREAS, There is a need for a comprehensive plan to expand existing
15 programs for women's health care or create new ones; and

16 WHEREAS, There is a need for a clearinghouse for information on women's
17 health care; and

18 WHEREAS, There is a need for a comprehensive study on access by women to
19 health care in this State; and

20 WHEREAS, The State needs a comprehensive study of the availability and
21 utilization of preventive health care for women; and

22 WHEREAS, Despite progress in addressing the health care needs of women
23 there is a need for a comprehensive and reliable set of accepted benchmarks for
24 measuring and assessing women's health; and

25 WHEREAS, There is a need to provide a comprehensive education program,
26 information, and statistical data to aid women in making decisions about their health
27 care; and

28 WHEREAS, There is a need for a State program designed to focus on the health
29 care of women in all phases of their lives; and

30 WHEREAS, There is a social and economic benefit to ensuring that women have
31 access to preventive health care; now, therefore,

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

Article - Health - General

1-101.

(c) "Department" means the Department of Health and Mental Hygiene.

(i) "Secretary" means the Secretary of Health and Mental Hygiene.

SUBTITLE 16. OFFICE OF WOMEN'S HEALTH.

13-1601.

(A) IN THIS ARTICLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) "FUND" MEANS THE WOMEN'S HEALTH CARE GRANT FUND.

(C) "OFFICE OF WOMEN'S HEALTH" MEANS THE MARYLAND OFFICE OF WOMEN'S HEALTH ESTABLISHED UNDER § 13-1602 OF THIS SUBTITLE.

13-1602.

(A) THERE IS A MARYLAND OFFICE OF WOMEN'S HEALTH IN THE DEPARTMENT.

(B) THE OFFICE SHALL:

(1) BE AN ADVOCATE FOR THE IMPROVEMENT OF WOMEN'S HEALTH CARE BY WORKING WITH THE DEPARTMENT ON ITS OWN, OR IN PARTNERSHIP WITH OTHER PUBLIC AND PRIVATE ENTITIES TO ESTABLISH APPROPRIATE FORUMS, PROGRAMS, OR INITIATIVES DESIGNED TO EDUCATE THE PUBLIC REGARDING WOMEN'S HEALTH ISSUES, WITH AN EMPHASIS ON PREVENTIVE HEALTH AND HEALTHY LIFESTYLES;

(2) ASSIST THE SECRETARY IN IDENTIFYING, COORDINATING, AND ESTABLISHING PRIORITIES FOR PROGRAMS, SERVICES, AND RESOURCES THAT THE STATE SHOULD PROVIDE FOR WOMEN'S HEALTH ISSUES RELATING TO ALL THE PHASES OF A WOMAN'S LIFE;

(3) SERVE AS A CLEARINGHOUSE AND RESOURCE LIBRARY FOR INFORMATION ABOUT WOMEN'S HEALTH DATA, STRATEGIES, SERVICES, AND PROGRAMS THAT ADDRESS WOMEN'S HEALTH ISSUES, INCLUDING INFORMATION AND PROGRAMS RELATED TO:

(I) DISEASES THAT SIGNIFICANTLY IMPACT WOMEN, INCLUDING BUT NOT LIMITED TO, CANCER, DIABETES, HEART DISEASE, AND OSTEOPOROSIS;

(II) EATING DISORDERS;

(III) ENVIRONMENTAL FACTORS;

- 1 (IV) FAMILY AND DOMESTIC VIOLENCE;
- 2 (V) MENTAL HEALTH;
- 3 (VI) MENOPAUSE AND POSTMENOPAUSE;
- 4 (VII) SENIOR CITIZENS;
- 5 (VIII) SEXUAL ASSAULT AND INVOLUNTARY SEXUAL SLAVERY;
- 6 (IX) SEXUALLY TRANSMITTED DISEASES;
- 7 (X) SUBSTANCE ABUSE; AND
- 8 (XI) NURSING HOMES.

9 (4) COLLECT, CLASSIFY, AND ANALYZE RELEVANT RESEARCH
10 INFORMATION AND DATA COLLECTED OR COMPILED BY:

- 11 (I) THE DEPARTMENT;
- 12 (II) THE DEPARTMENT IN COLLABORATION WITH OTHERS;
- 13 (III) THE WOMEN'S HEALTH PROMOTION ADVISORY COUNCIL; AND
- 14 (IV) OTHER PUBLIC AND PRIVATE ENTITIES;

15 (5) DEVELOP AND RECOMMEND TO THE SECRETARY PROGRAMS THAT
16 ARE INTENDED TO EDUCATE THE PUBLIC ON WOMEN'S HEALTH INITIATIVES,
17 INCLUDING PROGRAMS TO STUDY:

- 18 (I) HEALTH NEEDS AT EACH OF THE VARIOUS STAGES OF A
19 WOMAN'S LIFE;
- 20 (II) DISEASES THAT SIGNIFICANTLY AFFECT WOMEN, INCLUDING
21 CANCER, DIABETES, HEART DISEASE, AND OSTEOPOROSIS;
- 22 (III) ACCESS FOR WOMEN TO HEALTH CARE;
- 23 (IV) POVERTY AND WOMEN'S HEALTH;
- 24 (V) LEADING CAUSES OF MORBIDITY AND MORTALITY IN WOMEN;
25 AND
- 26 (VI) SPECIAL HEALTH NEEDS OF MINORITY WOMEN AND WOMEN
27 OF ALL RACES AND ETHNIC BACKGROUNDS;

28 (6) MAKE RECOMMENDATIONS TO THE SECRETARY REGARDING
29 PROGRAMS TO ADDRESS WOMEN'S HEALTH ISSUES THAT MAY BE INCLUDED IN THE
30 COMPREHENSIVE HEALTH CARE PLAN AND IN THE STATE BUDGET;

1 (7) PREPARE MATERIALS FOR PUBLICATION AND DISSEMINATION
2 DESIGNED TO EDUCATE WOMEN ON HEALTH CARE ISSUES;

3 (8) CONDUCT IN-DEPTH STUDIES AND PREPARE REPORTS ON SPECIFIC
4 HEALTH ISSUES;

5 (9) FACILITATE COMMUNICATION AMONG THE DEPARTMENT'S
6 PROGRAMS AND BETWEEN THE DEPARTMENT AND OTHER GOVERNMENT ENTITIES
7 OR COMMUNITY-BASED WOMEN'S HEALTH GROUPS;

8 (10) IN COOPERATION WITH EXISTING STATE, FEDERAL AND LOCAL
9 AGENCIES, DEVELOP AN OUTREACH PROGRAM FOR THE TREATMENT OF AND
10 PROVISION OF FOLLOW-UP SERVICES FOR WOMEN AT SIGNIFICANT RISK OF
11 CONTRACTING SEXUALLY TRANSMITTED DISEASES;

12 (11) RECOMMEND TO THE SECRETARY ANY NECESSARY MODIFICATIONS
13 OR EXPANSIONS OF EXISTING HEALTH CARE SERVICES FOR WOMEN;

14 (12) DEVELOP A STRATEGIC PLAN TO IMPROVE PUBLIC SERVICES AND
15 PROGRAMS TARGETING WOMEN;

16 (13) SUBJECT TO THE APPROVAL OF THE SECRETARY, DEVELOP CRITERIA
17 FOR THE AWARD OF GRANTS FOR PROGRAMS THAT ARE DESIGNED TO IMPROVE
18 WOMEN'S HEALTH CARE;

19 (14) REVIEW GRANT APPLICATIONS AND MAKE RECOMMENDATIONS TO
20 THE SECRETARY FOR THE AWARD OF GRANTS;

21 (15) APPLY FOR AND RECEIVE GRANTS, APPROPRIATIONS, AND GIFTS
22 FROM FEDERAL, STATE, AND LOCAL AGENCIES, PRIVATE FOUNDATIONS, OR
23 INDIVIDUALS, FOR DEPOSIT TO THE FUND ESTABLISHED UNDER § 13-1603 OF THIS
24 SUBTITLE;

25 (16) SUBJECT TO THE STATE BUDGET, EMPLOY CONSULTANTS;

26 (17) REVIEW EXISTING LAWS AND REGULATIONS TO ENSURE THAT THEY
27 FACILITATE THE PROVISION OF ADEQUATE HEALTH CARE TO THE WOMEN OF THIS
28 STATE;

29 (18) RECOMMEND TO THE SECRETARY ANY ADDITIONS OR CHANGES TO
30 EXISTING LAWS AND REGULATIONS DESIGNED TO FACILITATE THE ADEQUATE
31 PROVISION OF HEALTH CARE TO WOMEN IN THE STATE;

32 (19) MONITOR, REVIEW, AND EVALUATE THE ALLOCATION AND
33 ADEQUACY OF PUBLICLY FUNDED WOMEN'S HEALTH SERVICES;

34 (20) PERFORM ADDITIONAL DUTIES DESIGNATED BY THE SECRETARY;
35 AND

1 (21) ON OR BEFORE NOVEMBER 1, 2002, AND EACH YEAR THEREAFTER,
2 PROVIDE AN ANNUAL REPORT TO THE SECRETARY, THE GOVERNOR, AND IN
3 ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL
4 ASSEMBLY ON THE IMPLEMENTATION OF THIS SUBTITLE.

5 (C) (1) THE SECRETARY SHALL EMPLOY AN EXECUTIVE DIRECTOR, AT
6 LEAST TWO STAFF MEMBERS, AND ANY OTHER STAFF SUFFICIENT TO CARRY OUT
7 THE PURPOSES OF THIS SUBTITLE.

8 (2) THE STAFF SHALL SERVE UNDER THE DIRECTION OF THE DEPUTY
9 SECRETARY FOR PUBLIC HEALTH IN THE DEPARTMENT.

10 (3) THE EXECUTIVE DIRECTOR SHALL SERVE AT THE PLEASURE OF THE
11 SECRETARY.

12 (4) THE DEPUTY SECRETARY FOR PUBLIC HEALTH SHALL PROVIDE JOB
13 DESCRIPTIONS FOR THE EXECUTIVE DIRECTOR AND THE STAFF.

14 (5) THE SALARIES OF THE EXECUTIVE DIRECTOR AND THE STAFF SHALL
15 BE AS PROVIDED IN THE STATE BUDGET.

16 13-1603.

17 (A) THERE IS A WOMEN'S HEALTH CARE GRANT FUND.

18 (B) (1) THE FUND CONTAINS THE MONEYS RECEIVED FROM ANY LAWFUL
19 SOURCE UNDER THE PROVISIONS OF § 13-1602(B)(15) OF THIS SUBTITLE.

20 (2) THE OFFICE SHALL USE THE MONEYS IN THE FUND TO MAKE
21 GRANTS FOR PROGRAMS DESIGNED TO IMPROVE WOMEN'S HEALTH CARE.

22 (C) A GRANT MAY INCLUDE AN AWARD:

23 (1) TO A PUBLIC OR PRIVATE ENTITY;

24 (2) TO A UNIVERSITY RESEARCHER;

25 (3) TO A RESEARCH INSTITUTION;

26 (4) FOR A SUPPLEMENT TO AN EXISTING CHARITABLE OR PRIVATE
27 GRANT;

28 (5) FOR A MATCHING FUND;

29 (6) TO ANY OTHER RECIPIENT OR FOR ANY OTHER PURPOSE WHICH THE
30 OFFICE AND THE SECRETARY DETERMINE IS CONSISTENT WITH THE PURPOSES
31 SPECIFIED IN THE CRITERIA DEVELOPED UNDER § 13-1602(B)(13) OF THIS SUBTITLE;
32 AND

33 (7) LOCAL HEALTH DEPARTMENTS.

1 (D) THE SECRETARY OR THE SECRETARY'S DESIGNEE SHALL ADMINISTER
2 THE FUND.

3 (E) (1) THE FUND IS A SPECIAL CONTINUING, NONLAPSING FUND THAT IS
4 NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

5 (2) AT THE END OF EACH YEAR, ANY UNSPENT PORTION OF THE FUND
6 SHALL REMAIN IN THE FUND TO BE USED FOR THE PURPOSES SPECIFIED IN THE
7 CRITERIA DEVELOPED UNDER § 13-1602(B)(13) OF THIS SUBTITLE.

8 (F) THE OFFICE OF LEGISLATIVE AUDITS SHALL AUDIT THE ACCOUNTS AND
9 TRANSACTIONS OF THE FUND AS PROVIDED IN § 2-1220 OF THE STATE GOVERNMENT
10 ARTICLE.

11 13-1604.

12 THE SECRETARY OR THE SECRETARY'S DESIGNEE:

13 (1) ON THE RECOMMENDATION OF THE OFFICE OF WOMEN'S HEALTH,
14 MAY AWARD A GRANT FOR THE PURPOSES SPECIFIED IN THE CRITERIA DEVELOPED
15 UNDER § 13-1602(B)(13) OF THIS SUBTITLE;

16 (2) SHALL ENSURE THAT RECIPIENTS OF GRANTS USE THE FUNDS FOR
17 THE PURPOSES AUTHORIZED BY THIS SUBTITLE; AND

18 (3) ON RECOMMENDATION BY THE OFFICE OF WOMEN'S HEALTH, MAY
19 ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SUBTITLE.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2001.