

SENATE BILL 180

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2001 Regular Session
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CF 1r0444

By: **Senators Lawlah, Bromwell, Hoffman, Hollinger, and Kelley**
Introduced and read first time: January 19, 2001
Assigned to: Economic and Environmental Affairs

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)

26 Preamble

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 **Article - Health - General**

32 1-101.

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

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

1 SUBTITLE 16. OFFICE OF WOMEN'S HEALTH.

2 13-1601.

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

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

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

8 13-1602.

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

11 (B) THE OFFICE SHALL:

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

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

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

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

28 (II) EATING DISORDERS;

29 (III) ENVIRONMENTAL FACTORS;

30 (IV) FAMILY AND DOMESTIC VIOLENCE;

31 (V) MENTAL HEALTH;

32 (VI) MENOPAUSE AND POSTMENOPAUSE;

33 (VII) SENIOR CITIZENS;

- 1 (VIII) SEXUAL ASSAULT AND INVOLUNTARY SEXUAL SLAVERY;
- 2 (IX) SEXUALLY TRANSMITTED DISEASES;
- 3 (X) SUBSTANCE ABUSE; AND
- 4 (XI) NURSING HOMES.
- 5 (4) COLLECT, CLASSIFY, AND ANALYZE RELEVANT RESEARCH
6 INFORMATION AND DATA COLLECTED OR COMPILED BY:
- 7 (I) THE DEPARTMENT;
- 8 (II) THE DEPARTMENT IN COLLABORATION WITH OTHERS;
- 9 (III) THE WOMEN'S HEALTH PROMOTION ADVISORY COUNCIL; AND
- 10 (IV) OTHER PUBLIC AND PRIVATE ENTITIES;
- 11 (5) DEVELOP AND RECOMMEND TO THE SECRETARY PROGRAMS THAT
12 ARE INTENDED TO EDUCATE THE PUBLIC ON WOMEN'S HEALTH INITIATIVES,
13 INCLUDING PROGRAMS TO STUDY:
- 14 (I) HEALTH NEEDS AT EACH OF THE VARIOUS STAGES OF A
15 WOMAN'S LIFE;
- 16 (II) DISEASES THAT SIGNIFICANTLY AFFECT WOMEN, INCLUDING
17 CANCER, DIABETES, HEART DISEASE, AND OSTEOPOROSIS;
- 18 (III) ACCESS FOR WOMEN TO HEALTH CARE;
- 19 (IV) POVERTY AND WOMEN'S HEALTH;
- 20 (V) LEADING CAUSES OF MORBIDITY AND MORTALITY IN WOMEN;
21 AND
- 22 (VI) SPECIAL HEALTH NEEDS OF MINORITY WOMEN AND WOMEN
23 OF ALL RACES AND ETHNIC BACKGROUNDS;
- 24 (6) MAKE RECOMMENDATIONS TO THE SECRETARY REGARDING
25 PROGRAMS TO ADDRESS WOMEN'S HEALTH ISSUES THAT MAY BE INCLUDED IN THE
26 COMPREHENSIVE HEALTH CARE PLAN AND IN THE STATE BUDGET;
- 27 (7) PREPARE MATERIALS FOR PUBLICATION AND DISSEMINATION
28 DESIGNED TO EDUCATE WOMEN ON HEALTH CARE ISSUES;
- 29 (8) CONDUCT IN-DEPTH STUDIES AND PREPARE REPORTS ON SPECIFIC
30 HEALTH ISSUES;

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

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

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

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

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

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

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

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

22 (17) REVIEW EXISTING LAWS AND REGULATIONS TO ENSURE THAT THEY
23 FACILITATE THE PROVISION OF ADEQUATE HEALTH CARE TO THE WOMEN OF THIS
24 STATE;

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

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

30 (20) PERFORM ADDITIONAL DUTIES DESIGNATED BY THE SECRETARY;
31 AND

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

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

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

6 (3) THE EXECUTIVE DIRECTOR SHALL SERVE AT THE PLEASURE OF THE
7 SECRETARY.

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

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

12 13-1603.

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

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

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

18 (C) A GRANT MAY INCLUDE AN AWARD:

19 (1) TO A PUBLIC OR PRIVATE ENTITY;

20 (2) TO A UNIVERSITY RESEARCHER;

21 (3) TO A RESEARCH INSTITUTION;

22 (4) FOR A SUPPLEMENT TO AN EXISTING CHARITABLE OR PRIVATE
23 GRANT;

24 (5) FOR A MATCHING FUND;

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

29 (7) LOCAL HEALTH DEPARTMENTS.

30 (D) THE SECRETARY OR THE SECRETARY'S DESIGNEE SHALL ADMINISTER
31 THE FUND.

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

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

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

7 13-1604.

8 THE SECRETARY OR THE SECRETARY'S DESIGNEE:

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

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

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

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