

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL NO. 234

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike “proclaim” and substitute “issue an order proclaiming”; in line 7, after “expire;” insert “specifying the contents of an order; requiring the Secretary of Health and Mental Hygiene to issue a certain directive in a certain manner; providing for the contents of the directive; providing for a hearing to contest the directive; authorizing certain individuals to request a hearing in circuit court under certain circumstances; requiring the circuit court to follow certain procedures under certain circumstances; requiring the Court of Appeals to develop certain emergency rules of procedure; providing for civil and criminal immunity for health care providers under certain circumstances; requiring the State to include health care providers in any application for financial aid under certain circumstances;”; strike beginning with “of” in line 7 down through “Hygiene” in line 8; in line 13, after “plans;” insert “requiring the Secretary to develop a process to license, certify, and credential health care practitioners under certain circumstances;”; strike beginning with “requiring” in line 16 down through “Hygiene;” in line 19; in line 19, after “date;” insert “requiring the Secretary to work collaboratively with the Maryland Emergency Management Agency, the Maryland Institute for Emergency Medical Services Systems, certain health care providers, and other interested parties on the implementation of this Act; making provisions of this Act severable; requiring the Secretary to adopt certain regulations;”; and in line 30, strike “18-907” and substitute “18-908”.

On page 1 in line 23, and on page 2 in line 6, in each instance, after “Article 41 -” insert “Governor -”.

On page 2, in line 1, after “Surveillance” insert “and Response”.

AMENDMENT NO. 2

On page 2, in lines 25 and 27, in each instance, strike “RELEASE OR DISTRIBUTION” and substitute “RELEASE, DISTRIBUTION, OR TRANSMISSION”; and in line 29, strike “, WIND CURRENTS,”.

(Over)

AMENDMENT NO. 3

On page 3, in line 12, after “MAY” insert “ISSUE AN EXECUTIVE ORDER PROCLAIMING”; in the same line, strike “PROCLAIM”; strike beginning with “THE” in line 16 down through “(2)” in line 22; in lines 28 and 32, strike “(3)” and “(4)”, respectively, and substitute “(2)” and “(3)”, respectively; and in line 28, after “PROVIDER” insert “WHO DOES NOT VOLUNTARILY PARTICIPATE,”.

On page 4, in lines 17, 19, and 21, strike “(6)”, “(7)”, and “(8)”, respectively, and substitute “(5)”, “(6)”, and “(7)”, respectively.

AMENDMENT NO. 4

On page 4, in line 6, strike “(5)” and substitute “(4) WHEN MEDICALLY NECESSARY AND REASONABLE TO TREAT, PREVENT, OR REDUCE THE SPREAD OF THE DISEASE OR OUTBREAK BELIEVED TO HAVE BEEN CAUSED BY THE EXPOSURE TO A DEADLY AGENT,”; strike beginning with “OR” in line 10 down through “PRACTICES” in line 11; in line 16, strike the semicolon and substitute “UNTIL THE SECRETARY OR OTHER DESIGNATED OFFICIAL DETERMINES THAT THE INDIVIDUALS NO LONGER POSE A SUBSTANTIAL RISK OF TRANSMITTING THE DISEASE OR CONDITION TO THE PUBLIC;”; in line 20, strike “ORDER” and substitute “ORDERED IF NECESSARY AND REASONABLE IN ORDER TO SAVE LIVES OR PREVENT EXPOSURE TO A DEADLY AGENT”; and in lines 21 and 22, strike “REDUCE MORBIDITY AND MORTALITY CAUSED BY” and substitute “RESPOND TO”.

AMENDMENT NO. 5

On page 4, after line 22, insert:

“(C) IF A COMPETENT INDIVIDUAL OVER THE AGE OF 18 REFUSES VACCINATION, MEDICAL EXAMINATION, TREATMENT, OR TESTING UNDER SUBSECTION (B)(4) OF THIS SECTION, THE SECRETARY MAY REQUIRE THE INDIVIDUAL TO GO TO AND REMAIN IN A PLACE OF ISOLATION OR QUARANTINE UNTIL THE SECRETARY DETERMINES THAT THE INDIVIDUAL NO LONGER POSES A SUBSTANTIAL RISK OF TRANSMITTING THE DISEASE OR CONDITION TO THE PUBLIC.

(D) (1) (I) IF THE SECRETARY OR OTHER DESIGNATED OFFICIAL REQUIRES AN INDIVIDUAL OR A GROUP OF INDIVIDUALS TO GO TO AND REMAIN IN PLACES OF ISOLATION OR QUARANTINE UNDER SUBSECTION (B)(4) OF THIS SECTION, THE SECRETARY SHALL ISSUE A DIRECTIVE TO THE INDIVIDUAL OR GROUP OF INDIVIDUALS.

(II) THE DIRECTIVE SHALL SPECIFY:

1. THE IDENTITY OF THE INDIVIDUAL OR GROUP OF INDIVIDUALS SUBJECT TO ISOLATION OR QUARANTINE;

2. THE PREMISES SUBJECT TO ISOLATION OR QUARANTINE;

3. THE DATE AND TIME AT WHICH ISOLATION OR QUARANTINE COMMENCES;

4. THE SUSPECTED DEADLY AGENT CAUSING THE OUTBREAK OR DISEASE, IF KNOWN;

5. THE BASIS UPON WHICH ISOLATION OR QUARANTINE IS JUSTIFIED; AND

6. THE AVAILABILITY OF A HEARING TO CONTEST THE DIRECTIVE.

(III) 1. EXCEPT AS PROVIDED IN SUB-SUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, THE DIRECTIVE SHALL BE IN WRITING AND GIVEN TO THE INDIVIDUAL OR GROUP OF INDIVIDUALS PRIOR TO THE INDIVIDUAL OR GROUP OF INDIVIDUALS BEING REQUIRED TO GO TO AND REMAIN IN PLACES OF ISOLATION AND QUARANTINE.

2. A. IF THE SECRETARY OR OTHER DESIGNATED

OFFICIAL DETERMINES THAT THE NOTICE REQUIRED IN SUB-SUBPARAGRAPH 1 OF THIS SUBPARAGRAPH IS IMPRACTICAL BECAUSE OF THE NUMBER OF INDIVIDUALS OR GEOGRAPHICAL AREAS AFFECTED, THE SECRETARY OR OTHER DESIGNATED OFFICIAL SHALL ENSURE THAT THE AFFECTED INDIVIDUALS ARE FULLY INFORMED OF THE DIRECTIVE USING THE BEST POSSIBLE MEANS AVAILABLE.

B. IF THE DIRECTIVE APPLIES TO A GROUP OF INDIVIDUALS AND IT IS IMPRACTICAL TO PROVIDE INDIVIDUAL WRITTEN COPIES UNDER SUB-SUBPARAGRAPH 1 OF THIS SUBPARAGRAPH, THE WRITTEN DIRECTIVE MAY BE POSTED IN A CONSPICUOUS PLACE IN THE ISOLATION OR QUARANTINE PREMISES.

(2) (I) AN INDIVIDUAL OR GROUP OF INDIVIDUALS ISOLATED OR QUARANTINED UNDER SUBSECTION (B)(4) OF THIS SECTION MAY REQUEST A HEARING IN CIRCUIT COURT CONTESTING THE ISOLATION OR QUARANTINE.

(II) A REQUEST FOR A HEARING MAY NOT STAY OR ENJOIN AN ISOLATION OR QUARANTINE DIRECTIVE.

(3) UPON RECEIPT OF A REQUEST UNDER THIS SUBSECTION, THE COURT SHALL CONDUCT A HEARING WITHIN 3 DAYS FROM RECEIPT OF THE REQUEST.

(4) (I) IN ANY PROCEEDINGS BROUGHT FOR RELIEF UNDER THIS SUBSECTION, THE COURT MAY EXTEND THE TIME FOR A HEARING UPON A SHOWING BY THE SECRETARY OR OTHER DESIGNATED OFFICIAL THAT EXTRAORDINARY CIRCUMSTANCES EXIST THAT JUSTIFY THE EXTENSION.

(II) IN GRANTING OR DENYING AN EXTENSION, THE COURT SHALL CONSIDER THE RIGHTS OF THE AFFECTED INDIVIDUAL, THE PROTECTION OF THE PUBLIC HEALTH, THE SEVERITY OF THE CATASTROPHIC HEALTH EMERGENCY, AND THE AVAILABILITY, IF NECESSARY, OF WITNESSES AND EVIDENCE.

(5) (I) 1. THE COURT SHALL GRANT THE REQUEST FOR RELIEF

UNLESS THE COURT DETERMINES THAT THE ISOLATION OR QUARANTINE DIRECTIVE IS NECESSARY AND REASONABLE TO PREVENT OR REDUCE THE SPREAD OF THE DISEASE OR OUTBREAK BELIEVED TO HAVE BEEN CAUSED BY THE EXPOSURE TO A DEADLY AGENT.

2. IF FEASIBLE, IN MAKING A DETERMINATION UNDER THIS SUBPARAGRAPH, THE COURT MAY CONSIDER THE MEANS OF TRANSMISSION, THE DEGREE OF CONTAGION, AND TO THE EXTENT POSSIBLE, THE DEGREE OF PUBLIC EXPOSURE TO THE DISEASE.

(II) 1. AN ORDER AUTHORIZING THE ISOLATION OR QUARANTINE ISSUED UNDER THIS PARAGRAPH SHALL:

A. IDENTIFY THE ISOLATED OR QUARANTINED INDIVIDUAL OR GROUP OF INDIVIDUALS BY NAME OR SHARED CHARACTERISTICS;

B. SPECIFY FACTUAL FINDINGS WARRANTING ISOLATION OR QUARANTINE; AND

C. EXCEPT AS PROVIDED IN SUB-SUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, BE IN WRITING AND GIVEN TO THE INDIVIDUAL OR GROUP OF INDIVIDUALS.

2. IF THE COURT DETERMINES THAT THE NOTICE REQUIRED IN SUB-SUBPARAGRAPH 1C OF THIS SUBPARAGRAPH IS IMPRACTICAL BECAUSE OF THE NUMBER OF INDIVIDUALS OR GEOGRAPHICAL AREA AFFECTED, THE COURT SHALL ENSURE THAT THE AFFECTED INDIVIDUALS ARE FULLY INFORMED OF THE ORDER USING THE BEST POSSIBLE MEANS AVAILABLE.

(III) AN ORDER AUTHORIZING ISOLATION OR QUARANTINE IS EFFECTIVE FOR A PERIOD NOT TO EXCEED 30 DAYS.

(IV) 1. PRIOR TO THE EXPIRATION OF AN ORDER, THE

SECRETARY OR DESIGNATED OFFICIAL MAY MOVE TO CONTINUE ISOLATION OR QUARANTINE FOR SUBSEQUENT 30-DAY PERIODS.

2. THE COURT SHALL BASE ITS DECISION ON THE STANDARDS PROVIDED UNDER THIS PARAGRAPH.

(6) IN THE EVENT THAT AN INDIVIDUAL CANNOT PERSONALLY APPEAR BEFORE THE COURT, PROCEEDINGS MAY BE CONDUCTED:

(I) BY AN INDIVIDUAL'S AUTHORIZED REPRESENTATIVE; AND

(II) THROUGH ANY MEANS THAT ALLOWS OTHER INDIVIDUALS TO FULLY PARTICIPATE.

(7) SUBJECT TO ANY EMERGENCY RULES DEVELOPED BY THE COURT OF APPEALS UNDER PARAGRAPH (9) OF THIS SUBSECTION, IN ANY PROCEEDINGS BROUGHT UNDER THIS SUBSECTION, THE COURT MAY ORDER THE CONSOLIDATION OF INDIVIDUAL CLAIMS INTO GROUP CLAIMS WHERE:

(I) THE NUMBER OF INDIVIDUALS INVOLVED OR AFFECTED IS SO LARGE AS TO RENDER INDIVIDUAL PARTICIPATION IMPRACTICAL;

(II) THERE ARE QUESTIONS OF LAW OR FACT COMMON TO THE INDIVIDUAL CLAIMS OR RIGHTS TO BE DETERMINED;

(III) THE GROUP CLAIMS OR RIGHTS TO BE DETERMINED ARE TYPICAL OF THE AFFECTED INDIVIDUAL'S CLAIMS OR RIGHTS; OR

(IV) THE ENTIRE GROUP WILL BE ADEQUATELY REPRESENTED IN THE CONSOLIDATION.

(8) THE COURT SHALL APPOINT COUNSEL TO REPRESENT INDIVIDUALS OR A GROUP OF INDIVIDUALS WHO ARE NOT OTHERWISE REPRESENTED BY COUNSEL.

(9) THE COURT OF APPEALS SHALL DEVELOP EMERGENCY RULES OF PROCEDURE TO FACILITATE THE EFFICIENT ADJUDICATION OF ANY PROCEEDINGS BROUGHT UNDER THIS SUBSECTION.”;

and in line 23, strike “(C)” and substitute “(F)”.

AMENDMENT NO. 6

On page 4, before line 23, insert:

“(E) A PROCLAMATION ISSUED UNDER THIS SECTION SHALL INDICATE:

(1) THE NATURE OF THE CATASTROPHIC HEALTH EMERGENCY;

(2) THE AREA OR AREAS THREATENED OR AFFECTED; AND

(3) THE CONDITIONS THAT HAVE BROUGHT THE CATASTROPHIC HEALTH EMERGENCY ABOUT OR THAT MAKE POSSIBLE THE TERMINATION OF THE EMERGENCY.”;

in line 25, strike “A” and substitute “THE”; and after line 30, insert:

“(G) A HEALTH CARE PROVIDER ACTING IN GOOD FAITH AND IN ACCORDANCE WITH A CATASTROPHIC HEALTH EMERGENCY PROCLAMATION IS IMMUNE FROM CIVIL OR CRIMINAL LIABILITY RELATED TO THOSE ACTIONS, UNLESS THE HEALTH CARE PROVIDER ACTS WITH WILLFUL MISCONDUCT.”.

AMENDMENT NO. 7

On page 5, in line 10, strike “FELONY” and substitute “MISDEMEANOR”; in lines 10 and 11, strike “3 YEARS,” and substitute “1 YEAR OR”; and in line 11, strike “\$10,000,” and substitute “\$5,000”.

AMENDMENT NO. 8

On page 5, in line 13, after “SURVEILLANCE” insert “AND RESPONSE”; in line 16, strike

(Over)

“SECTION” and substitute “SUBTITLE”; strike beginning with “ARTICLE” in line 24 down through “CODE” in line 25 and substitute “§ 19-114(E)(1) OF THIS ARTICLE”; in line 26, after “(F)” insert “(1)”; strike beginning with “ARTICLE” in line 26 down through “CODE” in line 27 and substitute “§ 19-114(F) OF THIS ARTICLE.”

(2) “HEALTH CARE PRACTITIONER” INCLUDES AN INDIVIDUAL LICENSED OR CERTIFIED AS AN EMERGENCY MEDICAL SERVICES PROVIDER UNDER § 13-516 OF THE EDUCATION ARTICLE”;

and strike beginning with “HAS” in line 28 down through “CODE” in line 29 and substitute “MEANS”:

(1) A HEALTH CARE FACILITY; OR

(2) A HEALTH CARE PRACTITIONER”.

AMENDMENT NO. 9

On page 6, in lines 6 and 7, strike “MINIMIZE POTENTIAL MORBIDITY AND MORTALITY CAUSED BY A CATASTROPHIC HEALTH EMERGENCY” and substitute “TREAT, PREVENT, OR REDUCE THE SPREAD OF THE DISEASE OR OUTBREAK BELIEVED TO HAVE BEEN CAUSED BY THE EXPOSURE TO A DEADLY AGENT”; and after line 32, insert:

“(C) THE SECRETARY SHALL DEVELOP A PROCESS TO LICENSE, CERTIFY, OR CREDENTIAL HEALTH CARE PRACTITIONERS WHO MAY BE NEEDED TO RESPOND TO A CATASTROPHIC HEALTH EMERGENCY.”.

On page 7, in line 1, strike “IF” and substitute “OF WHETHER”; in lines 2 and 33, in each instance, strike “BY LAW” and substitute “UNDER TITLE 4 OF THIS ARTICLE OR AS OTHERWISE PROVIDED UNDER LAW”; in line 3, after “SYSTEM” insert “FOR DETECTING WHETHER INDIVIDUALS HAVE BEEN EXPOSED TO A DEADLY AGENT”; after line 31, insert:

“(C) THE SECRETARY, IN ACQUIRING INFORMATION UNDER SUBSECTION (B)

OF THIS SECTION, SHALL:

(1) REQUEST AND USE NONIDENTIFYING INFORMATION WHENEVER POSSIBLE; AND

(2) LIMIT THE USE OF CONFIDENTIAL INFORMATION TO THE EXTENT NECESSARY TO DETECT AND INVESTIGATE ACTUAL OR POTENTIAL EXPOSURES TO A DEADLY AGENT.”;

in line 32, strike “(C)” and substitute “(D) (1) ANY INFORMATION THAT THE SECRETARY RECEIVES UNDER SUBSECTION (B) OF THIS SECTION IS CONFIDENTIAL AND MAY BE USED OR DISCLOSED ONLY IN ACCORDANCE WITH THIS SECTION.”; in line 32, strike “(1)” and substitute:

“(2)”;

in line 33, strike “A” and substitute “THE SECRETARY OR”; and in line 35, strike “(2)” and substitute “(3)”.

On page 8, in line 1, strike “(2)” and substitute “(3)”; and strike beginning with “THE” in line 2 down through “EMERGENCY” in line 4 and substitute “:

(I) THE HEALTH CARE PROVIDER OR PUBLIC AGENCY TO WHOM THE INFORMATION IS DISCLOSED WILL MAINTAIN THE CONFIDENTIALITY OF THE DISCLOSURE; AND

(II) THE SECRETARY DETERMINES THE DISCLOSURE IS NECESSARY TO TREAT, PREVENT, OR REDUCE THE SPREAD OF THE DISEASE OR OUTBREAK BELIEVED TO HAVE BEEN CAUSED BY THE EXPOSURE TO A DEADLY AGENT”.

AMENDMENT NO. 10

On page 8, in line 7, strike “MAY”; strike in their entirety lines 8 through 11, inclusive, and

(Over)

substitute:

“(1) (I) MAY ISSUE AN ORDER REQUIRING INDIVIDUALS WHOM THE SECRETARY HAS REASON TO BELIEVE HAVE BEEN EXPOSED TO A DEADLY AGENT TO SEEK APPROPRIATE AND NECESSARY EVALUATION AND TREATMENT;

(II) WHEN THE SECRETARY DETERMINES THAT IT IS MEDICALLY NECESSARY AND REASONABLE TO PREVENT OR REDUCE THE SPREAD OF THE DISEASE OR OUTBREAK BELIEVED TO HAVE BEEN CAUSED BY THE EXPOSURE TO A DEADLY AGENT, MAY ORDER AN INDIVIDUAL OR GROUP OF INDIVIDUALS TO GO TO AND REMAIN IN PLACES OF ISOLATION OR QUARANTINE UNTIL THE SECRETARY DETERMINES THAT THE INDIVIDUAL NO LONGER POSES A SUBSTANTIAL RISK OF TRANSMITTING THE DISEASE OR CONDITION TO THE PUBLIC;
AND

(III) IF A COMPETENT INDIVIDUAL OVER THE AGE OF 18 REFUSES VACCINATION, MEDICAL EXAMINATION, TREATMENT, OR TESTING UNDER THIS PARAGRAPH, MAY REQUIRE THE INDIVIDUAL TO GO TO AND REMAIN IN PLACES OF ISOLATION OR QUARANTINE UNTIL THE SECRETARY DETERMINES THAT THE INDIVIDUAL NO LONGER POSES A SUBSTANTIAL RISK OF TRANSMITTING THE DISEASE OR CONDITION TO THE PUBLIC;”;

in line 12, after “(2)” insert “MAY”; in line 15, after “(3)” insert “MAY”; after line 25, insert:

“18-906.

(A) (1) (I) IF THE SECRETARY REQUIRES AN INDIVIDUAL OR A GROUP OF INDIVIDUALS TO GO TO AND REMAIN IN PLACES OF ISOLATION OR QUARANTINE UNDER SUBSECTION § 18-905 OF THIS SUBTITLE, THE SECRETARY SHALL ISSUE A DIRECTIVE TO THE INDIVIDUAL OR GROUP OF INDIVIDUALS.

(II) THE DIRECTIVE SHALL SPECIFY:

1. THE IDENTITY OF THE INDIVIDUAL OR GROUP OF

INDIVIDUALS SUBJECT TO ISOLATION OR QUARANTINE;

2. THE PREMISES SUBJECT TO ISOLATION OR QUARANTINE;

3. THE DATE AND TIME AT WHICH ISOLATION OR QUARANTINE COMMENCES;

4. THE SUSPECTED DEADLY AGENT CAUSING THE OUTBREAK OR DISEASE, IF KNOWN;

5. THE BASIS UPON WHICH ISOLATION OR QUARANTINE IS JUSTIFIED; AND

6. THE AVAILABILITY OF A HEARING TO CONTEST THE DIRECTIVE.

(III) 1. EXCEPT AS PROVIDED IN SUB-SUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, THE DIRECTIVE SHALL BE IN WRITING AND GIVEN TO THE INDIVIDUAL OR GROUP OF INDIVIDUALS PRIOR TO THE INDIVIDUAL OR GROUP OF INDIVIDUALS BEING REQUIRED TO GO TO AND REMAIN IN PLACES OF ISOLATION AND QUARANTINE.

2. A. IF THE SECRETARY DETERMINES THAT THE NOTICE REQUIRED UNDER SUB-SUBPARAGRAPH 1 OF THIS SUBPARAGRAPH IS IMPRACTICAL BECAUSE OF THE NUMBER OF INDIVIDUALS OR GEOGRAPHICAL AREAS AFFECTED, THE SECRETARY SHALL ENSURE THAT THE AFFECTED INDIVIDUALS ARE FULLY INFORMED OF THE DIRECTIVE USING THE BEST POSSIBLE MEANS AVAILABLE.

B. IF THE DIRECTIVE APPLIES TO A GROUP OF INDIVIDUALS AND IT IS IMPRACTICAL TO PROVIDE WRITTEN INDIVIDUAL COPIES UNDER SUB-SUBPARAGRAPH 1 OF THIS SUBPARAGRAPH, THE WRITTEN DIRECTIVE

MAY BE POSTED IN A CONSPICUOUS PLACE IN THE ISOLATION OR QUARANTINE PREMISES.

(B) (1) AN INDIVIDUAL OR GROUP OF INDIVIDUALS ISOLATED OR QUARANTINED UNDER SUBSECTION (A) OF THIS SECTION MAY REQUEST A HEARING IN CIRCUIT COURT CONTESTING THE ISOLATION OR QUARANTINE.

(2) A REQUEST FOR A HEARING MAY NOT STAY OR ENJOIN AN ISOLATION OR QUARANTINE DIRECTIVE.

(3) UPON RECEIPT OF A REQUEST UNDER THIS SUBSECTION, THE COURT SHALL CONDUCT A HEARING WITHIN 3 DAYS FROM RECEIPT OF THE REQUEST.

(4) (I) IN ANY PROCEEDINGS BROUGHT FOR RELIEF UNDER THIS SUBSECTION, THE COURT MAY EXTEND THE TIME FOR A HEARING UPON A SHOWING BY THE SECRETARY OR OTHER DESIGNATED OFFICIAL THAT EXTRAORDINARY CIRCUMSTANCES EXIST THAT JUSTIFY THE EXTENSION.

(II) IN GRANTING OR DENYING AN EXTENSION, THE COURT SHALL CONSIDER THE RIGHTS OF THE AFFECTED INDIVIDUAL, THE PROTECTION OF THE PUBLIC HEALTH, THE SEVERITY OF THE CATASTROPHIC HEALTH EMERGENCY, AND THE AVAILABILITY, IF NECESSARY, OF WITNESSES AND EVIDENCE.

(5) (I) 1. THE COURT SHALL GRANT THE REQUEST FOR RELIEF UNLESS THE COURT DETERMINES THAT THE ISOLATION OR QUARANTINE DIRECTIVE IS NECESSARY AND REASONABLE TO PREVENT OR REDUCE THE SPREAD OF THE DISEASE OR OUTBREAK BELIEVED TO HAVE BEEN CAUSED BY THE EXPOSURE TO A DEADLY AGENT.

2. IF FEASIBLE, IN MAKING A DETERMINATION UNDER THIS SUBPARAGRAPH, THE COURT MAY CONSIDER THE MEANS OF TRANSMISSION, THE DEGREE OF CONTAGION, AND, TO THE EXTENT POSSIBLE, THE DEGREE OF PUBLIC EXPOSURE TO THE DISEASE.

(II) 1. AN ORDER AUTHORIZING THE ISOLATION OR QUARANTINE ISSUED UNDER THIS PARAGRAPH SHALL:

A. IDENTIFY THE ISOLATED OR QUARANTINED INDIVIDUAL OR GROUP OF INDIVIDUALS BY NAME OR SHARED CHARACTERISTICS;

B. SPECIFY FACTUAL FINDINGS WARRANTING ISOLATION OR QUARANTINE; AND

C. EXCEPT AS PROVIDED IN SUB-SUBPARAGRAPH 2 OF THIS SUB-PARAGRAPH, BE IN WRITING AND GIVEN TO THE INDIVIDUAL OR GROUP OF INDIVIDUALS.

2. IF THE COURT DETERMINES THAT THE NOTICE REQUIRED IN SUB-SUBPARAGRAPH 1C OF THIS SUBPARAGRAPH IS IMPRACTICAL BECAUSE OF THE NUMBER OF INDIVIDUALS OR GEOGRAPHICAL AREAS AFFECTED, THE COURT SHALL ENSURE THAT THE AFFECTED INDIVIDUALS ARE FULLY INFORMED OF THE ORDER USING THE BEST POSSIBLE MEANS AVAILABLE.

(III) AN ORDER AUTHORIZING ISOLATION OR QUARANTINE IS EFFECTIVE FOR A PERIOD NOT TO EXCEED 30 DAYS.

(IV) 1. PRIOR TO THE EXPIRATION OF AN ORDER, THE SECRETARY OR DESIGNATED OFFICIAL MAY MOVE TO CONTINUE ISOLATION OR QUARANTINE FOR SUBSEQUENT 30-DAY PERIODS.

2. THE COURT SHALL BASE ITS DECISION ON THE STANDARDS PROVIDED UNDER THIS PARAGRAPH.

(6) IN THE EVENT THAT AN INDIVIDUAL CANNOT PERSONALLY APPEAR BEFORE THE COURT, PROCEEDINGS MAY BE CONDUCTED:

(I) BY AN INDIVIDUAL'S AUTHORIZED REPRESENTATIVE; AND

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(II) THROUGH ANY MEANS THAT ALLOWS OTHER INDIVIDUALS TO FULLY PARTICIPATE.

(7) IN ANY PROCEEDINGS BROUGHT UNDER THIS SUBSECTION, THE COURT MAY ORDER THE CONSOLIDATION OF INDIVIDUAL CLAIMS INTO GROUP CLAIMS WHERE:

(I) THE NUMBER OF INDIVIDUALS INVOLVED OR AFFECTED IS SO LARGE AS TO RENDER INDIVIDUAL PARTICIPATION IMPRACTICAL;

(II) THERE ARE QUESTIONS OF LAW OR FACT COMMON TO THE INDIVIDUAL CLAIMS OR RIGHTS TO BE DETERMINED;

(III) THE GROUP CLAIMS OR RIGHTS TO BE DETERMINED ARE TYPICAL OF THE AFFECTED INDIVIDUAL'S CLAIMS OR RIGHTS; OR

(IV) THE ENTIRE GROUP WILL BE ADEQUATELY REPRESENTED IN THE CONSOLIDATION.

(C) THE COURT SHALL APPOINT COUNSEL TO REPRESENT INDIVIDUALS OR A GROUP OF INDIVIDUALS WHO ARE NOT OTHERWISE REPRESENTED BY COUNSEL.

(D) THE COURT OF APPEALS SHALL DEVELOP EMERGENCY RULES OF PROCEDURE TO FACILITATE THE EFFICIENT ADJUDICATION OF ANY PROCEEDINGS BROUGHT UNDER THIS SECTION.

(E) IT SHALL BE UNLAWFUL FOR ANY PUBLIC OR PRIVATE EMPLOYER TO DISCHARGE AN EMPLOYEE WHO IS UNDER AN ORDER OF ISOLATION OR QUARANTINE OR BECAUSE OF SUCH AN ORDER.”;

and in line 26, strike “18-906.” and substitute “18-907.”.

AMENDMENT NO. 11

On page 8, in line 31, strike “FELONY” and substitute “MISDEMEANOR”; in line 32, strike

“2 YEARS,” and substitute “1 YEAR”; in the same line, strike “\$5,000,” and substitute “\$3,000”; and in line 35, strike “\$10,000” and substitute “\$3,000”.

On page 9, in line 8, strike “\$10,000” and substitute “\$3,000”.

AMENDMENT NO. 12

On page 9, after line 9, insert:

“(D) A HEALTH CARE PROVIDER ACTING IN GOOD FAITH AND IN ACCORDANCE WITH A CATASTROPHIC HEALTH EMERGENCY DISEASE SURVEILLANCE AND RESPONSE PROGRAM IS IMMUNE FROM CIVIL OR CRIMINAL LIABILITY RELATED TO THOSE ACTIONS, UNLESS THE HEALTH CARE PROVIDER ACTS WITH WILLFUL MISCONDUCT.”

AMENDMENT NO. 13

On page 9, in line 11, before the first “ON” insert “(A)”; in lines 11 and 12, strike “AND ON OR BEFORE EVERY DECEMBER 31 OF EACH SUCCEEDING YEAR THROUGH 2005.”; strike beginning with the second “THE” in line 14 down through “PROGRAM” in line 16 and substitute “ANY PLANS, PROCEDURES, OR PROTOCOLS DEVELOPED UNDER THIS SUBTITLE OR ANY RECOMMENDATIONS FOR ADDITIONAL LEGISLATION THAT MAY BE NECESSARY TO RESPOND TO A CATASTROPHIC HEALTH EMERGENCY.”

(B) THE SECRETARY SHALL UPDATE THE REPORT REQUIRED UNDER SUBSECTION (A) OF THIS SECTION EVERY 3 YEARS OR WHEN ANY PLAN, PROCEDURE, OR PROTOCOL DEVELOPED UNDER THIS SUBTITLE OR ANY OTHER PROVISION OF THIS SUBTITLE IS USED IN ORDER TO DETECT A CATASTROPHIC HEALTH EMERGENCY”;

and strike in their entirety lines 17 through 22, inclusive, and substitute:

“SECTION 2. AND BE IT FURTHER ENACTED, That after an executive order proclaiming the existence of a catastrophic health emergency is rescinded, the State shall make reasonable efforts to determine the costs associated with health care providers’ compliance with the

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proclamation and, based on that information, include health care providers in any application for State and federal financial aid as appropriate.

SECTION 3. AND BE IT FURTHER ENACTED, That the Secretary of Health and Mental Hygiene shall develop a process and work collaboratively, to the extent feasible, with the Maryland Emergency Management Agency, the Maryland Institute for Emergency Medical Services Systems, health care providers, including the Association of Maryland Hospitals & Health Systems and the Maryland State Medical Society, and interested parties on the implementation of this Act. In implementing the requirements of this Act, the Secretary shall use every attempt to build on existing health and medical disaster preparedness plans.

SECTION 4. AND BE IT FURTHER ENACTED, That the Secretary shall adopt regulations to ensure that any individual subject to isolation or quarantine under the provisions of this Act shall receive appropriate and adequate care which may include daily monitoring of the individual's care, and to the extent feasible, provisions for communication of information and recognition of cultural and religious beliefs."

AMENDMENT NO. 14

On page 9, in lines 12 and 13, strike "OF HEALTH AND MENTAL HYGIENE"; and in line 13, after "REPORT" insert "TO THE GOVERNOR AND"; before line 23, insert:

"SECTION 5. AND BE IT FURTHER ENACTED, That the Department of Health and Mental Hygiene shall adopt regulations for health care facilities to follow in providing for the needs of pediatric patients, related to:

- (1) staff training needs;
- (2) stockpiling of equipment, medication, and supplies necessary to address a catastrophic health emergency;
- (3) treatment and decontamination protocols; and
- (4) the coordination of services with other public and private entities.

SECTION 6. AND BE IT FURTHER ENACTED, That if any provision of this Act or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Act which can be given effect without the invalid provision or application, and for this purpose the provisions of this Act are declared severable.”;

in line 10, strike “18-907.” and substitute “18-908”; and in line 23, strike “3.” and substitute “7.”.