

HOUSE BILL 296
EMERGENCY BILL

Unofficial Copy
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2002 Regular Session
(2r0171)

ENROLLED BILL

-- Environmental Matters/Education, Health, and Environmental Affairs --

Introduced by **The Speaker (Administration) and Delegates Cole, D. Davis,
Doory, Hammen, Hubbard, McHale, McIntosh, Morhaim, Oaks, Phillips,
Turner, Vallario, and Wood**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Catastrophic Health Emergencies - Powers of the Governor and the**
3 **Secretary of Health and Mental Hygiene**

4 FOR the purpose of authorizing the Governor to ~~proclaim~~ issue an order proclaiming
5 the existence of a catastrophic health emergency; specifying the powers of the
6 Governor during a catastrophic health emergency; specifying when a
7 proclamation of a catastrophic health emergency will expire; specifying the
8 contents of an order; requiring the Secretary of Health and Mental Hygiene to
9 issue a certain directive in a certain manner; providing for the contents of the
10 directive; providing for a hearing to contest the directive; authorizing certain
11 individuals to request a hearing in circuit court under certain circumstances;
12 requiring the circuit court to follow certain procedures under certain
13 circumstances; requiring the Court of Appeals to develop certain emergency
14 rules of procedure; providing for civil and criminal immunity for health care
15 providers under certain circumstances; requiring the State to include health

1 care providers in any application for financial aid under certain circumstances;
 2 authorizing the Secretary of Health and Mental Hygiene to exercise certain
 3 duties under certain circumstances in order to maintain an effective disease
 4 surveillance system; authorizing the Secretary to require certain health care
 5 facilities to develop and implement certain contingency plans; requiring the
 6 Secretary to develop certain protocols; authorizing the Secretary to require
 7 certain health care practitioners to implement certain plans; requiring the
 8 Secretary to develop a process to license, certify, and credential health care
 9 practitioners under certain circumstances; prohibiting certain persons from
 10 disclosing certain information; authorizing the Secretary to perform certain
 11 duties when investigating actual or potential exposures to certain deadly
 12 agents; specifying certain penalties under certain circumstances; requiring the
 13 Maryland Emergency Management Agency to coordinate efforts with the
 14 Maryland Institute for Emergency Medical Services Systems and the
 15 Department of Health and Mental Hygiene; requiring a certain report by a
 16 certain date; requiring the Secretary to work collaboratively with the Maryland
 17 Emergency Management Agency, the Maryland Institute for Emergency Medical
 18 Services Systems, certain health care providers, and other interested parties on
 19 the implementation of this Act; making provisions of this Act severable;
 20 requiring the Secretary to adopt certain regulations; making this Act an
 21 emergency measure; defining certain terms; and generally relating to
 22 catastrophic health emergencies.

23 BY adding to

24 Article 41 - Governor - Executive and Administrative Departments
 25 Section 2-201 through 2-204, inclusive, to be under the new subtitle "Subtitle
 26 2. Governor's Emergency Powers - Catastrophic Health Emergencies"
 27 Annotated Code of Maryland
 28 (1997 Replacement Volume and 2001 Supplement)

29 BY adding to

30 Article - Health - General
 31 Section 18-901 through ~~18-907~~ 18-908, inclusive, to be under the new subtitle
 32 "Subtitle 9. Catastrophic Health Emergency Disease Surveillance and
 33 Response Program"
 34 Annotated Code of Maryland
 35 (2000 Replacement Volume and 2001 Supplement)

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

Article 41 - Governor - Executive and Administrative Departments

SUBTITLE 2. GOVERNOR'S EMERGENCY POWERS - CATASTROPHIC HEALTH EMERGENCIES.

4 2-201.

5 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
6 INDICATED.

7 (B) (1) "CATASTROPHIC HEALTH EMERGENCY" MEANS AN IMMINENT
8 THREAT OF EXTENSIVE LOSS OF LIFE OR OF SERIOUS DISABILITY CAUSED BY
9 EXPOSURE TO A DEADLY AGENT.

10 (2) "DEADLY AGENT" MEANS:

11 (I) ANTHRAX, EBOLA, PLAGUE, SMALLPOX, TULAREMIA, OR OTHER
12 BACTERIAL, FUNGAL, RICKETTSIAL, OR VIRAL AGENT, BIOLOGICAL TOXIN, OR OTHER
13 AGENT CAPABLE OF CAUSING EXTENSIVE LOSS OF LIFE OR SERIOUS DISABILITY;

14 (II) MUSTARD GAS, NERVE GAS, OR OTHER CHEMICAL AGENT
15 CAPABLE OF CAUSING EXTENSIVE LOSS OF LIFE OR SERIOUS DISABILITY; OR

16 (III) RADIATION AT LEVELS CAPABLE OF CAUSING EXTENSIVE LOSS
17 OF LIFE OR SERIOUS DISABILITY.

18 (3) "EXPOSURE TO A DEADLY AGENT" MEANS A THREAT TO HUMAN
19 HEALTH CAUSED BY:

20 (I) ~~THE RELEASE OR DISTRIBUTION~~ RELEASE, DISTRIBUTION, OR
21 TRANSMISSION OF A DEADLY AGENT IN MARYLAND; OR

22 (II) ~~THE RELEASE OR DISTRIBUTION~~ RELEASE, DISTRIBUTION, OR
23 TRANSMISSION OF A DEADLY AGENT IN ANOTHER JURISDICTION THAT POSES AN
24 IMMINENT THREAT TO MARYLAND CITIZENS THROUGH THE MOVEMENT OF
25 EXPOSED INDIVIDUALS, ~~WIND CURRENTS~~, OR OTHER CAUSE INTO THE STATE.

26 (4) "HEALTH CARE FACILITY" HAS THE MEANING STATED IN §
27 19-114(E)(1) OF THE HEALTH - GENERAL ARTICLE.

28 (5) (I) "HEALTH CARE PRACTITIONER" HAS THE MEANING STATED IN §
29 19-114(F) OF THE HEALTH - GENERAL ARTICLE.

30 (II) "HEALTH CARE PRACTITIONER" INCLUDES AN INDIVIDUAL
31 LICENSED OR CERTIFIED AS AN EMERGENCY MEDICAL SERVICES PROVIDER UNDER
32 § 13-516 OF THE EDUCATION ARTICLE.

33 (6) "HEALTH CARE PROVIDER" MEANS:

34 (I) A HEALTH CARE FACILITY; OR

1 (II) A HEALTH CARE PRACTITIONER.

2 (7) "SECRETARY" MEANS THE SECRETARY OF HEALTH AND MENTAL
3 HYGIENE.

4 2-202.

5 (A) IF THE GOVERNOR DETERMINES THAT EXPOSURE TO A DEADLY AGENT
6 PRESENTS AN IMMINENT THREAT OF EXTENSIVE LOSS OF LIFE OR OF SERIOUS
7 DISABILITY, THE GOVERNOR MAY ISSUE AN EXECUTIVE ORDER PROCLAIMING
8 ~~PROCLAIM~~ THE EXISTENCE OF A CATASTROPHIC HEALTH EMERGENCY.

9 (B) FOLLOWING A PROCLAMATION UNDER SUBSECTION (A) OF THIS SECTION,
10 THE GOVERNOR MAY ORDER:

11 (1) ~~THE SECRETARY OR OTHER DESIGNATED OFFICIAL TO:~~

12 ~~(I) USE APPROPRIATE MEANS TO REDUCE MORBIDITY AND~~
13 ~~MORTALITY CAUSED BY A CATASTROPHIC HEALTH EMERGENCY; AND~~

14 ~~(II) ENSURE TO THE GREATEST EXTENT FEASIBLE THAT ALL~~
15 ~~PERSONS EXPOSED TO A DEADLY AGENT ARE SUBJECT TO APPROPRIATE~~
16 ~~TREATMENT AND CONTROL.~~

17 ~~(3) THE SECRETARY OR OTHER DESIGNATED OFFICIAL TO TAKE~~
18 ~~IMMEDIATE POSSESSION OF ANY ITEM OR MATERIAL NEEDED TO RESPOND TO THE~~
19 ~~MEDICAL CONSEQUENCES OF THE CATASTROPHIC HEALTH EMERGENCY AND TO~~
20 ~~WORK COLLABORATIVELY, TO THE EXTENT FEASIBLE, WITH HEALTH CARE~~
21 ~~PROVIDERS TO DESIGNATE AND GAIN ACCESS TO A FACILITY NEEDED TO RESPOND~~
22 ~~TO THE CATASTROPHIC HEALTH EMERGENCY;~~

23 ~~(4) (2) ANY HEALTH CARE PROVIDER WHO DOES NOT VOLUNTARILY~~
24 ~~PARTICIPATE, TO PARTICIPATE IN DISEASE SURVEILLANCE, TREATMENT, AND~~
25 ~~SUPPRESSION EFFORTS OR OTHERWISE ACT IN ACCORDANCE WITH THE DIRECTIVES~~
26 ~~OF THE SECRETARY OR OTHER DESIGNATED OFFICIAL;~~

27 ~~(4) (3) THE SECRETARY OR OTHER DESIGNATED OFFICIAL TO~~
28 ~~CONTROL, RESTRICT, OR REGULATE THE USE, SALE, DISPENSING, DISTRIBUTION OR~~
29 ~~TRANSPORTATION OF ANY ITEM OR MATERIAL NEEDED TO RESPOND TO THE~~
30 ~~MEDICAL CONSEQUENCES OF THE CATASTROPHIC HEALTH EMERGENCY BY:~~

31 (I) RATIONING;

32 (II) THE CREATION AND DISTRIBUTION OF STOCKPILES;

33 (III) THE USE OF QUOTAS;

34 (IV) THE PROHIBITION OF SHIPMENTS;

35 (V) THE SETTING OF PRICES; OR

1 (VI) OTHER APPROPRIATE MEANS;

2 ~~(5)~~ ~~(4)~~ ~~(4)~~ WHEN MEDICALLY NECESSARY AND REASONABLE TO
 3 TREAT, PREVENT, OR REDUCE THE SPREAD OF THE DISEASE OR OUTBREAK
 4 BELIEVED TO HAVE BEEN CAUSED BY THE EXPOSURE TO A DEADLY AGENT, THE
 5 SECRETARY OR OTHER DESIGNATED OFFICIAL TO:

6 ~~(4)~~ ~~1~~ (I) REQUIRE INDIVIDUALS TO SUBMIT TO MEDICAL
 7 EXAMINATION OR TESTING;

8 ~~(4)~~ ~~2~~ (II) UNLESS THE VACCINATION OR MEDICAL
 9 TREATMENT WILL LIKELY CAUSE SERIOUS HARM TO THE INDIVIDUAL ~~OR CONFLICTS~~
 10 ~~WITH THE INDIVIDUAL'S BONA FIDE RELIGIOUS BELIEFS AND PRACTICES, REQUIRE~~
 11 THE INDIVIDUAL TO SUBMIT TO VACCINATION OR MEDICAL TREATMENT;

12 ~~(4)~~ ~~3~~ (III) ESTABLISH PLACES OF TREATMENT, ISOLATION,
 13 AND QUARANTINE; AND

14 ~~(4)~~ ~~4~~ (IV) REQUIRE INDIVIDUALS TO GO TO AND REMAIN IN
 15 PLACES OF ISOLATION AND QUARANTINE; UNTIL THE SECRETARY OR OTHER
 16 DESIGNATED OFFICIAL DETERMINES THAT THE INDIVIDUALS NO LONGER POSE A
 17 SUBSTANTIAL RISK OF TRANSMITTING THE DISEASE OR CONDITION TO THE PUBLIC;

18 ~~(6)~~ ~~(5)~~ THE EVACUATION, CLOSING, OR DECONTAMINATION OF ANY
 19 FACILITY;

20 ~~(7)~~ ~~(6)~~ INDIVIDUALS TO REMAIN INDOORS OR REFRAIN FROM
 21 CONGREGATING UNTIL FURTHER ~~ORDER ORDERED IF NECESSARY AND~~
 22 REASONABLE IN ORDER TO SAVE LIVES OR PREVENT EXPOSURE TO A DEADLY
 23 AGENT; AND

24 ~~(8)~~ ~~(7)~~ SUCH OTHER ACTIONS AS ARE DEEMED NECESSARY TO
 25 ~~REDUCE MORBIDITY AND MORTALITY CAUSED BY~~ RESPOND TO THE CATASTROPHIC
 26 HEALTH EMERGENCY.

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

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

38 (II) THE DIRECTIVE SHALL SPECIFY:

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

3 2. THE PREMISES SUBJECT TO ISOLATION OR QUARANTINE;

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

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

8 5. A STATEMENT OF THE BASIS UPON WHICH ISOLATION OR
9 QUARANTINE IS JUSTIFIED; AND

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

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

17 B. 2. A. IF THE SECRETARY OR OTHER DESIGNATED
18 OFFICIAL DETERMINES THAT THE NOTICE REQUIRED IN ~~SUB-SUB-PARAGRAPH~~
19 ~~A SUB-SUBPARAGRAPH 1~~ OF THIS ~~SUB-SUBPARAGRAPH~~ SUBPARAGRAPH IS
20 IMPRACTICAL BECAUSE OF THE NUMBER OF INDIVIDUALS OR GEOGRAPHICAL
21 AREAS AFFECTED, THE SECRETARY OR OTHER DESIGNATED OFFICIAL SHALL
22 ENSURE THAT THE AFFECTED INDIVIDUALS ARE FULLY INFORMED OF THE
23 DIRECTIVE USING THE BEST POSSIBLE MEANS AVAILABLE.

24 2. B. IF THE DIRECTIVE APPLIES TO A GROUP OF
25 INDIVIDUALS AND IT IS IMPRACTICAL TO PROVIDE INDIVIDUAL WRITTEN COPIES
26 UNDER ~~SUB-SUBPARAGRAPH 4A 1~~ OF THIS SUBPARAGRAPH, THE WRITTEN
27 DIRECTIVE MAY BE POSTED IN A CONSPICUOUS PLACE IN THE ISOLATION OR
28 QUARANTINE PREMISES.

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

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

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

37 (4) (I) IN ANY PROCEEDINGS BROUGHT FOR RELIEF UNDER THIS
38 SUBSECTION, THE COURT MAY EXTEND THE TIME FOR A HEARING UPON A SHOWING

1 BY THE SECRETARY OR OTHER DESIGNATED OFFICIAL THAT EXTRAORDINARY
2 CIRCUMSTANCES EXIST THAT JUSTIFY THE EXTENSION.

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

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

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

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

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

20 2. B. SPECIFY FACTUAL FINDINGS WARRANTING
21 ISOLATION OR QUARANTINE; AND

22 3. A. C. EXCEPT AS PROVIDED IN
23 ~~SUB-SUB-PARAGRAPH B OF THIS SUB-SUBPARAGRAPH SUB-SUBPARAGRAPH 2~~
24 ~~OF THIS SUBPARAGRAPH,~~ BE IN WRITING AND GIVEN TO THE INDIVIDUAL OR GROUP
25 OF INDIVIDUALS.

26 ~~B. 2. IF THE COURT DETERMINES THAT THE NOTICE~~
27 ~~REQUIRED IN SUB-SUB-PARAGRAPH A OF THIS SUB-SUBPARAGRAPH~~
28 ~~SUB-SUBPARAGRAPH 1C OF THIS SUBPARAGRAPH IS IMPRACTICAL BECAUSE OF THE~~
29 ~~NUMBER OF INDIVIDUALS OR GEOGRAPHICAL AREA AFFECTED, THE COURT SHALL~~
30 ~~ENSURE THAT THE AFFECTED INDIVIDUALS ARE FULLY INFORMED OF THE ORDER~~
31 ~~USING THE BEST POSSIBLE MEANS AVAILABLE.~~

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

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

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

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

3 (I) BY AN INDIVIDUAL'S AUTHORIZED REPRESENTATIVE ~~AND MAY~~
4 ~~BE ASSISTED; AND~~

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

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

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

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

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

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

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

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

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

26 (1) THE NATURE OF THE CATASTROPHIC HEALTH EMERGENCY;

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

28 (3) THE CONDITIONS THAT HAVE BROUGHT THE CATASTROPHIC
29 HEALTH EMERGENCY ABOUT OR THAT MAKE POSSIBLE THE TERMINATION OF THE
30 EMERGENCY.

31 ~~(C)~~ (F) A PROCLAMATION BY THE GOVERNOR UNDER THIS SECTION:

32 (1) SHALL BE RESCINDED BY THE GOVERNOR WHENEVER THE
33 GOVERNOR DETERMINES THAT A THE CATASTROPHIC HEALTH EMERGENCY NO
34 LONGER EXISTS;

35 (2) UNLESS RENEWED, SHALL EXPIRE 30 DAYS AFTER ISSUANCE; AND

1 (3) MAY BE RENEWED BY THE GOVERNOR FOR SUCCESSIVE PERIODS,
 2 EACH NOT TO EXCEED 30 DAYS, IF THE GOVERNOR DETERMINES THAT A
 3 CATASTROPHIC HEALTH EMERGENCY CONTINUES TO EXIST.

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

8 2-203.

9 THE AUTHORITY GRANTED UNDER THIS SUBTITLE IS IN ADDITION TO, AND NOT
 10 IN DEROGATION OF, ANY OTHER AUTHORITY THAT THE GOVERNOR, THE SECRETARY,
 11 OR ANY OTHER PUBLIC OFFICIAL MAY EXERCISE UNDER OTHER LAW.

12 2-204.

13 (A) A PERSON MAY NOT KNOWINGLY AND WILLFULLY FAIL TO COMPLY WITH
 14 ANY ORDER, REQUIREMENT, OR DIRECTIVE ISSUED IN ACCORDANCE WITH THIS
 15 ~~SECTION~~ SUBTITLE.

16 (B) A PERSON WHO VIOLATES SUBSECTION (A) OF THIS SECTION IS GUILTY OF
 17 A ~~FELONY~~ MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT
 18 EXCEEDING ~~3 YEARS~~, 1 YEAR OR A FINE NOT EXCEEDING ~~\$10,000~~, \$5,000 OR BOTH.

19 **Article - Health - General**

20 SUBTITLE 9. CATASTROPHIC HEALTH EMERGENCY DISEASE SURVEILLANCE AND
 21 RESPONSE PROGRAM.

22 18-901.

23 (A) IN THIS ~~SECTION~~ SUBTITLE THE FOLLOWING WORDS HAVE THE
 24 MEANINGS INDICATED.

25 (B) "CATASTROPHIC HEALTH EMERGENCY" HAS THE MEANING STATED IN
 26 ARTICLE 41, § ~~2-201~~ 2-104 OF THE CODE.

27 (C) "DEADLY AGENT" HAS THE MEANING STATED IN ARTICLE 41, § ~~2-201~~ 2-104
 28 OF THE CODE.

29 (D) "EXPOSURE TO A DEADLY AGENT" HAS THE MEANING STATED IN ARTICLE
 30 41, § ~~2-201~~ 2-104 OF THE CODE.

31 (E) "HEALTH CARE FACILITY" HAS THE MEANING STATED IN ~~ARTICLE 41, §~~
 32 ~~2-201 OF THE CODE~~ § 19-114(E)(1) OF THIS ARTICLE.

33 (F) (1) "HEALTH CARE PRACTITIONER" HAS THE MEANING STATED IN
 34 ~~ARTICLE 41, § 2-201 OF THE CODE~~ § 19-114(F) OF THIS ARTICLE.

1 (2) "HEALTH CARE PRACTITIONER" INCLUDES AN INDIVIDUAL
 2 LICENSED OR CERTIFIED AS AN EMERGENCY MEDICAL SERVICES PROVIDER UNDER
 3 § 13-516 OF THE EDUCATION ARTICLE.

4 (G) "HEALTH CARE PROVIDER" ~~HAS THE MEANING STATED IN ARTICLE 41, §~~
 5 ~~2-201 OF THE CODE~~ MEANS:

6 ~~(1)~~ (1) A HEALTH CARE FACILITY; OR

7 ~~(2)~~ (2) A HEALTH CARE PRACTITIONER.

8 18-902.

9 NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE SECRETARY MAY
 10 EXERCISE THE AUTHORITY GRANTED IN THIS SUBTITLE TO:

11 (1) CONTINUOUSLY EVALUATE AND MODIFY EXISTING DISEASE
 12 SURVEILLANCE PROCEDURES IN ORDER TO DETECT A CATASTROPHIC HEALTH
 13 EMERGENCY;

14 (2) INVESTIGATE ACTUAL OR POTENTIAL EXPOSURES TO A DEADLY
 15 AGENT; AND

16 (3) ~~MINIMIZE POTENTIAL MORBIDITY AND MORTALITY CAUSED BY A~~
 17 ~~CATASTROPHIC HEALTH EMERGENCY~~ TREAT, PREVENT, OR REDUCE THE SPREAD OF
 18 THE DISEASE OR OUTBREAK BELIEVED TO HAVE BEEN CAUSED BY THE EXPOSURE
 19 TO A DEADLY AGENT.

20 18-903.

21 (A) (1) IN ACCORDANCE WITH PROCEDURES TO BE ADOPTED BY THE
 22 DEPARTMENT, THE SECRETARY, IN CONSULTATION WITH HEALTH CARE FACILITIES,
 23 MAY REQUIRE HEALTH CARE FACILITIES TO DEVELOP AND IMPLEMENT
 24 CONTINGENCY PLANS ADDRESSING:

25 (I) STAFF TRAINING NEEDS;

26 (II) STOCKPILING OF EQUIPMENT, MEDICATION, AND SUPPLIES
 27 NECESSARY TO ADDRESS A CATASTROPHIC HEALTH EMERGENCY;

28 (III) TREATMENT AND DECONTAMINATION PROTOCOLS;

29 (IV) THE COORDINATION OF SERVICES WITH OTHER PUBLIC AND
 30 PRIVATE ENTITIES; AND

31 (V) ANY OTHER AREA THAT THE SECRETARY DETERMINES IS
 32 NECESSARY TO ASSIST IN THE EARLY DETECTION AND TREATMENT OF AN
 33 INDIVIDUAL EXPOSED TO A DEADLY AGENT.

34 (2) TO THE EXTENT FEASIBLE, THE PROCEDURES TO BE ADOPTED BY
 35 THE DEPARTMENT UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE

1 CONSISTENT WITH ACCREDITATION REQUIREMENTS OF THE JOINT COMMISSION ON
2 THE ACCREDITATION OF HEALTH CARE ORGANIZATIONS.

3 (B) AFTER CONSULTING WITH THE APPROPRIATE LICENSING BOARD, THE
4 SECRETARY:

5 (1) SHALL PUBLISH PROTOCOLS TO ASSIST HEALTH CARE
6 PRACTITIONERS IN DEVELOPING PLANS TO RESPOND TO A CATASTROPHIC HEALTH
7 EMERGENCY; AND

8 (2) MAY, IF NECESSARY, REQUIRE HEALTH CARE PRACTITIONERS TO
9 IMPLEMENT THE PLANS DEVELOPED UNDER ITEM (1) OF THIS SUBSECTION.

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

13 18-904.

14 (A) IN THIS SECTION, "INFORMATION" MEANS MEDICAL, EPIDEMIOLOGICAL,
15 OR OTHER DATA CONCERNING A SPECIFIC INDIVIDUAL OR A GROUP OF
16 INDIVIDUALS, REGARDLESS ~~IF~~ OF WHETHER THE INFORMATION IS OTHERWISE
17 DEEMED CONFIDENTIAL ~~BY LAW~~ UNDER TITLE 4 OF THIS ARTICLE OR AS OTHERWISE
18 PROVIDED UNDER LAW.

19 (B) IN ORDER TO MAINTAIN AN EFFECTIVE DISEASE SURVEILLANCE SYSTEM
20 FOR DETECTING WHETHER INDIVIDUALS HAVE BEEN EXPOSED TO A DEADLY AGENT,
21 THE SECRETARY MAY BY ORDER, DIRECTIVE, OR REGULATION:

22 (1) REQUIRE A HEALTH CARE PROVIDER OR OTHER PERSON TO REPORT
23 INFORMATION TO THE SECRETARY OR OTHER PUBLIC OFFICIAL ON THE
24 FOLLOWING:

25 (I) THE PRESENCE OF AN INDIVIDUAL OR GROUP OF INDIVIDUALS
26 WITH SPECIFIED ILLNESSES OR SYMPTOMS;

27 (II) DIAGNOSTIC AND LABORATORY FINDINGS RELATING TO
28 DISEASES CAUSED BY DEADLY AGENTS;

29 (III) STATISTICAL OR UTILIZATION TRENDS RELATING TO
30 POTENTIAL DISEASE OUTBREAKS;

31 (IV) INFORMATION NEEDED TO CONDUCT CONTACT TRACING FOR
32 EXPOSED INDIVIDUALS; AND

33 (V) OTHER DATA DEEMED BY THE SECRETARY TO HAVE
34 EPIDEMIOLOGICAL SIGNIFICANCE IN DETECTING POSSIBLE CATASTROPHIC HEALTH
35 EMERGENCIES;

1 (2) OBTAIN ACCESS TO INFORMATION IN THE POSSESSION OF A HEALTH
2 CARE PROVIDER;

3 (3) REQUIRE OR AUTHORIZE A HEALTH CARE PROVIDER TO DISCLOSE
4 INFORMATION TO AN AGENCY OF THE FEDERAL, STATE, OR LOCAL GOVERNMENT OR
5 ANOTHER HEALTH CARE PROVIDER;

6 (4) REQUIRE A HEALTH CARE PROVIDER OR OTHER PERSON TO SUBMIT
7 REPORTS TO THE DEPARTMENT CONTAINING INFORMATION DETAILING THE
8 PRESENCE AND USE OF DEADLY AGENTS;

9 (5) OBTAIN ACCESS TO PREMISES IN ORDER TO SECURE
10 ENVIRONMENTAL SAMPLES AND OTHERWISE INVESTIGATE ACTUAL OR POTENTIAL
11 EXPOSURES TO DEADLY AGENTS; AND

12 (6) REQUIRE A VETERINARIAN OR OTHER PERSON TO REPORT DATA
13 RELATING TO SPECIFIED ILLNESSES OR SYMPTOMS IN ANIMAL POPULATIONS.

14 (C) THE SECRETARY, IN ACQUIRING INFORMATION UNDER SUBSECTION (B) OF
15 THIS SECTION, SHALL:

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

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

21 ~~(C)~~ (D) (1) ANY INFORMATION THAT THE SECRETARY RECEIVES UNDER
22 SUBSECTION (B) OF THIS SECTION IS CONFIDENTIAL AND MAY BE USED OR
23 DISCLOSED ONLY IN ACCORDANCE WITH THIS SECTION.

24 ~~(+)~~ (2) IF THE INFORMATION REQUESTED IN SUBSECTION (B) OF THIS
25 SECTION IS OTHERWISE CONFIDENTIAL ~~BY LAW~~ UNDER TITLE 4 OF THIS ARTICLE OR
26 AS OTHERWISE PROVIDED UNDER LAW, A THE SECRETARY OR PERSON THAT
27 RECEIVES THE INFORMATION MAY NOT REDISCLOSE THE INFORMATION EXCEPT AS
28 PROVIDED IN PARAGRAPH ~~(2)~~ (3) OF THIS SUBSECTION.

29 ~~(2)~~ (3) A PERSON MAY REDISCLOSE THE INFORMATION TO ANOTHER
30 HEALTH CARE PROVIDER OR PUBLIC OFFICIAL PROVIDED THAT ~~THE SECRETARY~~
31 ~~DEEMS THE REDISCLOSURE NECESSARY FOR THE TREATMENT, CONTROL,~~
32 ~~INVESTIGATION, AND PREVENTION OF A CATASTROPHIC HEALTH EMERGENCY;~~

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

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

1 18-905.

2 (A) IN INVESTIGATING ACTUAL OR POTENTIAL EXPOSURES TO A DEADLY
3 AGENT, THE SECRETARY ~~MAY~~:

4 ~~(1) IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION,~~
5 ~~ESTABLISH, MAINTAIN, AND ENFORCE APPROPRIATE EVALUATION, ISOLATION,~~
6 ~~TREATMENT, AND QUARANTINE ORDERS FOR ANY PERSONS ACTUALLY OR~~
7 ~~POTENTIALLY EXPOSED TO A DEADLY AGENT;~~

8 (1) (I) ~~±~~ MAY ISSUE AN ORDER REQUIRING INDIVIDUALS WHOM
9 THE SECRETARY HAS REASON TO BELIEVE HAVE BEEN EXPOSED TO A DEADLY
10 AGENT TO SEEK APPROPRIATE AND NECESSARY EVALUATION AND TREATMENT.

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

18 ~~(II)~~ (III) IF A COMPETENT INDIVIDUAL OVER THE AGE OF 18
19 REFUSES VACCINATION, MEDICAL EXAMINATION, TREATMENT, OR TESTING UNDER
20 THIS PARAGRAPH, MAY REQUIRE THE INDIVIDUAL ~~SHALL BE REQUIRED~~ TO GO TO
21 AND REMAIN IN PLACES OF ISOLATION OR QUARANTINE UNTIL THE SECRETARY
22 DETERMINES THAT THE INDIVIDUAL NO LONGER POSES A SUBSTANTIAL RISK OF
23 TRANSMITTING THE DISEASE OR CONDITION TO THE PUBLIC.;

24 (2) MAY COORDINATE AND DIRECT THE EFFORTS OF ANY HEALTH
25 OFFICER OR HEALTH COMMISSIONER OF ANY SUBDIVISION IN SEEKING TO DETECT
26 OR RESPOND TO THREATS POSED BY A DEADLY AGENT; AND

27 (3) MAY ORDER ANY SHERIFF, DEPUTY SHERIFF, OR OTHER LAW
28 ENFORCEMENT OFFICER OF THE STATE OR ANY SUBDIVISION TO ASSIST IN THE
29 EXECUTION OR ENFORCEMENT OF ANY ORDER ISSUED UNDER THIS SUBTITLE.

30 (B) THE SECRETARY MAY ISSUE AN ORDER UNDER SUBSECTION (A) OF THIS
31 SECTION:

32 (1) IF, PRIOR TO THE ISSUANCE OF A PROCLAMATION UNDER ARTICLE
33 41, ~~§ 2-202~~ § 2-104 OF THE CODE, THE SECRETARY DETERMINES THAT THE DISEASE
34 OR OUTBREAK CAN BE MEDICALLY CONTAINED BY THE DEPARTMENT AND
35 APPROPRIATE HEALTH CARE PROVIDERS; AND

36 (2) AS NECESSARY TO IMPLEMENT AN ORDER ISSUED BY THE
37 GOVERNOR UNDER ARTICLE 41, ~~§ 2-202~~ § 2-104 OF THE CODE.

1 18-906.

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

6 (II) THE DIRECTIVE SHALL SPECIFY:

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

9 2. THE PREMISES SUBJECT TO ISOLATION OR QUARANTINE;

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

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

14 5. A STATEMENT OF THE BASIS UPON WHICH ISOLATION OR
 15 QUARANTINE IS JUSTIFIED; AND

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

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

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

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

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

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

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

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

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

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

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

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

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

27 2. B. SPECIFY FACTUAL FINDINGS WARRANTING
28 ISOLATION OR QUARANTINE; AND

29 3. C. EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF
30 THIS PARAGRAPH SUB-SUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, BE IN WRITING
31 AND GIVEN TO THE INDIVIDUAL OR GROUP OF INDIVIDUALS.

32 (III) 2. IF THE COURT DETERMINES THAT THE NOTICE REQUIRED
33 IN SUB-SUBPARAGRAPH 3 IC OF THIS SUBPARAGRAPH IS IMPRACTICAL BECAUSE OF
34 THE NUMBER OF INDIVIDUALS OR GEOGRAPHICAL AREAS AFFECTED, THE COURT
35 SHALL ENSURE THAT THE AFFECTED INDIVIDUALS ARE FULLY INFORMED OF THE
36 ORDER USING THE BEST POSSIBLE MEANS AVAILABLE.

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

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

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

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

8 (I) BY AN INDIVIDUAL'S AUTHORIZED REPRESENTATIVE AND MAY
9 BE ASSISTED; AND

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

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

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

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

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

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

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

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

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

31 ~~18-906.~~ 18-907.

32 (A) (1) A PERSON MAY NOT KNOWINGLY AND WILLFULLY FAIL TO COMPLY
33 WITH ANY ORDER, REGULATION, OR DIRECTIVE ISSUED IN ACCORDANCE WITH §
34 18-905 OF THIS SUBTITLE.

35 (2) A PERSON WHO VIOLATES PARAGRAPH (1) OF THIS SUBSECTION IS
36 GUILTY OF A ~~FELONY~~ MISDEMEANOR AND ON CONVICTION IS SUBJECT TO

1 IMPRISONMENT NOT EXCEEDING ~~2 YEARS~~ 1 YEAR, OR A FINE NOT EXCEEDING \$5,000,
2 \$3,000 OR BOTH.

3 (B) IF A HEALTH CARE FACILITY FAILS TO COMPLY WITH AN ORDER,
4 REGULATION, OR DIRECTIVE ISSUED UNDER § 18-903 OR § 18-904 OF THIS SUBTITLE,
5 THE SECRETARY MAY IMPOSE A CIVIL PENALTY NOT TO EXCEED ~~\$10,000~~ \$3,000 FOR
6 EACH OFFENSE.

7 (C) IF A HEALTH CARE PRACTITIONER FAILS TO COMPLY WITH AN ORDER,
8 REGULATION, OR DIRECTIVE ISSUED UNDER § 18-903 OR § 18-904 OF THIS SUBTITLE,
9 THE SECRETARY MAY REQUEST THE APPROPRIATE LICENSING BOARD TO TAKE
10 DISCIPLINARY ACTION AGAINST THE HEALTH CARE PRACTITIONER, INCLUDING:

11 (1) PLACING THE LICENSEE OR CERTIFICATE HOLDER ON PROBATION;

12 (2) SUSPENDING OR REVOKING THE LICENSE OR CERTIFICATE HOLDER;
13 OR

14 (3) IMPOSING A CIVIL PENALTY NOT TO EXCEED ~~\$10,000~~ \$3,000 FOR EACH
15 OFFENSE.

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

21 ~~18-907.~~ 18-908.

22 (A) ON OR BEFORE DECEMBER 31, 2002, ~~AND ON OR BEFORE EVERY~~
23 ~~DECEMBER 31 OF EACH SUCCEEDING YEAR THROUGH 2005,~~ THE SECRETARY OF
24 ~~HEALTH AND MENTAL HYGIENE SHALL SUBMIT A REPORT TO THE GOVERNOR AND~~
25 ~~TO THE GENERAL ASSEMBLY IN ACCORDANCE WITH § 2-1246 OF THE STATE~~
26 ~~GOVERNMENT ARTICLE REGARDING THE IMPLEMENTATION AND OPERATION OF~~
27 ~~MARYLAND'S CATASTROPHIC HEALTH EMERGENCY DISEASE SURVEILLANCE~~
28 ~~PROGRAM ANY PLANS, PROCEDURES, OR PROTOCOLS DEVELOPED UNDER THIS ACT~~
29 ~~SUBTITLE OR ANY RECOMMENDATIONS FOR ADDITIONAL LEGISLATION THAT MAY~~
30 ~~BE NECESSARY TO RESPOND TO A CATASTROPHIC HEALTH EMERGENCY.~~

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

36 ~~SECTION 2. AND BE IT FURTHER ENACTED, That the Maryland Emergency~~
37 ~~Management Agency shall coordinate efforts with the Maryland Institute for~~
38 ~~Emergency Medical Services Systems and the Department of Health and Mental~~
39 ~~Hygiene to assure that surveillance efforts to detect and respond to a catastrophic~~

1 ~~health emergency are conducted in a manner that support, and are not duplicative of,~~
2 ~~the State's overall emergency preparedness efforts.~~

3 SECTION 2. AND BE IT FURTHER ENACTED, That after an executive order
4 proclaiming the existence of a catastrophic health emergency is rescinded, the State
5 shall make reasonable efforts to determine the costs associated with health care
6 providers' compliance with the proclamation and, based on that information, include
7 health care providers in any application for State and federal financial aid as
8 appropriate.

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

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

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

25 (1) staff training needs;

26 (2) stockpiling of equipment, medication, and supplies necessary to
27 address a catastrophic health emergency;

28 (3) treatment and decontamination protocols; and

29 (4) the coordination of services with other public and private entities.

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

36 ~~SECTION 7.~~ SECTION 7. AND BE IT FURTHER ENACTED, That this Act is an
37 emergency measure, is necessary for the immediate preservation of the public health
38 or safety, has been passed by a yea and nay vote supported by three-fifths of all the
39 members elected to each of the two Houses of the General Assembly, and shall take
40 effect from the date it is enacted.