

HOUSE BILL 296
EMERGENCY BILL

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P3

2002 Regular Session
2lr0171
CF 2lr0168

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

Introduced and read first time: January 23, 2002

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 18, 2002

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
16 care providers in any application for financial aid under certain circumstances;
17 ~~authorizing the Secretary of Health and Mental Hygiene to exercise certain~~
18 ~~duties under certain circumstances in order to maintain an effective disease~~
19 ~~surveillance system; authorizing the Secretary to require certain health care~~
20 ~~facilities to develop and implement certain contingency plans; requiring the~~
21 ~~Secretary to develop certain protocols; authorizing the Secretary to require~~
22 ~~certain health care practitioners to implement certain plans; requiring the~~
23 ~~Secretary to develop a process to license, certify, and credential health care~~
24 ~~practitioners under certain circumstances; prohibiting certain persons from~~
25 ~~disclosing certain information; authorizing the Secretary to perform certain~~
26 ~~duties when investigating actual or potential exposures to certain deadly~~

1 agents; specifying certain penalties under certain circumstances; ~~requiring the~~
 2 ~~Maryland Emergency Management Agency to coordinate efforts with the~~
 3 ~~Maryland Institute for Emergency Medical Services Systems and the~~
 4 ~~Department of Health and Mental Hygiene~~; requiring a certain report by a
 5 certain date; ~~requiring the Secretary to work collaboratively with the Maryland~~
 6 ~~Emergency Management Agency, the Maryland Institute for Emergency Medical~~
 7 ~~Services Systems, certain health care providers, and other interested parties on~~
 8 ~~the implementation of this Act; making provisions of this Act severable;~~
 9 ~~requiring the Secretary to adopt certain regulations~~; making this Act an
 10 emergency measure; defining certain terms; and generally relating to
 11 catastrophic health emergencies.

12 BY adding to

13 Article 41 - Governor - Executive and Administrative Departments
 14 Section 2-201 through 2-204, inclusive, to be under the new subtitle "Subtitle
 15 2. Governor's Emergency Powers - Catastrophic Health Emergencies"
 16 Annotated Code of Maryland
 17 (1997 Replacement Volume and 2001 Supplement)

18 BY adding to

19 Article - Health - General
 20 Section 18-901 through ~~18-907~~ 18-908, inclusive, to be under the new subtitle
 21 "Subtitle 9. Catastrophic Health Emergency Disease Surveillance and
 22 Response Program"
 23 Annotated Code of Maryland
 24 (2000 Replacement Volume and 2001 Supplement)

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

27 **Article 41 - Governor - Executive and Administrative Departments**

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

30 2-201.

31 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
 32 INDICATED.

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

36 (2) "DEADLY AGENT" MEANS:

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

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

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

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

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

12 (II) ~~THE RELEASE OR DISTRIBUTION~~ RELEASE, DISTRIBUTION, OR
13 TRANSMISSION OF A DEADLY AGENT IN ANOTHER JURISDICTION THAT POSES AN
14 IMMEDIATE THREAT TO MARYLAND CITIZENS THROUGH THE MOVEMENT OF
15 EXPOSED INDIVIDUALS, ~~WIND CURRENTS~~, OR OTHER CAUSE INTO THE STATE.

16 (4) "HEALTH CARE FACILITY" HAS THE MEANING STATED IN §
17 19-114(E)(1) OF THE HEALTH - GENERAL ARTICLE.

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

20 (II) "HEALTH CARE PRACTITIONER" INCLUDES AN INDIVIDUAL
21 LICENSED OR CERTIFIED AS AN EMERGENCY MEDICAL SERVICES PROVIDER UNDER
22 § 13-516 OF THE EDUCATION ARTICLE.

23 (6) "HEALTH CARE PROVIDER" MEANS:

24 (I) A HEALTH CARE FACILITY; OR

25 (II) A HEALTH CARE PRACTITIONER.

26 (7) "SECRETARY" MEANS THE SECRETARY OF HEALTH AND MENTAL
27 HYGIENE.

28 2-202.

29 (A) IF THE GOVERNOR DETERMINES THAT EXPOSURE TO A DEADLY AGENT
30 PRESENTS AN IMMEDIATE THREAT OF EXTENSIVE LOSS OF LIFE OR OF SERIOUS
31 DISABILITY, THE GOVERNOR MAY ISSUE AN EXECUTIVE ORDER PROCLAIMING
32 ~~PROCLAIM~~ THE EXISTENCE OF A CATASTROPHIC HEALTH EMERGENCY.

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

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

1 (4) ~~USE APPROPRIATE MEANS TO REDUCE MORBIDITY AND~~
2 ~~MORTALITY CAUSED BY A CATASTROPHIC HEALTH EMERGENCY; AND~~

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

6 (2) THE SECRETARY OR OTHER DESIGNATED OFFICIAL TO TAKE
7 IMMEDIATE POSSESSION OF ANY ITEM OR MATERIAL NEEDED TO RESPOND TO THE
8 MEDICAL CONSEQUENCES OF THE CATASTROPHIC HEALTH EMERGENCY AND TO
9 WORK COLLABORATIVELY, TO THE EXTENT FEASIBLE, WITH HEALTH CARE
10 PROVIDERS TO DESIGNATE AND GAIN ACCESS TO A FACILITY NEEDED TO RESPOND
11 TO THE CATASTROPHIC HEALTH EMERGENCY;

12 (3) (2) ANY HEALTH CARE PROVIDER WHO DOES NOT VOLUNTARILY
13 PARTICIPATE TO PARTICIPATE IN DISEASE SURVEILLANCE, TREATMENT, AND
14 SUPPRESSION EFFORTS OR OTHERWISE ACT IN ACCORDANCE WITH THE DIRECTIVES
15 OF THE SECRETARY OR OTHER DESIGNATED OFFICIAL;

16 (4) (3) THE SECRETARY OR OTHER DESIGNATED OFFICIAL TO
17 CONTROL, RESTRICT, OR REGULATE THE USE, SALE, DISPENSING, DISTRIBUTION OR
18 TRANSPORTATION OF ANY ITEM OR MATERIAL NEEDED TO RESPOND TO THE
19 MEDICAL CONSEQUENCES OF THE CATASTROPHIC HEALTH EMERGENCY BY:

20 (I) RATIONING;

21 (II) THE CREATION AND DISTRIBUTION OF STOCKPILES;

22 (III) THE USE OF QUOTAS;

23 (IV) THE PROHIBITION OF SHIPMENTS;

24 (V) THE SETTING OF PRICES; OR

25 (VI) OTHER APPROPRIATE MEANS;

26 (5) (4) (1) WHEN MEDICALLY NECESSARY AND REASONABLE TO
27 TREAT, PREVENT, OR REDUCE THE SPREAD OF THE DISEASE OR OUTBREAK
28 BELIEVED TO HAVE BEEN CAUSED BY THE EXPOSURE TO A DEADLY AGENT, THE
29 SECRETARY OR OTHER DESIGNATED OFFICIAL TO:

30 (4) 1. REQUIRE INDIVIDUALS TO SUBMIT TO MEDICAL
31 EXAMINATION OR TESTING;

32 (4) 2. UNLESS THE VACCINATION OR MEDICAL TREATMENT
33 WILL LIKELY CAUSE SERIOUS HARM TO THE INDIVIDUAL ~~OR CONFLICTS WITH THE~~
34 ~~INDIVIDUAL'S BONA FIDE RELIGIOUS BELIEFS AND PRACTICES~~, REQUIRE THE
35 INDIVIDUAL TO SUBMIT TO VACCINATION OR MEDICAL TREATMENT;

1 ~~(III)~~ 3. ESTABLISH PLACES OF TREATMENT, ISOLATION, AND
2 QUARANTINE; AND

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

7 ~~(6)~~ (5) THE EVACUATION, CLOSING, OR DECONTAMINATION OF ANY
8 FACILITY;

9 (7) (6) INDIVIDUALS TO REMAIN INDOORS OR REFRAIN FROM
10 CONGREGATING UNTIL FURTHER ~~ORDER~~ ORDERED IF NECESSARY AND
11 REASONABLE IN ORDER TO SAVE LIVES OR PREVENT EXPOSURE TO A DEADLY
12 AGENT; AND

13 ~~(8)~~ (7) SUCH OTHER ACTIONS AS ARE DEEMED NECESSARY TO
14 ~~REDUCE MORBIDITY AND MORTALITY CAUSED BY~~ RESPOND TO THE CATASTROPHIC
15 HEALTH EMERGENCY.

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

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

27 (II) THE DIRECTIVE SHALL SPECIFY:

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

30 2. THE PREMISES SUBJECT TO ISOLATION OR QUARANTINE;

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

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

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

1 DEGREE OF CONTAGION, AND TO THE EXTENT POSSIBLE, THE DEGREE OF PUBLIC
2 EXPOSURE TO THE DISEASE.

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

5 1. IDENTIFY THE ISOLATED OR QUARANTINED INDIVIDUAL
6 OR GROUP OF INDIVIDUALS BY NAME OR SHARED CHARACTERISTICS;

7 2. SPECIFY FACTUAL FINDINGS WARRANTING ISOLATION OR
8 QUARANTINE; AND

9 3. A. EXCEPT AS PROVIDED IN SUB-SUB-SUBPARAGRAPH
10 B OF THIS SUB-SUBPARAGRAPH, BE IN WRITING AND GIVEN TO THE INDIVIDUAL OR
11 GROUP OF INDIVIDUALS.

12 B. IF THE COURT DETERMINES THAT THE NOTICE REQUIRED
13 IN SUB-SUB-SUBPARAGRAPH A OF THIS SUB-SUBPARAGRAPH IS IMPRACTICAL
14 BECAUSE OF THE NUMBER OF INDIVIDUALS OR GEOGRAPHICAL AREA AFFECTED,
15 THE COURT SHALL ENSURE THAT THE AFFECTED INDIVIDUALS ARE FULLY
16 INFORMED OF THE ORDER USING THE BEST POSSIBLE MEANS AVAILABLE.

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

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

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

24 (6) IN THE EVENT THAT AN INDIVIDUAL CANNOT PERSONALLY APPEAR
25 BEFORE THE COURT, PROCEEDINGS MAY BE CONDUCTED BY AN INDIVIDUAL'S
26 AUTHORIZED REPRESENTATIVE AND MAY BE ASSISTED THROUGH ANY MEANS THAT
27 ALLOWS OTHER INDIVIDUALS TO FULLY PARTICIPATE.

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

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

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

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

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

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

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

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

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

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

12 (3) THE CONDITIONS THAT HAVE BROUGHT THE CATASTROPHIC
13 HEALTH EMERGENCY ABOUT OR THAT MAKE POSSIBLE THE TERMINATION OF THE
14 EMERGENCY.

15 (⊖) (F) A PROCLAMATION BY THE GOVERNOR UNDER THIS SECTION:

16 (1) SHALL BE RESCINDED BY THE GOVERNOR WHENEVER THE
17 GOVERNOR DETERMINES THAT A THE CATASTROPHIC HEALTH EMERGENCY NO
18 LONGER EXISTS;

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

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

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

27 2-203.

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

31 2-204.

32 (A) A PERSON MAY NOT KNOWINGLY AND WILLFULLY FAIL TO COMPLY WITH
33 ANY ORDER, REQUIREMENT, OR DIRECTIVE ISSUED IN ACCORDANCE WITH THIS
34 SECTION SUBTITLE.

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

4 **Article - Health - General**

5 SUBTITLE 9. CATASTROPHIC HEALTH EMERGENCY DISEASE SURVEILLANCE AND
 6 RESPONSE PROGRAM.

7 18-901.

8 (A) IN THIS ~~SECTION~~ SUBTITLE THE FOLLOWING WORDS HAVE THE
 9 MEANINGS INDICATED.

10 (B) "CATASTROPHIC HEALTH EMERGENCY" HAS THE MEANING STATED IN
 11 ARTICLE 41, § 2-201 OF THE CODE.

12 (C) "DEADLY AGENT" HAS THE MEANING STATED IN ARTICLE 41, § 2-201 OF
 13 THE CODE.

14 (D) "EXPOSURE TO A DEADLY AGENT" HAS THE MEANING STATED IN ARTICLE
 15 41, § 2-201 OF THE CODE.

16 (E) "HEALTH CARE FACILITY" HAS THE MEANING STATED IN ~~ARTICLE 41, §~~
 17 ~~2-201 OF THE CODE~~ § 19-114(E)(1) OF THIS ARTICLE.

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

20 (2) "HEALTH CARE PRACTITIONER" INCLUDES AN INDIVIDUAL
 21 LICENSED OR CERTIFIED AS AN EMERGENCY MEDICAL SERVICES PROVIDER UNDER
 22 § 13-516 OF THE EDUCATION ARTICLE.

23 (G) "HEALTH CARE PROVIDER" ~~HAS THE MEANING STATED IN ARTICLE 41, §~~
 24 ~~2-201 OF THE CODE~~ MEANS:

25 (I) A HEALTH CARE FACILITY; OR

26 (II) A HEALTH CARE PRACTITIONER.

27 18-902.

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

30 (1) CONTINUOUSLY EVALUATE AND MODIFY EXISTING DISEASE
 31 SURVEILLANCE PROCEDURES IN ORDER TO DETECT A CATASTROPHIC HEALTH
 32 EMERGENCY;

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

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

7 18-903.

8 (A) (1) IN ACCORDANCE WITH PROCEDURES TO BE ADOPTED BY THE
9 DEPARTMENT, THE SECRETARY, IN CONSULTATION WITH HEALTH CARE FACILITIES,
10 MAY REQUIRE HEALTH CARE FACILITIES TO DEVELOP AND IMPLEMENT
11 CONTINGENCY PLANS ADDRESSING:

12 (I) STAFF TRAINING NEEDS;

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

15 (III) TREATMENT AND DECONTAMINATION PROTOCOLS;

16 (IV) THE COORDINATION OF SERVICES WITH OTHER PUBLIC AND
17 PRIVATE ENTITIES; AND

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

21 (2) TO THE EXTENT FEASIBLE, THE PROCEDURES TO BE ADOPTED BY
22 THE DEPARTMENT UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE
23 CONSISTENT WITH ACCREDITATION REQUIREMENTS OF THE JOINT COMMISSION ON
24 THE ACCREDITATION OF HEALTH CARE ORGANIZATIONS.

25 (B) AFTER CONSULTING WITH THE APPROPRIATE LICENSING BOARD, THE
26 SECRETARY:

27 (1) SHALL PUBLISH PROTOCOLS TO ASSIST HEALTH CARE
28 PRACTITIONERS IN DEVELOPING PLANS TO RESPOND TO A CATASTROPHIC HEALTH
29 EMERGENCY; AND

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

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

1 18-904.

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

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

10 (1) REQUIRE A HEALTH CARE PROVIDER OR OTHER PERSON TO REPORT
11 INFORMATION TO THE SECRETARY OR OTHER PUBLIC OFFICIAL ON THE
12 FOLLOWING:

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

15 (II) DIAGNOSTIC AND LABORATORY FINDINGS RELATING TO
16 DISEASES CAUSED BY DEADLY AGENTS;

17 (III) STATISTICAL OR UTILIZATION TRENDS RELATING TO
18 POTENTIAL DISEASE OUTBREAKS;

19 (IV) INFORMATION NEEDED TO CONDUCT CONTACT TRACING FOR
20 EXPOSED INDIVIDUALS; AND

21 (V) OTHER DATA DEEMED BY THE SECRETARY TO HAVE
22 EPIDEMIOLOGICAL SIGNIFICANCE IN DETECTING POSSIBLE CATASTROPHIC HEALTH
23 EMERGENCIES;

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

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

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

32 (5) OBTAIN ACCESS TO PREMISES IN ORDER TO SECURE
33 ENVIRONMENTAL SAMPLES AND OTHERWISE INVESTIGATE ACTUAL OR POTENTIAL
34 EXPOSURES TO DEADLY AGENTS; AND

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

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

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

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

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

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

16 ~~(2)~~ (3) A PERSON MAY REDISCLOSE THE INFORMATION TO ANOTHER
 17 HEALTH CARE PROVIDER OR PUBLIC OFFICIAL PROVIDED THAT THE SECRETARY
 18 DEEMS THE REDISCLOSURE NECESSARY FOR THE TREATMENT, CONTROL,
 19 INVESTIGATION, AND PREVENTION OF A CATASTROPHIC HEALTH EMERGENCY;

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

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

26 18-905.

27 (A) IN INVESTIGATING ACTUAL OR POTENTIAL EXPOSURES TO A DEADLY
 28 AGENT, THE SECRETARY MAY:

29 ~~(+)~~ IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION,
 30 ESTABLISH, MAINTAIN, AND ENFORCE APPROPRIATE EVALUATION, ISOLATION,
 31 TREATMENT, AND QUARANTINE ORDERS FOR ANY PERSONS ACTUALLY OR
 32 POTENTIALLY EXPOSED TO A DEADLY AGENT;

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

36 2. WHEN THE SECRETARY DETERMINES THAT IT IS
 37 MEDICALLY NECESSARY AND REASONABLE TO PREVENT OR REDUCE THE SPREAD OF
 38 THE DISEASE OR OUTBREAK BELIEVED TO HAVE BEEN CAUSED BY THE EXPOSURE

1 TO A DEADLY AGENT, ORDER AN INDIVIDUAL OR GROUP OF INDIVIDUALS TO GO TO
2 AND REMAIN IN PLACES OF ISOLATION OR QUARANTINE UNTIL THE SECRETARY
3 DETERMINES THAT THE INDIVIDUAL NO LONGER POSES A SUBSTANTIAL RISK OF
4 TRANSMITTING THE DISEASE OR CONDITION TO THE PUBLIC.

5 (II) IF A COMPETENT INDIVIDUAL OVER THE AGE OF 18 REFUSES
6 VACCINATION, MEDICAL EXAMINATION, TREATMENT, OR TESTING UNDER THIS
7 PARAGRAPH, THE INDIVIDUAL SHALL BE REQUIRED TO GO TO AND REMAIN IN
8 PLACES OF ISOLATION OR QUARANTINE UNTIL THE SECRETARY DETERMINES THAT
9 THE INDIVIDUAL NO LONGER POSES A SUBSTANTIAL RISK OF TRANSMITTING THE
10 DISEASE OR CONDITION TO THE PUBLIC.

11 (2) COORDINATE AND DIRECT THE EFFORTS OF ANY HEALTH OFFICER
12 OR HEALTH COMMISSIONER OF ANY SUBDIVISION IN SEEKING TO DETECT OR
13 RESPOND TO THREATS POSED BY A DEADLY AGENT; AND

14 (3) ORDER ANY SHERIFF, DEPUTY SHERIFF, OR OTHER LAW
15 ENFORCEMENT OFFICER OF THE STATE OR ANY SUBDIVISION TO ASSIST IN THE
16 EXECUTION OR ENFORCEMENT OF ANY ORDER ISSUED UNDER THIS SUBTITLE.

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

19 (1) IF, PRIOR TO THE ISSUANCE OF A PROCLAMATION UNDER ARTICLE
20 41, § 2-202 OF THE CODE, THE SECRETARY DETERMINES THAT THE DISEASE OR
21 OUTBREAK CAN BE MEDICALLY CONTAINED BY THE DEPARTMENT AND
22 APPROPRIATE HEALTH CARE PROVIDERS; AND

23 (2) AS NECESSARY TO IMPLEMENT AN ORDER ISSUED BY THE
24 GOVERNOR UNDER ARTICLE 41, § 2-202 OF THE CODE.

25 18-906.

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

30 (II) THE DIRECTIVE SHALL SPECIFY:

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

33 2. THE PREMISES SUBJECT TO ISOLATION OR QUARANTINE;

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

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

1 5. A STATEMENT OF THE BASIS UPON WHICH ISOLATION OR
 2 QUARANTINE IS JUSTIFIED;

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

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

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

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

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

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

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

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

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

37 (5) (I) 1. THE COURT SHALL GRANT THE REQUEST FOR RELIEF
 38 UNLESS THE COURT DETERMINES THAT THE ISOLATION OR QUARANTINE DIRECTIVE
 39 IS NECESSARY AND REASONABLE TO PREVENT OR REDUCE THE SPREAD OF THE

1 DISEASE OR OUTBREAK BELIEVED TO HAVE BEEN CAUSED BY THE EXPOSURE TO A
2 DEADLY AGENT.

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

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

9 1. IDENTIFY THE ISOLATED OR QUARANTINED INDIVIDUAL
10 OR GROUP OF INDIVIDUALS BY NAME OR SHARED CHARACTERISTICS;

11 2. SPECIFY FACTUAL FINDINGS WARRANTING ISOLATION OR
12 QUARANTINE; AND

13 3. EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS
14 PARAGRAPH, BE IN WRITING AND GIVEN TO THE INDIVIDUAL OR GROUP OF
15 INDIVIDUALS.

16 (III) IF THE COURT DETERMINES THAT THE NOTICE REQUIRED IN
17 SUB-SUBPARAGRAPH 3 OF THIS SUBPARAGRAPH IS IMPRACTICAL BECAUSE OF THE
18 NUMBER OF INDIVIDUALS OR GEOGRAPHICAL AREAS AFFECTED, THE COURT SHALL
19 ENSURE THAT THE AFFECTED INDIVIDUALS ARE FULLY INFORMED OF THE ORDER
20 USING THE BEST POSSIBLE MEANS AVAILABLE.

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

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

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

28 (6) IN THE EVENT THAT AN INDIVIDUAL CANNOT PERSONALLY APPEAR
29 BEFORE THE COURT, PROCEEDINGS MAY BE CONDUCTED BY AN INDIVIDUAL'S
30 AUTHORIZED REPRESENTATIVE AND MAY BE ASSISTED THROUGH ANY MEANS THAT
31 ALLOWS OTHER INDIVIDUALS TO FULLY PARTICIPATE.

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

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

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

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

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

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

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

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

15 ~~18-906.~~ 18-907.

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

19 (2) A PERSON WHO VIOLATES PARAGRAPH (1) OF THIS SUBSECTION IS
 20 GUILTY OF A ~~FELONY MISDEMEANOR~~ AND ON CONVICTION IS SUBJECT TO
 21 IMPRISONMENT NOT EXCEEDING ~~2 YEARS~~ 1 YEAR, OR A FINE NOT EXCEEDING ~~\$5,000,~~
 22 \$3,000 OR BOTH.

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

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

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

32 (2) SUSPENDING OR REVOKING THE LICENSE OR CERTIFICATE HOLDER;

33 OR

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

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

6 ~~18-907.~~ 18-908.

7 (A) ON OR BEFORE DECEMBER 31, 2002, AND ON OR BEFORE EVERY
8 DECEMBER 31 OF EACH SUCCEEDING YEAR THROUGH 2005, THE SECRETARY OF
9 HEALTH AND MENTAL HYGIENE SHALL SUBMIT A REPORT TO THE GOVERNOR AND
10 TO THE GENERAL ASSEMBLY IN ACCORDANCE WITH § 2-1246 OF THE STATE
11 GOVERNMENT ARTICLE REGARDING THE IMPLEMENTATION AND OPERATION OF
12 MARYLAND'S CATASTROPHIC HEALTH EMERGENCY DISEASE SURVEILLANCE
13 PROGRAM ANY PLANS, PROCEDURES, OR PROTOCOLS DEVELOPED UNDER THIS ACT.

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

18 ~~SECTION 2. AND BE IT FURTHER ENACTED, That the Maryland Emergency~~
19 ~~Management Agency shall coordinate efforts with the Maryland Institute for~~
20 ~~Emergency Medical Services Systems and the Department of Health and Mental~~
21 ~~Hygiene to assure that surveillance efforts to detect and respond to a catastrophic~~
22 ~~health emergency are conducted in a manner that support, and are not duplicative of,~~
23 ~~the State's overall emergency preparedness efforts.~~

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

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

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

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

4 (1) staff training needs;

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

7 (3) treatment and decontamination protocols; and

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

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

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