
By: **Senators Brinkley, Garagiola, and Mooney**
Introduced and read first time: January 28, 2004
Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 25, 2004

CHAPTER _____

1 AN ACT concerning

2 **Sheriffs Frederick County - Sheriff - Appointment of Medical Advisors**
3 **Advisor**

4 FOR the purpose of authorizing the sheriff of ~~each county~~ Frederick County to
5 appoint a physician licensed to practice in the State as a medical advisor for that
6 county and to define the role of the medical advisor; providing that the medical
7 advisor ~~serve~~ serves at the pleasure of the sheriff except under certain
8 circumstances; providing for the compensation and employment status of ~~a the~~
9 medical advisor; authorizing ~~medical advisors~~ the medical advisor to conduct
10 investigations and make arrests under certain circumstances; requiring the
11 Police Training Commission to establish certain standards for the certification
12 of ~~medical advisors~~ the medical advisor and to certify ~~a medical advisors~~ an advisor
13 who ~~meet~~ meets the standards established by the Commission; authorizing
14 ~~medical advisors~~ the medical advisor to attend classes at certain police training
15 schools; providing for the termination of this Act; and generally relating to
16 ~~county medical advisors~~ the Frederick County medical advisor.

17 BY adding to
18 Article - Courts and Judicial Proceedings
19 Section 2-312
20 Annotated Code of Maryland
21 (2002 Replacement Volume and 2003 Supplement)

22 BY adding to
23 Article - Public Safety
24 Section 3-217.1
25 Annotated Code of Maryland

1 (2003 Volume)

2 BY repealing and reenacting, with amendments,
3 Article - State Government
4 Section 12-101(a)
5 Annotated Code of Maryland
6 (1999 Replacement Volume and 2003 Supplement)

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

9 **Article - Courts and Judicial Proceedings**

10 2-312.

11 (A) THE SHERIFF OF ~~EACH~~ FREDERICK COUNTY MAY APPOINT A PHYSICIAN
12 LICENSED TO PRACTICE MEDICINE IN THE STATE AS A MEDICAL ADVISOR FOR THAT
13 COUNTY.

14 (B) ~~EACH THE~~ SHERIFF SHALL DEFINE THE ROLE OF THE MEDICAL ADVISOR
15 IN ~~THAT~~ FREDERICK COUNTY.

16 (C) EXCEPT AS PROVIDED IN SUBSECTION (F) OF THIS SECTION, THE MEDICAL
17 ADVISOR SHALL SERVE AT THE PLEASURE OF THE SHERIFF.

18 (D) ~~EACH THE~~ SHERIFF SHALL, WITH THE APPROVAL OF THE LOCAL
19 GOVERNING BODY, DETERMINE THE APPROPRIATE AND REASONABLE
20 COMPENSATION FOR THE MEDICAL ADVISOR.

21 (E) A MEDICAL ADVISOR MAY, IN FREDERICK COUNTY, CONDUCT
22 INVESTIGATIONS AND MAKE ARRESTS THAT RELATE DIRECTLY TO A CATASTROPHIC
23 HEALTH EMERGENCY AS DEFINED IN ARTICLE 41, § 2-201 OF THE CODE OR TO
24 WEAPONS THAT COULD BE USED TO CAUSE A CATASTROPHIC HEALTH EMERGENCY.

25 (F) AN INDIVIDUAL MAY NOT SERVE AS A COUNTY MEDICAL ADVISOR FOR A
26 PERIOD OF MORE THAN 1 YEAR UNLESS THE INDIVIDUAL IS CERTIFIED BY THE
27 POLICE TRAINING COMMISSION AS PROVIDED IN § 3-217.1 OF THE PUBLIC SAFETY
28 ARTICLE.

29 **Article - Public Safety**

30 3-217.1.

31 (A) IN CONSULTATION WITH MEDCHI, THE COMMISSION SHALL ESTABLISH
32 STANDARDS FOR THE CERTIFICATION OF A COUNTY MEDICAL ADVISORS ADVISOR
33 UNDER § 2-312 OF THE COURTS ARTICLE.

1 (B) THE COMMISSION SHALL CERTIFY AS A COUNTY MEDICAL ADVISOR AN
 2 INDIVIDUAL APPOINTED UNDER § 2-312 OF THE COURTS ARTICLE WHO
 3 SATISFACTORILY MEETS STANDARDS ESTABLISHED BY THE COMMISSION.

4 (C) A COUNTY MEDICAL ADVISOR MAY ATTEND CLASSES AT POLICE TRAINING
 5 SCHOOLS CERTIFIED UNDER § 3-207(2) OF THIS SUBTITLE TO OBTAIN CERTIFICATION
 6 OR TO RETAIN OR UPGRADE SKILLS.

7 **Article - State Government**

8 12-101.

9 (a) In this subtitle, unless the context clearly requires otherwise, "State
 10 personnel" means:

11 (1) a State employee or official who is paid in whole or in part by the
 12 Central Payroll Bureau in the Office of the Comptroller of the Treasury;

13 (2) an employee or official of the:

14 (i) Maryland Transportation Authority;

15 (ii) Injured Workers' Insurance Fund;

16 (iii) Maryland Stadium Authority;

17 (iv) Maryland Environmental Service;

18 (v) overseas programs of the University College of the University
 19 System of Maryland;

20 (vi) Maryland Economic Development Corporation;

21 (vii) Maryland Technology Development Corporation; and

22 (viii) Maryland African American Museum Corporation;

23 (3) a person who:

24 (i) is a member of a State board, commission, or similar State
 25 entity; or

26 (ii) 1. is providing a service to or for the State;

27 2. is not paid in whole or in part by the State; and

28 3. satisfies all other requirements for designation as State
 29 personnel as may be set forth in regulations adopted by the Treasurer pursuant to
 30 Title 10 of this article;

1 (4) an individual who, without compensation, exercises a part of the
2 sovereignty of the State;

3 (5) a student enrolled in a State educational institution:

4 (i) who is providing services to third parties in the course of
5 participation in an approved clinical training or academic program;

6 (ii) who, as determined by the Treasurer, is required to have
7 liability insurance covering claims arising from services to third parties performed by
8 the student in the course of the approved clinical training or academic program;

9 (iii) who, as determined by the Treasurer, cannot obtain commercial
10 liability insurance at an affordable cost; and

11 (iv) who, as determined by the Treasurer, may be required to
12 contribute to an insurance program for claims arising from services to third parties
13 performed by the student in the course of the approved clinical training or academic
14 program;

15 (6) a sheriff [or], deputy sheriff, OR MEDICAL ADVISOR of a county or
16 Baltimore City;

17 (7) an employee of a county who is assigned to a local department of
18 social services, including a Montgomery County employee who carries out State
19 programs administered under Article 88A, § 13A(b) of the Code;

20 (8) a State's Attorney of a county or Baltimore City, or an employee of an
21 office of a State's Attorney;

22 (9) a member of a board of license commissioners of a county or
23 Baltimore City appointed under the provisions of Article 2B of the Code, or an
24 employee of a board of license commissioners;

25 (10) a member of a board of supervisors of elections of a county or
26 Baltimore City, or an employee of a board of supervisors of elections;

27 (11) a judge of a circuit court of a county or Baltimore City, or an employee
28 of a circuit court;

29 (12) a judge of an orphans' court of a county or Baltimore City, or an
30 employee of an orphans' court;

31 (13) to the extent of a nonprofit organization's activities as a third party
32 payee, and to the extent the nonprofit organization has no other insurance for this
33 purpose, a nonprofit organization that has been approved by the Department of
34 Human Resources or its designee to serve as a third party payee for purposes of
35 providing temporary cash assistance, transitional assistance, or child-specific
36 benefits to Family Investment Program recipients; or

1 (14) a student, faculty, or staff member of an institution of higher
2 education who is providing a service under the Family Investment Program in
3 accordance with the provisions of Article 88A, § 47 or § 53 of the Code.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2004. It shall remain effective for a period of 3 years and, at the end of
6 September 30, 2007, with no further action required by the General Assembly, this
7 Act shall be abrogated and of no further force and effect.