

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 232

(Senator Brinkley, *et al.*)

Judicial Proceedings

Judiciary

Frederick County - Sheriff - Appointment of Medical Advisor

This bill authorizes the Frederick County Sheriff to appoint a physician licensed to practice medicine in Maryland to be the county's medical advisor. The bill also requires the Police Training Commission to establish standards for certification of the medical advisor.

The bill sunsets September 30, 2007.

Fiscal Summary

State Effect: Potential minimal increase in expenditures from the State Insurance Trust Fund (SITF) and associated operational costs. Revenues would not be materially affected.

Local Effect: Frederick County expenditures would increase to pay training costs and reimburse expenses for the appointed medical advisor. Revenues would not be affected.

Small Business Effect: None.

Analysis

Bill Summary: The bill provides that: (1) the Frederick County Sheriff is required to define the role of the medical advisor; (2) the sheriff is required to determine appropriate and reasonable compensation for the medical advisor with approval from the local governing body; (3) the medical advisor serves at the pleasure of the sheriff; and (4) the medical advisor may not serve more than one year unless certified by the Police Training

Commission. The bill authorizes, in Frederick County, the medical advisor to conduct investigations and make arrests that relate directly to a catastrophic health emergency or to weapons that could be used to cause a catastrophic health emergency.

The Police Training Commission is required to establish standards for the certification of the medical advisor in consultation with MedChi and must certify a medical advisor who meets the commission's standards. The bill also provides that the medical advisor may attend classes at the police training schools to obtain certification or to retain and upgrade skills. The bill adds the medical advisor to the definition of State personnel for purposes of the Maryland Tort Claims Act (MTCA).

Current Law: The Frederick County Sheriff is not authorized to appoint a licensed physician to be a medical advisor.

Under MTCA, State personnel are immune from liability for acts or omissions performed in the course of their official duties, so long as the acts or omissions are made without malice or gross negligence. The State essentially waives its own common law immunity for its employees' actions. MTCA limits the liability of the State to \$200,000 to a single claimant for injuries arising from a single incident.

Background: The Frederick County Sheriff's Office conducts law enforcement activities, provides courthouse protection, transports prisoners, and serves summonses.

The Department of Public Safety and Correctional Services (DPSCS) advises that Frederick County could expect to pay a minimum of \$400 for the medical advisor for a 20-day training program or \$800 for a 40-day training program as would be provided to correctional officers with limited arrest powers. Additionally, Police Training Commission certification could cost up to \$2,000 for the medical advisor if the training is similar to training provided to sworn law enforcement officers. The length and cost of any training program would depend on the minimum standards created by the Police Training Commission for the medical advisor. DPSCS has certified more than 26,000 police, juvenile, and correctional services personnel.

MedChi is the Maryland State Medical Society and serves as an advocate and resource for physicians, their patients, and the public health.

State Fiscal Effect: The costs for paying claims covered by MTCA come from SITF, which is a nonbudgeted fund within the State Treasurer's Office. SITF receives its funding from annual insurance premiums paid by the individual State agencies and other entities it covers. Any increased premium would be apportioned among the current

individual State agencies, as would any increase in administrative costs required to process claims arising out of this proposed legislation.

The Police Training Commission advises that the medical advisor taking courses at training centers would not materially impact commission finances or operations. The commission further advises that establishing standards for the certification of the medical advisor could be handled with existing resources.

Local Fiscal Effect: Frederick County advises that it would appoint a volunteer to the position of medical advisor. Accordingly, Frederick County expenditures would increase to pay for training costs and provide reimbursement for expenses.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Frederick County, Maryland Association of Counties, Department of Public Safety and Correctional Services, Department of Legislative Services

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