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By: **Senator Exum**

Introduced and read first time: February 20, 2006

Assigned to: Rules

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A BILL ENTITLED

1 AN ACT concerning

2 **Office of Minority Health and Health Disparities - Grant Program and**  
3 **Funding**

4 FOR the purpose of providing that the Office of Minority Health and Health  
5 Disparities is the designated State agency for receipt of general or special funds  
6 specifically designated for minority health and health disparities programs;  
7 authorizing the Office to distribute certain grants from available general funds;  
8 creating a Health Disparities Grant Program within the Office; providing for the  
9 purpose of the grant program; requiring the Office to establish certain criteria to  
10 qualify for a grant and to establish a certain evaluation; requiring certain  
11 grantees to comply with the evaluation system and to provide certain reports;  
12 requiring the Office to consult with local minority groups when reviewing and  
13 approving grant applications; requiring the Department of Health and Mental  
14 Hygiene to include certain information on grants provided by the Office in a  
15 certain annual report to the Governor and General Assembly; providing for the  
16 intent of the General Assembly regarding the funding of the Office; providing for  
17 a certain annual appropriation from the Cigarette Restitution Fund to fund the  
18 Office; requiring that the annual appropriation from the Cigarette Restitution  
19 Fund shall not supplant certain appropriations from the Fund; and generally  
20 relating to the Office of Minority Health and Health Disparities.

21 BY repealing and reenacting, without amendments,  
22 Article - Health - General  
23 Section 20-1002  
24 Annotated Code of Maryland  
25 (2005 Replacement Volume and 2005 Supplement)

26 BY repealing and reenacting, with amendments,  
27 Article - Health - General  
28 Section 20-1004 through 20-1007  
29 Annotated Code of Maryland  
30 (2005 Replacement Volume and 2005 Supplement)

31 BY adding to

1 Article - Health - General  
2 Section 20-1005.1  
3 Annotated Code of Maryland  
4 (2005 Replacement Volume and 2005 Supplement)

5 BY repealing and reenacting, with amendments,  
6 Article - State Finance and Procurement  
7 Section 7-317  
8 Annotated Code of Maryland  
9 (2001 Replacement Volume and 2005 Supplement)

10 Preamble

11 WHEREAS, Racial and ethnic disparities in health care are widespread across a  
12 range of illnesses and health care services even after adjusting for socioeconomic  
13 differences; and

14 WHEREAS, The cost of racial and ethnic disparities in health care has a  
15 substantial negative economic impact on the State and has increased the demands for  
16 medical assistance services; and

17 WHEREAS, The Office of Minority Health and Health Disparities was  
18 established using existing resources within the Department of Health and Mental  
19 Hygiene, and these limited resources required Department staff to add new tasks to  
20 ongoing programs; and

21 WHEREAS, Chapter 453 of the Acts of 2003 required the Department of Health  
22 and Mental Hygiene to develop and implement a plan to reduce health care  
23 disparities, and funds are needed to finish and implement the plan; and

24 WHEREAS, There are 37 states with offices of minority health programs, and of  
25 the 29 states that are funded, 15 states have at least \$500,000 and 8 states have more  
26 than \$1,000,000 for annual operations allowing those states to mount a sustained and  
27 coordinated initiative; and

28 WHEREAS, The population in the State has reached 39.7% minority and the  
29 State is projected to be 50% minority by 2010 if current trends continue; and

30 WHEREAS, The General Assembly and the Governor must exercise due  
31 diligence in building the infrastructure of the Office of Minority Health and Health  
32 Disparities to enable the Office to provide guidance and promote collaboration across  
33 the public and private sectors; now, therefore,

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

1 **Article - Health - General**

2 20-1002.

3 There is an Office of Minority Health and Health Disparities in the Department.  
4 20-1004.

5 The Office shall:

6 (1) Be an advocate for the improvement of minority health care by  
7 working with the Department on its own, or in partnership with other public and  
8 private entities to establish appropriate forums, programs, or initiatives designed to  
9 educate the public regarding minority health and health disparities issues, with an  
10 emphasis on preventive health and healthy lifestyles;

11 (2) Assist the Secretary in identifying, coordinating and establishing  
12 priorities for programs, services, and resources that the State should provide for  
13 minority health and health disparities issues;

14 (3) Collect, classify, and analyze relevant research information and data  
15 collected or compiled by:

16 (i) The Department;

17 (ii) The Department in collaboration with others; and

18 (iii) Other public and private entities;

19 (4) Research innovative methods and obtain resources to improve  
20 existing data systems to ensure that the health information that is collected includes  
21 specific race and ethnicity identifiers;

22 (5) Serve as a clearinghouse and resource library for information about  
23 minority health and health disparities data, strategies, services, and programs that  
24 address minority health and health disparities issues;

25 (6) Develop a strategic plan to improve public services and programs  
26 targeting minorities;

27 (7) [Obtain funding and, contingent upon funding, provide grants to  
28 community-based organizations and historically black colleges and universities to  
29 conduct special research, demonstration, and evaluation projects for targeted at-risk  
30 racial and ethnic minority populations and to support ongoing community-based  
31 programs that are designed to reduce or eliminate racial and ethnic health disparities  
32 in the State;

33 (8) Develop criteria for the awarding of grants for programs that are  
34 designed to improve minority health care;

1 (9) Review existing laws and regulations to ensure that they facilitate  
2 the provision of adequate health care to the minorities of this State;

3 [(10)] (8) Recommend to the Secretary any additions or changes to  
4 existing laws and regulations designed to facilitate the adequate provision of health  
5 care to minorities in this State;

6 [(11)] (9) Identify and review health promotion and disease prevention  
7 strategies relating to the leading health causes of death and disability among  
8 minority populations;

9 [(12)] (10) Develop and implement model public and private partnerships  
10 in racial and ethnic minority communities for health awareness campaigns and to  
11 improve the access, acceptability, and use of public health services;

12 [(13)] (11) Develop recommendations for the most effective means of  
13 providing outreach to racial and ethnic minority communities throughout the State to  
14 ensure their maximum participation in publicly funded health benefits programs;

15 [(14)] (12) Develop a statewide plan for increasing the number of racial  
16 and ethnic minority health care professionals which includes recommendations for  
17 the financing mechanisms and recruitment strategies necessary to carry out the plan;

18 [(15)] (13) Work collaboratively with universities and colleges of medicine,  
19 nursing, pharmacy, and dentistry in this State and other health care professional  
20 training programs to develop courses with cultural competency, sensitivity, and  
21 health literacy, that are designed to address the problem of racial and ethnic  
22 disparities in health care access, utilization, treatment decisions, quality, and  
23 outcomes;

24 [(16)] (14) Work collaboratively with the Maryland Health Care  
25 Disparities Initiative, the Morgan-Hopkins Center for Health Disparities Solutions,  
26 the University of Maryland Disparity Project, the Monumental City Medical Society,  
27 faculty and researchers at historically black colleges and universities, and other  
28 existing alliances or plans, to reduce or eliminate racial and ethnic disparities in the  
29 State;

30 [(17)] (15) Seek to establish a statewide alliance with community-based  
31 agencies and organizations, historically black colleges and universities, health care  
32 facilities, health care provider organizations, managed care organizations, and  
33 pharmaceutical manufacturers to promote the objectives of the Office;

34 [(18)] (16) Evaluate multicultural or racial and ethnic minority health  
35 programs in other states to assess their efficacy and potential for replication in this  
36 State and make recommendations regarding the adoption of such programs, as  
37 appropriate;

38 [(19)] (17) Apply for and accept any grant of money from the federal  
39 government, private foundations, or other sources which may be available for  
40 programs related to minority health and health disparities;

1 [(20)] (18) Serve as the designated State agency for receipt of GENERAL,  
2 federal, OR SPECIAL funds specifically designated for minority health and health  
3 disparities programs; and

4 [(21)] (19) Work collaboratively with the Office of Minority Affairs as the  
5 Office determines necessary.

6 20-1005.

7 Subject to the limitations of any law that governs the activities of other units of  
8 the Executive Branch of State government, the Director shall:

9 (1) Promote health and the prevention of disease among members of  
10 minority groups;

11 (2) Distribute grants from available GENERAL, federal, and special funds  
12 to community-based health groups to be used to promote health and the prevention of  
13 disease among members of minority groups; and

14 (3) Fund projects which are innovative, culturally sensitive, and specific  
15 in their approach toward reduction of the incidence and severity of those diseases or  
16 conditions which are responsible for excess morbidity and mortality in minority  
17 populations.

18 20-1005.1.

19 (A) THERE IS A HEALTH DISPARITIES GRANT PROGRAM IN THE OFFICE.

20 (B) THE PURPOSE OF THE PROGRAM IS TO PROVIDE GRANTS TO:

21 (1) COMMUNITY-BASED ORGANIZATIONS AND HISTORICALLY BLACK  
22 COLLEGES AND UNIVERSITIES TO CONDUCT SPECIAL RESEARCH, DEMONSTRATION,  
23 AND EVALUATION PROJECTS FOR TARGETED AT-RISK RACIAL AND ETHNIC  
24 MINORITY POPULATIONS; AND

25 (2) COMMUNITY-BASED ORGANIZATIONS AND OTHER HEALTH CARE  
26 PROVIDERS THAT DEMONSTRATE THE CAPACITY FOR REDUCING HEALTH  
27 DISPARITIES AND THAT UTILIZE INTERVENTIONS IN THE PLAN TO REDUCE HEALTH  
28 CARE DISPARITIES DEVELOPED UNDER § 20-904 OF THIS TITLE OR OTHER  
29 RECOGNIZED BEST PRACTICES.

30 (C) (1) THE OFFICE SHALL:

31 (I) ESTABLISH THE CRITERIA FOR A GROUP OR PROVIDER TO  
32 QUALIFY FOR A GRANT;

33 (II) ESTABLISH AN EVALUATION SYSTEM OF GRANTEEES THAT  
34 INCLUDES THE COLLECTION OF PROCESS AND OUTCOME DATA TO DETERMINE THE  
35 EFFICACY OF THE PROGRAMS; AND

1 (III) REQUIRE GRANTEES TO COMPLY WITH THE EVALUATION  
2 SYSTEM DEVELOPED BY THE OFFICE AND TO PROVIDE QUARTERLY REPORTS ON THE  
3 COMPLIANCE OF THE GRANTEE.

4 (2) THE OFFICE SHALL CONSULT WITH LOCAL MINORITY GROUPS WHEN  
5 REVIEWING AND APPROVING GRANT APPLICATIONS.

6 20-1006.

7 (a) On or before the 15th day of each regular session of the General Assembly,  
8 the Department shall submit an annual report on the Office of Minority Health and  
9 Health Disparities to the Governor and, subject to § 2-1246 of the State Government  
10 Article, to the General Assembly.

11 (b) The report shall include:

12 (I) [the] THE projects and services developed and funded by the Office  
13 and the health care problems that the grant funds are intended to ameliorate; AND

14 (II) THE GRANTS PROVIDED UNDER § 20-1005.1 OF THIS SUBTITLE AND  
15 THE IMPACT OF THE GRANTS ON REDUCING HEALTH DISPARITIES IN THE  
16 COMMUNITY.

17 (c) The report may include any recommendations for administrative or  
18 legislative action that it deems appropriate.

19 20-1007.

20 (A) It is the intent of the General Assembly that the Office be funded:

21 (1) WITH FUNDS FROM THE CIGARETTE RESTITUTION FUND  
22 ESTABLISHED UNDER § 7-317 OF THE STATE FINANCE AND PROCUREMENT ARTICLE;  
23 AND

24 (2) WITH FUNDS from GENERAL, federal, and special funding sources.

25 (B) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE OFFICE USE  
26 GENERAL FUNDS TO LEVERAGE FEDERAL AND SPECIAL FUNDS.

27 **Article - State Finance and Procurement**

28 7-317.

29 (a) There is a Cigarette Restitution Fund.

30 (b) (1) The Fund is a continuing, nonlapsing fund that is not subject to §  
31 7-302 of this subtitle.

32 (2) There shall be credited to the Fund all revenues consisting of funds  
33 received by the State from any source resulting, directly or indirectly, from any  
34 judgment against or settlement with tobacco product manufacturers, tobacco research

1 associations, or any other person in the tobacco industry relating to litigation,  
2 administrative proceedings, or any other claims made or prosecuted by the State to  
3 recover damages for violations of State law.

4 (c) The Treasurer shall:

5 (1) invest and reinvest the Fund in the same manner as other State  
6 funds; and

7 (2) credit any investment earnings to the Fund.

8 (d) Expenditures from the Fund shall be made by an appropriation in the  
9 annual State budget.

10 (e) (1) The Fund shall be expended subject to any restrictions on its use or  
11 other limitations on its allocation that are:

12 (i) expressly provided by statute;

13 (ii) required as a condition of the acceptance of funds; or

14 (iii) determined to be necessary to avoid recoupment by the federal  
15 government of money paid to the Fund.

16 (2) Disbursements from the Fund to programs funded by the State or  
17 with federal funds administered by the State shall be used solely to supplement, and  
18 not to supplant, funds otherwise available for the programs under federal or State law  
19 as provided in this section.

20 (f) (1) The Cigarette Restitution Fund shall be used to fund:

21 (i) the Tobacco Use Prevention and Cessation Program established  
22 under Title 13, Subtitle 10 of the Health - General Article;

23 (ii) the Cancer Prevention, Education, Screening, and Treatment  
24 Program established under Title 13, Subtitle 11 of the Health - General Article;

25 (III) THE OFFICE OF MINORITY HEALTH AND HEALTH DISPARITIES  
26 ESTABLISHED UNDER TITLE 20, SUBTITLE 10 OF THE HEALTH - GENERAL ARTICLE;  
27 and

28 [(iii)] (IV) other programs that serve the following purposes:

29 1. reduction of the use of tobacco products by minors;

30 2. implementation of the Southern Maryland Regional  
31 Strategy-Action Plan for Agriculture adopted by the Tri-County Council for Southern  
32 Maryland with an emphasis on alternative crop uses for agricultural land now used  
33 for growing tobacco;

1 3. public and school education campaigns to decrease tobacco  
2 use with initial emphasis on areas targeted by tobacco manufacturers in marketing  
3 and promoting cigarette and tobacco products;

4 4. smoking cessation programs;

5 5. enforcement of the laws regarding tobacco sales;

6 6. [the purposes of the Maryland Health Care Foundation  
7 under Title 20, Subtitle 5 of the Health - General Article;

8 7.] primary health care in rural areas of the State and areas  
9 targeted by tobacco manufacturers in marketing and promoting cigarette and tobacco  
10 products;

11 [8.] 7. prevention, treatment, and research concerning cancer,  
12 heart disease, lung disease, tobacco product use, and tobacco control, including  
13 operating costs and related capital projects;

14 [9.] 8. substance abuse treatment and prevention programs;  
15 and

16 [10.] 9. any other public purpose.

17 (2) The provisions of this subsection may not be construed to affect the  
18 Governor's powers with respect to a request for an appropriation in the annual budget  
19 bill.

20 (g) (1) Amounts may only be expended from the Fund through  
21 appropriations in the State budget bill as provided in this subsection.

22 (2) The Governor shall include in the annual budget bill appropriations  
23 from the Fund equivalent to the lesser of \$100,000,000 or 90% of the funds estimated  
24 to be available to the Fund in the fiscal year for which the appropriations are made.

25 (3) For each fiscal year for which appropriations are made, at least 50%  
26 of the appropriations shall be made for those purposes enumerated in subsection  
27 (f)(1)(i), (ii), and (iii)1 through 9 of this section subject to the requirement of  
28 subsection (e)(2) of this section.

29 (4) For each fiscal year for which appropriations are made, at least 30%  
30 of the appropriations shall be made for the purposes of the Maryland Medical  
31 Assistance Program.

32 (5) For each fiscal year for which appropriations are made, 0.15% of the  
33 Fund shall be appropriated for the purposes of enforcement of Title 16, Subtitle 5 of  
34 the Business Regulation Article.

35 (6) (I) FOR EACH FISCAL YEAR FOR WHICH APPROPRIATIONS ARE  
36 MADE, AT LEAST \$1,000,000 SHALL BE USED TO FUND THE OFFICE OF MINORITY



1 HEALTH AND HEALTH DISPARITIES ESTABLISHED UNDER TITLE 20, SUBTITLE 10 OF  
2 THE HEALTH - GENERAL ARTICLE.

3 (II) THE APPROPRIATION REQUIRED UNDER THIS PARAGRAPH MAY  
4 NOT SUPPLANT ANY OTHER APPROPRIATION:

5 1. REQUIRED UNDER THIS SECTION; OR

6 2. MADE TO A PROGRAM PRIOR TO FISCAL YEAR 2008.

7 [(6)] (7) Any additional appropriations, not subject to [paragraph (3),  
8 paragraph (4), or paragraph (5)] PARAGRAPHS (3) THROUGH (6) of this subsection,  
9 may be made for any lawful purpose.

10 (h) For each program, project or activity receiving funds appropriated under  
11 subsection (g)(3) of this section, the Governor shall:

12 (1) develop appropriate statements of vision, mission, key goals, key  
13 objectives, and key performance indicators and report these statements in a discrete  
14 part of the State budget submission, which shall also provide data for key  
15 performance indicators; and

16 (2) report annually, subject to § 2-1246 of the State Government Article,  
17 to the General Assembly no later than October 1 on:

18 (i) total funds expended, by program and subdivision, in the prior  
19 fiscal year from the Fund established under this section; and

20 (ii) the specific outcomes or public benefits resulting from that  
21 expenditure.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
23 July 1, 2006.