

Department of Legislative Services
Maryland General Assembly
2007 Session

FISCAL AND POLICY NOTE
Revised

House Bill 344 (Delegate Pendergrass)
Health and Government Operations

Finance

Public Health Laboratories - Mutual Aid Agreements

This bill allows a State-operated public health laboratory to enter into or renew a mutual aid agreement with a public health laboratory operated by another state. The bill must be liberally construed to promote the provision of aid during an emergency at a public health laboratory.

Fiscal Summary

State Effect: The bill would not create the need for expenditures above what currently would be required if a State public health laboratory needed emergency assistance or was asked by another state public health laboratory to provide emergency assistance.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The mutual aid agreement must provide that the party requesting assistance must indemnify and hold harmless the laboratory and its authorized personnel providing assistance from any third-party claim for property damage, personal injury, or wrongful death that arises out of activities authorized by the agreement, including travel.

The party requesting assistance does not need to indemnify the party providing assistance if: the party providing assistance does not cooperate in defending against a third-party claim; the third-party claim arises out of a malicious or grossly negligent act of the party providing assistance; or the third-party claim arises out of an act that is out of the agreement's scope of duties of the party providing assistance.

Each party in a mutual aid agreement must waive any claim against other parties to the agreement if the claim arises out of activities within the scope of the agreement and that are performed without malice or gross negligence. An employee of a public health laboratory trained and certified by the employee's laboratory director may travel to and provide services at the emergency location under a mutual aid agreement at the request of the Secretary of Health and Mental Hygiene, the Secretary's designee, or an individual from another state with the equivalent authority under the agreement. An employee may not travel to the emergency location or provide services under the agreement until receiving approval from the specified individual with the authority to request those services.

For the purposes of workers' compensation law or any other employment benefit that would apply to an individual performing a service under such an agreement, ● the individual is considered to have performed that service in the course of employment as a state employee and in the line of duty; and ● the workers' compensation law or employment benefit of the state that employs the individual must be provided by that state when an individual is performing a service in another state.

Necessary expenditures made under a mutual aid agreement or otherwise made under this bill may be charged against any state or local appropriations that are usually available to a public health laboratory.

Current Law: State law does not provide for public health laboratory mutual aid agreements. Chapter 1 of 2002 authorized the Governor to proclaim a catastrophic health emergency if the Governor determines that exposure to a "deadly agent" presents an imminent threat of extensive loss of life or serious disability to persons in the State.

Background: The Department of Health and Mental Hygiene advises that there have been emergencies in other states that caused the temporary closure of state laboratories. In the aftermath of Hurricane Katrina, Louisiana used the Iowa State Public Health laboratory to perform Louisiana's newborn screenings. In another instance, Missouri's state public health laboratory was flooded and its staff were sent to work in a public health laboratory in another state.

Historically, laboratories have routinely and informally performed routine testing for one another when one suffered a temporary scientific or operational problem. The bill would provide for a more organized provision of routine or special services involving the exchange of employees and laboratory space.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Health and Mental Hygiene, Department of Legislative Services

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