

# SENATE BILL 79

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3lr0017

(PRE-FILED)

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By: **Chair, Finance Committee (By Request – Departmental – Health and Mental Hygiene)**

Requested: October 4, 2012

Introduced and read first time: January 9, 2013

Assigned to: Finance

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 5, 2013

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Department of Health and Mental Hygiene – Advisory Councils – Renaming**  
3 **and Termination**

4 FOR the purpose of renaming the State Advisory Council on Heart Disease and Stroke  
5 to be the State Advisory Council on Chronic Disease Prevention, Physical  
6 Fitness, and Healthy Eating; altering the duties and the membership of the  
7 Advisory Council; requiring the membership of the Advisory Council to  
8 represent certain diversity of the State; altering the length of a member's term  
9 and the number of times the Advisory Council must meet each year; ~~authorizing~~  
10 requiring the Advisory Council to create certain subcommittees; providing for  
11 the purpose of the subcommittees; requiring the Advisory Council to maintain  
12 liaisons with certain entities and the business community; repealing certain  
13 provisions of law that establish and govern the State Advisory Council on  
14 Physical Fitness and the State Advisory Council on Arthritis and Related  
15 Diseases; specifying the terms of the initial members of the State Advisory  
16 Council on Chronic Disease Prevention, Physical Fitness, and Healthy Eating;  
17 requiring the Department of Health and Mental Hygiene to report to certain  
18 committees of the General Assembly on or before a certain date each year;  
19 repealing and altering certain definitions; making certain conforming changes;  
20 and generally relating to advisory councils in the Department of Health and  
21 Mental Hygiene.

22 BY repealing and reenacting, with amendments,

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Article – Education  
 2 Section 7–409(f)(2)(viii)  
 3 Annotated Code of Maryland  
 4 (2008 Replacement Volume and 2012 Supplement)

5 BY repealing and reenacting, with amendments,  
 6 Article – Health – General  
 7 Section 13–201 through 13–206 to be under the amended subtitle “Subtitle 2.  
 8 Chronic Disease Prevention Programs”; and 13–502  
 9 Annotated Code of Maryland  
 10 (2009 Replacement Volume and 2012 Supplement)

11 BY repealing  
 12 Article – Health – General  
 13 Section 13–401 through 13–410 and the subtitle “Subtitle 4. Physical Fitness”;  
 14 and 13–505 through 13–509  
 15 Annotated Code of Maryland  
 16 (2009 Replacement Volume and 2012 Supplement)

17 BY renumbering  
 18 Article – Health – General  
 19 Section 13–510, 13–511, and 13–512, respectively  
 20 to be Section 13–505, 13–506, and 13–507, respectively  
 21 Annotated Code of Maryland  
 22 (2009 Replacement Volume and 2012 Supplement)

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

25 **Article – Education**

26 7–409.

27 (f) (2) The Advisory Council shall consist of the following members,  
 28 selected by each organization from which the member is a representative:

29 (viii) A representative from the [Governor’s Council on Physical  
 30 Fitness and Sport] STATE ADVISORY COUNCIL ON CHRONIC DISEASE  
 31 PREVENTION, PHYSICAL FITNESS, AND HEALTHY EATING;

32 **Article – Health – General**

33 Subtitle 2. [Heart Disease and Stroke Prevention] **CHRONIC DISEASE PREVENTION**  
 34 **Programs.**

35 13–201.

1 In this subtitle, "Advisory Council" means the State Advisory Council on [Heart  
2 Disease and Stroke] **CHRONIC DISEASE PREVENTION, PHYSICAL FITNESS, AND**  
3 **HEALTHY EATING.**

4 13–202.

5 There is a State Advisory Council on [Heart Disease and Stroke] **CHRONIC**  
6 **DISEASE PREVENTION, PHYSICAL FITNESS, AND HEALTHY EATING.**

7 13–203.

8 (a) (1) The Advisory Council consists of ~~24~~ **31** members appointed by the  
9 Governor.

10 (2) Of the ~~24~~ **31** Advisory Council members:

11 (i) Except as provided in paragraph (4) of this subsection, 1  
12 member shall be appointed from a list of qualified individuals submitted to the  
13 Governor by each of the following organizations:

- 14 1. The American Heart Association – Mid–Atlantic, Inc.;
- 15 2. The Department;
- 16 3. The Johns Hopkins [Medical Institutions]  
17 **UNIVERSITY;**
- 18 4. The Maryland Association of County Health Officers;
- 19 [5. The Maryland Hospital Association, Inc.;
- 20 6. The Maryland Nurses Association;
- 21 7. The Medical and Chirurgical Faculty of the State of  
22 Maryland;
- 23 8. The Monumental City Medical Society;
- 24 9. The Baltimore Alliance for the Prevention and  
25 Control of Hypertension and Diabetes;
- 26 10. The University of Maryland Hospital and School of  
27 Medicine;
- 28 11. The Maryland Academy of Family Physicians;

1  
2 Maryland Chapter;

12. The American College of Emergency Physicians

3

13. The American Stroke Association;

4

14. The American Society of Internal Medicine;

5  
6 Services Systems;

15.] ~~5.~~The Maryland Institute for Emergency Medical

7

[16. The Maryland State Council on Physical Fitness;

8  
9 Cardiology; and

17. The Maryland Chapter of the American College of

10

18. The Maryland Pharmacy Association;]

11

**6. THE UNIVERSITY OF MARYLAND, BALTIMORE;**

12

**7. THE STATE DEPARTMENT OF EDUCATION;**

13

**8. THE AMERICAN DIABETES ASSOCIATION**

14 **MARYLAND CHAPTER;**

**9. THE MARYLAND DEPARTMENT OF AGING; ~~AND~~**

16

**10. THE ARTHRITIS FOUNDATION, MID ATLANTIC**

17 **REGION, MARYLAND; AND**

**11. THE MARYLAND-NATIONAL CAPITAL HOMECARE**

18 **ASSOCIATION;** and

20 (ii) [Six] ~~FOURTEEN~~ **20** shall be members of the general public,  
21 **INCLUDING:**

22 **1. ~~TWO~~ 2 INDIVIDUALS WITH A CHRONIC DISEASE OR**  
23 **FAMILY MEMBERS OF AN INDIVIDUAL WITH A CHRONIC DISEASE;**

24 **2. ~~TWO HEALTHCARE PROVIDERS~~ 10 INDIVIDUALS**  
25 **REPRESENTING PHYSICIANS OR OTHER HEALTHCARE PROVIDER GROUPS,**  
26 **INCLUDING FAMILY PRACTICE, INTERNAL MEDICINE, PEDIATRICS, EMERGENCY**  
27 **MEDICINE, CARDIOLOGY, NEUROLOGY, PULMONOLOGY, ENDOCRINOLOGY,**  
28 **RHEUMATOLOGY, NURSING, PHARMACY, AND DIETETICS;**

- 1                                   3.    ~~TWO~~ 4 INDIVIDUALS WITH A PHYSICAL FITNESS  
2 BACKGROUND;
- 3                                   4.    ~~ONE~~ 1 EMPLOYER OR REPRESENTATIVE OF THE  
4 BUSINESS SECTOR;
- 5                                   5.    ~~ONE~~ 1 HEALTH INSURER REPRESENTATIVE; ~~AND~~
- 6                                   6.    ~~ONE~~ 1 INDIVIDUAL WITH A CHRONIC  
7 OBSTRUCTIVE PULMONARY DISEASE BACKGROUND; AND
- 8                                   7.    1 HOSPITAL REPRESENTATIVE.

9                   (3)    The number of names on a list shall be **UP TO 3**.

10                   (4)    If a vacancy occurs for a reason other than expiration of the term,  
11 the Governor may appoint any individual without the list.

12                   **(5) THE MEMBERSHIP OF THE ADVISORY COUNCIL SHALL**  
13 **REPRESENT THE GENDER, GEOGRAPHIC, RACIAL, AND CULTURAL DIVERSITY OF**  
14 **THE STATE.**

15                   (b)    (1)    The term of a member is **[4] 2** years.

16                   (2)    The terms of **[16 of the]** members are staggered as required by the  
17 terms provided for members of the Advisory Council as of July 1, **[1982] 2013**.

18                   **[(3)**    The terms of eight of the members are staggered as required by the  
19 terms provided as of July 1, 2001.

20                   **(4)] (3)**    At the end of a term, a member continues to serve until a  
21 successor is appointed and qualifies.

22                   **[(5)] (4)**    A member who is appointed after a term has begun serves  
23 only for the rest of the term and until a successor is appointed and qualifies.

24                   **[(6)] (5)**    A member who serves 2 consecutive full **[4-year] 2-YEAR**  
25 terms may not be reappointed for 4 years after the completion of those terms.

26                   **[(7)] (6)**    If a vacancy occurs, the Governor promptly shall appoint a  
27 successor.

28 13–204.

29                   (a)    The members present at a meeting are a quorum to do business.

1 (b) The Advisory Council shall meet at least [twice] **FOUR TIMES** a year, at  
2 the times and places that it determines.

3 (c) **THE ADVISORY COUNCIL ~~MAY~~ SHALL CREATE SUBCOMMITTEES ~~AS~~**  
4 **~~IT DETERMINES TO ORGANIZE ITS WORK.~~ TO ADDRESS THE FOLLOWING TOPIC**  
5 **AREAS:**

6 (1) **PHYSICAL FITNESS AND HEALTHY EATING;**

7 (2) **HEART DISEASE;**

8 (3) **STROKE;**

9 (4) **DIABETES;**

10 (5) **CHRONIC OBSTRUCTIVE PULMONARY DISEASE;**

11 (6) **ARTHRITIS; AND**

12 (7) **ANY OTHER TOPICS IT DETERMINES NECESSARY TO**  
13 **ORGANIZE ITS WORK.**

14 [(c)] (D) A member of the Advisory Council:

15 (1) May not receive compensation; but

16 (2) Is entitled to reimbursement for expenses under the Standard  
17 State Travel Regulations, as provided in the State budget.

18 [(d)] (E) The Secretary shall designate the staff necessary to carry out this  
19 subtitle.

20 13–205.

21 The Advisory Council ~~]~~ **SHALL:**

22 (1) ~~Shall develop and]~~ ~~SHALL promote~~ **PROMOTE** [educational]  
23 **EVIDENCE-BASED** programs [in] **FOR** the prevention, early detection, and treatment  
24 of [heart disease and stroke] **CHRONIC DISEASE**, targeted to high-risk populations  
25 and to geographic areas where there is a high incidence of [heart disease and stroke]  
26 **CHRONIC DISEASE**; and

27 (2) ~~May use existing programs and groups for this purpose]~~

1           **(2) MAINTAIN LIAISON WITH:**

2                   **(I) THE STATE DEPARTMENT OF EDUCATION;**

3                   **(II) COUNTY BOARDS OF EDUCATION;**

4                   **(III) PRIVATE AND PAROCHIAL SCHOOLS;**

5                   **(IV) THE BUSINESS COMMUNITY;**

6                   **(V) COUNTY COMMISSIONS; AND**

7                   **(VI) PHYSICAL FITNESS AGENCIES IN OTHER STATES AND IN**  
 8 **THE FEDERAL GOVERNMENT.**

9 13–206.

10           (a) (1) The Advisory Council shall [recommend that the Department  
 11 establish guidelines for the effective management and treatment of heart disease and  
 12 stroke] **MAKE RECOMMENDATIONS TO THE DEPARTMENT RELATED TO CHRONIC**  
 13 **DISEASE PREVENTION, PHYSICAL FITNESS, AND HEALTHY EATING.**

14           (2) These [guidelines] **RECOMMENDATIONS** shall cover:

15                   (i) Primary prevention, **INCLUDING PHYSICAL FITNESS AND**  
 16 **THE IMPORTANCE OF HEALTHY EATING;**

17                   (ii) Detection;

18                   [(iii) Case finding;

19                   (iv)] **(III)** Diagnosis;

20                   [(v) Diagnostic workup;

21                   (vi)] **(IV)** Therapy;

22                   [(vii)] **(V)** [Long term] **LONG–TERM** management; and

23                   [(viii)] **(VI)** Any other services that the Advisory Council thinks  
 24 should be covered.

1 (b) [A State or county health department that carries out heart disease and  
 2 stroke prevention, education, and treatment programs shall conform to the guidelines  
 3 established under subsection (a) of this section.

4 (c)] Once every 2 years, the Advisory Council shall:

5 (1) Evaluate [heart disease and stroke] **CHRONIC DISEASE**  
 6 prevention, education, and treatment programs; and

7 (2) Send the evaluation with a report to the Governor.

8 **(C) ON OR BEFORE JANUARY 15 OF EACH YEAR, THE DEPARTMENT**  
 9 **SHALL REPORT, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT**  
 10 **ARTICLE, TO THE SENATE FINANCE COMMITTEE AND THE HOUSE HEALTH AND**  
 11 **GOVERNMENT OPERATIONS COMMITTEE, ON THE NUMBER OF TIMES DURING**  
 12 **THE PREVIOUS CALENDAR YEAR THAT THE ADVISORY COUNCIL MET, AND**  
 13 **WHETHER A QUORUM WAS PRESENT AT EACH MEETING.**

14 13-502.

15 [(a)] In this subtitle, [the following words have the meanings indicated.

16 (b) “Advisory Council” means the State Advisory Council on Arthritis and  
 17 Related Diseases.

18 (c)] “Program” means the Arthritis Prevention and Control Program.

19 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 13-401  
 20 through 13-410 and the subtitle “Subtitle 4. Physical Fitness”; and 13-505 through  
 21 13-509 of Article – Health – General of the Annotated Code of Maryland be repealed.

22 SECTION 3. AND BE IT FURTHER ENACTED, That Section(s) 13-510,  
 23 13-511, and 13-512, respectively, of Article – Health – General of the Annotated Code  
 24 of Maryland be renumbered to be Section(s) 13-505, 13-506, and 13-507, respectively.

25 SECTION 4. AND BE IT FURTHER ENACTED, That the terms of the  
 26 members serving on the State Advisory Council on Heart Disease and Stroke on June  
 27 30, 2013, shall expire effective July 1, 2013. The terms of the initial members of the  
 28 State Advisory Council on Chronic Disease Prevention, Physical Fitness, and Healthy  
 29 Eating shall expire as follows:

30 (1) ~~12~~ 16 members in ~~2014~~ 2015; and

31 (2) ~~12~~ 15 members in ~~2015~~ 2016.



1           SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2    July 1, 2013.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.