

SENATE BILL 38

J1

(71r0018)

ENROLLED BILL

— Finance/Health and Government Operations —

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

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Department of Health and Mental Hygiene – Updating Advisory Boards and**
3 **Councils**

4 FOR the purpose of establishing a State Advisory Council on Health and Wellness to
5 address chronic disease in the State by repealing and consolidating three existing
6 State advisory councils that address physical fitness, arthritis, and heart disease and
7 stroke; providing for the duties and membership of the Advisory Council; authorizing
8 the Advisory Council to create certain committees; requiring the Secretary of Health
9 and Mental Hygiene to adopt certain regulations to implement the Advisory Council;
10 specifying the terms of the initial members of the Advisory Council; repealing the
11 State Advisory Council on Heart Disease and Stroke, the State Advisory Council on
12 Physical Fitness, and the State Advisory Council on Arthritis and Related Diseases;
13 altering the membership of the State Child Fatality Review Team to include certain
14 representatives; altering the membership of the Advisory Board on Prescription

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.

Italics indicate opposite chamber/conference committee amendments.



1 Drug Monitoring to include certain representatives; making certain technical
2 changes to update the names of certain entities and eliminate a requirement of a
3 certain council that no longer exists; repealing the requirements that certain
4 applicants be submitted or approved by the Medical and Chirurgical Faculty of
5 Maryland; making certain conforming changes; declaring the intent of the General
6 Assembly; and generally relating to advisory boards and councils in the Department
7 of Health and Mental Hygiene.

8 BY repealing
9 Article – Health – General
10 Section 2–106(a)(25) and (26); 13–201 through 13–206 and the subtitle “Subtitle 2.
11 Heart Disease and Stroke Prevention Programs”; and 13–403 through 13–407
12 and 13–505 through 13–509
13 Annotated Code of Maryland
14 (2015 Replacement Volume and 2016 Supplement)

15 BY repealing and reenacting, without amendments,
16 Article – Health – General
17 Section 2–106(b) and (c), 13–402, 17–217(a), 17–2A–12(a), and 21–2A–05(a)
18 Annotated Code of Maryland
19 (2015 Replacement Volume and 2016 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article – Health – General
22 Section 4–219(b), 5–703(a), 13–401, 13–409, 13–502, 17–217(b), 17–2A–12(b)(3)(v),
23 18–108(d) and (e), and 21–2A–05(b)
24 Annotated Code of Maryland
25 (2015 Replacement Volume and 2016 Supplement)

26 BY adding to
27 Article – Health – General
28 Section 13–201 through 13–206 to be under the new subtitle “Subtitle 2. State
29 Advisory Council on Health and Wellness”
30 Annotated Code of Maryland
31 (2015 Replacement Volume and 2016 Supplement)

32 BY repealing and reenacting, without amendments,
33 Article – Health Occupations
34 Section 2–202(a)(1)
35 Annotated Code of Maryland
36 (2014 Replacement Volume and 2016 Supplement)

37 BY repealing and reenacting, with amendments,
38 Article – Health Occupations
39 Section 2–202(a)(3)
40 Annotated Code of Maryland
41 (2014 Replacement Volume and 2016 Supplement)

1 BY renumbering
2 Article – Health – General
3 Section 13–408 through 13–410 and 13–510 through 13–512, respectively
4 to be Section 13–403 through 13–405 and 13–505 through 13–507, respectively
5 Annotated Code of Maryland
6 (2015 Replacement Volume and 2016 Supplement)

7 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
8 That Section(s) 13–201 through 13–206 and the subtitle “Subtitle 2. Heart Disease and
9 Stroke Prevention Programs”; and 13–403 through 13–407 and 13–505 through 13–509 of
10 Article – Health – General of the Annotated Code of Maryland be repealed.

11 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
12 as follows:

13 **Article – Health – General**

14 2–106.

15 (a) The following units are in the Department:

16 [(25) Commission on Physical Fitness.

17 (26) Advisory Council on Infant Mortality.]

18 (b) The Department also includes every other unit that is in the Department
19 under any other law.

20 (c) The Secretary has the authority and powers specifically granted to the
21 Secretary by law over the units in the Department. All authority and powers not so granted
22 to the Secretary are reserved to those units free of the control of the Secretary.

23 4–219.

24 (b) In addition to the requirements of subsection (a) of this section, by June 30 of
25 each year the Secretary shall report to the [State Commission on Infant Mortality
26 Prevention] **MORBIDITY, MORTALITY, AND QUALITY REVIEW COMMITTEE**
27 **ESTABLISHED UNDER § 18–107 OF THIS ARTICLE** on the number and cause of death of
28 Maryland children under the age of 1 year who died during the prior calendar year ending
29 December 31st.

30 5–703.

31 (a) The State Team shall be a multidisciplinary and multiagency review team,
32 composed of at least 25 members, including:

- 1 (1) The Attorney General OR THE ATTORNEY GENERAL'S DESIGNEE;
- 2 (2) The Chief Medical Examiner OR THE CHIEF MEDICAL EXAMINER'S
3 DESIGNEE;
- 4 (3) The Secretary of Human Resources OR THE SECRETARY'S DESIGNEE;
- 5 (4) The Secretary of Health and Mental Hygiene OR THE SECRETARY'S
6 DESIGNEE;
- 7 (5) The State Superintendent of Schools OR THE SUPERINTENDENT'S
8 DESIGNEE;
- 9 (6) The Secretary of Juvenile Services OR THE SECRETARY'S DESIGNEE;
- 10 (7) The [Special Secretary for Children, Youth, and Families] **EXECUTIVE**
11 **DIRECTOR OF THE GOVERNOR'S OFFICE FOR CHILDREN** OR THE EXECUTIVE
12 DIRECTOR'S DESIGNEE;
- 13 (8) The Secretary of State Police OR THE SECRETARY'S DESIGNEE;
- 14 (9) The president of the State's Attorneys' Association OR THE
15 PRESIDENT'S DESIGNEE;
- 16 (10) The chief of the Division of Vital Records of the Department OR THE
17 CHIEF'S DESIGNEE;
- 18 (11) A representative of the [State SIDS Information and Counseling
19 Program] **CENTER FOR INFANT AND CHILD LOSS**;
- 20 (12) The Director of the Behavioral Health Administration of the
21 Department OR THE DIRECTOR'S DESIGNEE;
- 22 (13) Two pediatricians with experience in diagnosing and treating injuries
23 and child abuse and neglect, appointed by the Governor from a list submitted by the State
24 Chapter of the American Academy of Pediatrics; and
- 25 (14) Eleven members of the general public with interest or expertise in child
26 safety and welfare, appointed by the Governor, including child advocates, CASA volunteers,
27 health and mental health professionals, and attorneys who represent children.

28 **SUBTITLE 2. STATE ADVISORY COUNCIL ON HEALTH AND WELLNESS.**

1 IN THIS SUBTITLE, “ADVISORY COUNCIL” MEANS THE STATE ADVISORY
2 COUNCIL ON HEALTH AND WELLNESS.

3 13-202.

4 THERE IS A STATE ADVISORY COUNCIL ON HEALTH AND WELLNESS.

5 13-203.

6 (A) THE ADVISORY COUNCIL CONSISTS OF ~~30~~ ~~33~~ 34 VOTING MEMBERS
7 APPOINTED BY THE SECRETARY.

8 (B) THE FOLLOWING MEMBERS SHALL SERVE WITHOUT TERM LIMITS:

9 (1) THE SECRETARY OF HEALTH AND MENTAL HYGIENE OR THE
10 SECRETARY’S DESIGNEE;

11 (2) THE STATE SUPERINTENDENT OF SCHOOLS OR THE STATE
12 SUPERINTENDENT’S DESIGNEE;

13 (3) THE SECRETARY OF AGING OR THE SECRETARY’S DESIGNEE;

14 (4) THE SECRETARY OF DISABILITIES OR THE SECRETARY’S
15 DESIGNEE;

16 (5) A REPRESENTATIVE OF THE MARYLAND OFFICE OF MINORITY
17 HEALTH AND HEALTH DISPARITIES; AND

18 (6) A REPRESENTATIVE OF THE MARYLAND ASSOCIATION OF
19 COUNTY HEALTH OFFICERS.

20 (C) THE FOLLOWING MEMBERS ARE SUBJECT TO TERM LIMITS:

21 (1) ONE REPRESENTATIVE OF THE AMERICAN HEART ASSOCIATION
22 MID-ATLANTIC, INC., NOMINATED BY THE EXECUTIVE DIRECTOR OF THE
23 ASSOCIATION;

24 (2) ONE REPRESENTATIVE OF THE ARTHRITIS FOUNDATION,
25 MID-ATLANTIC REGION, MARYLAND, NOMINATED BY THE EXECUTIVE DIRECTOR
26 OF THE FOUNDATION;

1 (3) ONE REPRESENTATIVE OF THE AMERICAN DIABETES
2 ASSOCIATION, MARYLAND CHAPTER, NOMINATED BY THE EXECUTIVE DIRECTOR
3 OF THE ASSOCIATION;

4 (4) ONE REPRESENTATIVE OF JOHNS HOPKINS MEDICINE,
5 NOMINATED BY THE CHIEF EXECUTIVE OFFICER OF JOHNS HOPKINS MEDICINE;

6 (5) ONE REPRESENTATIVE OF MEDCHI, THE MARYLAND STATE
7 MEDICAL SOCIETY, NOMINATED BY THE EXECUTIVE DIRECTOR OF MEDCHI;

8 (6) ONE REPRESENTATIVE OF THE UNIVERSITY OF MARYLAND
9 MEDICAL CENTER AND UNIVERSITY OF MARYLAND SCHOOL OF MEDICINE,
10 NOMINATED BY THE CHIEF EXECUTIVE OFFICER OF THE MEDICAL CENTER AND
11 THE DEAN OF THE SCHOOL OF MEDICINE; ~~AND~~

12 (7) ONE REPRESENTATIVE OF THE MARYLAND CHAPTER OF THE
13 AMERICAN ACADEMY OF PEDIATRICS, NOMINATED BY THE EXECUTIVE DIRECTOR
14 OF THE CHAPTER;

15 (8) ONE REPRESENTATIVE OF THE MARYLAND NURSES
16 ASSOCIATION, NOMINATED BY THE EXECUTIVE DIRECTOR OF THE ASSOCIATION;

17 (9) ONE REPRESENTATIVE OF THE MARYLAND ACADEMY OF
18 NUTRITION AND ~~DIETETICS~~ DIETETICS, NOMINATED BY THE PRESIDENT OF THE
19 ACADEMY; ~~AND~~

20 (10) ONE REPRESENTATIVE OF THE MARYLAND CHAPTER OF THE
21 AMERICAN COLLEGE OF EMERGENCY PHYSICIANS, NOMINATED BY THE PRESIDENT
22 OF THE CHAPTER; AND

23 ~~(7) (10) (11)~~ EIGHTEEN MEMBERS OF THE PUBLIC, WHO MAY
24 INCLUDE:

25 (I) INDIVIDUALS WITH A CHRONIC DISEASE OR FAMILY
26 MEMBERS OF AN INDIVIDUAL WITH A CHRONIC DISEASE;

27 (II) LICENSED HEALTH CARE PROVIDERS;

28 (III) INDIVIDUALS WITH A PHYSICAL FITNESS BACKGROUND;

29 (IV) EMPLOYERS OR REPRESENTATIVES OF THE BUSINESS
30 SECTOR;

31 (V) REPRESENTATIVES OF HEALTH INSURERS;

1 (VI) REPRESENTATIVES OF COMMUNITY-BASED
2 ORGANIZATIONS; AND

3 (VII) INDIVIDUALS WITH EXPRESSED INTEREST IN HEALTH AND
4 WELLNESS.

5 (D) (1) THIS SUBSECTION APPLIES TO MEMBERS WHO ARE SUBJECT TO
6 TERM LIMITS.

7 (2) THE TERM OF A MEMBER IS 4 YEARS.

8 (3) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY THE
9 TERMS PROVIDED FOR MEMBERS OF THE ADVISORY COUNCIL ON OCTOBER 1, 2017.

10 (4) A MEMBER MAY SERVE TWO CONSECUTIVE FULL TERMS.

11 (5) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL
12 A SUCCESSOR IS APPOINTED AND QUALIFIES.

13 (6) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES
14 ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND
15 QUALIFIES.

16 (7) A MEMBER WHO SERVES TWO CONSECUTIVE FULL 4-YEAR TERMS
17 MAY NOT BE REAPPOINTED FOR 4 YEARS AFTER THE COMPLETION OF THOSE TERMS.

18 (E) IF A VACANCY OCCURS, THE SECRETARY PROMPTLY SHALL APPOINT A
19 SUCCESSOR.

20 13-204.

21 (A) A MEMBER OF THE ADVISORY COUNCIL:

22 (1) MAY NOT RECEIVE COMPENSATION; BUT

23 (2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE
24 STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

25 (B) (1) THE ADVISORY COUNCIL SHALL CREATE COMMITTEES AS IT
26 DETERMINES TO ORGANIZE ITS WORK, INCLUDING AT A MINIMUM THE FOLLOWING
27 FOUR COMMITTEES:

28 (I) ARTHRITIS;

- 1 (II) DIABETES;
- 2 (III) HEART DISEASE AND STROKE; AND
- 3 (IV) PHYSICAL FITNESS.

4 (2) EACH ADVISORY COUNCIL MEMBER SHALL ~~BE ASSIGNED TO~~
5 SERVE ON ~~A~~ AT LEAST ONE COMMITTEE.

6 (C) THE SECRETARY SHALL DESIGNATE THE STAFF NECESSARY TO CARRY
7 OUT THIS SUBTITLE.

8 13-205.

9 THE ADVISORY COUNCIL SHALL:

10 (1) PROMOTE EVIDENCE-BASED PROGRAMS FOR HEALTHY
11 LIFESTYLES AND THE PREVENTION, EARLY DETECTION, AND TREATMENT OF
12 CHRONIC DISEASE; AND

13 (2) MAKE RECOMMENDATIONS TO THE DEPARTMENT RELATED TO
14 CHRONIC DISEASE PREVENTION, HEALTH, AND WELLNESS.

15 13-206.

16 THE SECRETARY SHALL ADOPT REGULATIONS GOVERNING THE ROLE AND
17 OPERATIONS OF THE ADVISORY COUNCIL.

18 13-401.

19 (a) In this subtitle the following words have the meanings indicated.

20 (b) "County advisory council" means an advisory council on physical fitness for a
21 county.

22 (c) "State Advisory Council" means the State Advisory Council on [Physical
23 Fitness] **HEALTH AND WELLNESS.**

24 13-402.

25 The purposes of this subtitle and of the advisory councils that it creates are to protect
26 and improve physical fitness, including:

1 (1) Improvement of habits in recreation, exercise, sports, and the use of
2 leisure time;

3 (2) Protection and improvement of physique and health; and

4 (3) Improvement of instruction for any of these purposes.

5 13-409.

6 The county and Baltimore City advisory councils shall consult with the State
7 Advisory Council on [Physical Fitness] **HEALTH AND WELLNESS.**

8 13-502.

9 (a) In this subtitle the following words have the meanings indicated.

10 (b) “Advisory Council” means the State Advisory Council on [Arthritis and
11 Related Diseases] **HEALTH AND WELLNESS.**

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

13 17-217.

14 (a) The Secretary shall establish a Laboratory Advisory Committee to advise the
15 Secretary on matters relating to the implementation of the provisions of this subtitle.

16 (b) The Advisory Committee shall consist of:

17 (1) At least the following representatives appointed biennially from a list
18 of eligibles [submitted by the Medical and Chirurgical Faculty of Maryland]:

19 (i) 1 member of the American Academy of Family Practitioners;

20 (ii) 1 member of the American Academy of Pediatricians;

21 (iii) 1 member of the [American Society of Internal Medicine]
22 **AMERICAN COLLEGE OF PHYSICIANS;**

23 (iv) 1 member of the [American Society of Clinical Pathologists]
24 **AMERICAN SOCIETY FOR CLINICAL PATHOLOGY;** and

25 (v) 1 member of the American College of Pathology; and

26 (2) 1 representative of the Advanced Medical Technology Association.

27 17-2A-12.

1 (a) The Governor shall establish a Forensic Laboratory Advisory Committee to
2 advise the Secretary on matters relating to the implementation of the provisions of this
3 subtitle.

4 (b) The Advisory Committee shall consist of the following 10 members:

5 (3) The following members, appointed by the Governor:

6 (v) One from the [American Society of Crime Laboratory
7 Directors/Laboratory Accreditation Board] **ANSI-ASQ NATIONAL ACCREDITATION**
8 **BOARD**; and
9 18-108.

10 [(d) (1)] (C) The Department shall maximize distribution of administrative
11 funds to local agencies in a manner that assures equity among the local agencies.

12 [(2) The distribution of administrative funds to local agencies shall be
13 reviewed annually by the Governor's Advisory Council on Food and Nutrition, which may
14 then recommend adjustments to the Governor, the Department, and the General Assembly.

15 (e)] (D) The provisions of this section are effective only to the extent that they
16 are not inconsistent with applicable federal law or regulations.

17 21-2A-05.

18 (a) There is an Advisory Board on Prescription Drug Monitoring in the
19 Department.

20 (b) The Board shall consist of the following members:

21 (1) The Secretary, or the Secretary's designee;

22 (2) The President of the [Maryland] STATE Board of Pharmacy, or the
23 President's designee;

24 (3) The Chair of the [Maryland] STATE Board of Physicians, or the Chair's
25 designee;

26 (4) The President of the [Maryland] STATE Board of Nursing, or the
27 President's designee;

28 (5) **THE PRESIDENT OF THE STATE BOARD OF DENTAL EXAMINERS,**
29 **OR THE PRESIDENT'S DESIGNEE;**

1 **(6) THE PRESIDENT OF THE STATE BOARD OF PODIATRIC MEDICAL**
2 **EXAMINERS, OR THE PRESIDENT’S DESIGNEE;**

3 **[(5)] (7)** The Chairman of the Maryland Health Care Commission, or the
4 Chairman’s designee;

5 **[(6)] (8)** Four physicians and one nurse practitioner with expertise in
6 clinical treatment using controlled dangerous substances, including pain management,
7 substance abuse, and behavioral disorders, appointed by the Secretary after consultation
8 with:

9 (i) For the physician appointments, **[the Medical and Chirurgical**
10 **Faculty of Maryland] MEDCHI, THE MARYLAND STATE MEDICAL SOCIETY**, the
11 Maryland Physical Medicine and Rehabilitation Society, the Maryland Society of
12 Anesthesiologists, the Maryland–D.C. Society of Clinical Oncology, the Hospice and
13 Palliative Care Network of Maryland, and the Maryland Chapter of the American Academy
14 of Pediatrics; and

15 (ii) For the nurse practitioner appointment, the Maryland Nurses
16 Association;

17 **[(7)] (9)** One pediatrician, appointed by the Secretary after consultation
18 with the Maryland Chapter of the American Academy of Pediatrics;

19 **[(8)] (10)** Three pharmacists who represent the perspective of independent
20 and chain pharmacies, appointed by the Secretary after consultation with the Maryland
21 Pharmacists Association, the Maryland Association of Chain Drug Stores, and any other
22 appropriate organization;

23 **[(9)] (11)** A local law enforcement official, appointed by the Secretary after
24 consultation with the Maryland Chiefs of Police Association and the Maryland Sheriff’s
25 Association; **[and]**

26 **(12) THE SECRETARY OF STATE POLICE, OR THE SECRETARY’S**
27 **DESIGNEE;**

28 **(13) THE PRESIDENT OF THE MARYLAND ASSOCIATION OF COUNTY**
29 **HEALTH OFFICERS, OR THE PRESIDENT’S DESIGNEE;**

30 **(14) AN ACADEMIC OR RESEARCH PROFESSIONAL; AND**

31 **[(10)] (15)** Two Maryland residents who represent the perspective of
32 patients, appointed by the Secretary.

1 2–202.

2 (a) (1) The Board consists of 13 members.

3 (3) The Governor shall appoint the physician members, with the advice of
4 the Secretary, from a list submitted to the Secretary and the Governor by the Maryland
5 Society of Otolaryngology [with the approval of the Medical and Chirurgical Faculty of the
6 State of Maryland]. There shall be at least 3 names on the list.

7 SECTION 3. AND BE IT FURTHER ENACTED, That Section(s) 13–408 through
8 13–410 and 13–510 through 13–512, respectively, of Article – Health – General of the
9 Annotated Code of Maryland be renumbered to be Section(s) 13–403 through 13–405 and
10 13–505 through 13–507, respectively.

11 SECTION 4. AND BE IT FURTHER ENACTED, That the terms of the members
12 serving on the State Advisory Council on Heart Disease and Stroke, the State Advisory
13 Council on Physical Fitness, and the State Advisory Council on Arthritis and Related
14 Diseases on September 30, 2017, shall expire effective October 1, 2017. The terms of the
15 initial members of the State Advisory Council on Health and Wellness shall be determined
16 by the Department of Health and Mental Hygiene through a random drawing and shall
17 expire as follows:

18 (1) ~~eight~~ nine ~~ten~~ members in 2019;

19 (2) ~~eight~~ nine members in 2020; and

20 (3) ~~eight~~ nine members in 2021.

21 SECTION 5. AND BE IT FURTHER ENACTED, That it is the intent of the General
22 Assembly that the purposes and responsibilities of the State Advisory Council on Heart
23 Disease, the State Advisory Council on Physical Fitness, and the State Advisory Council on
24 Arthritis and Related Diseases not be diminished by the provisions of this Act.

25 SECTION ~~5.~~ 6. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2017.