

# HOUSE BILL 609

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2lr2060  
CF SB 548

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By: ~~Delegates Pena–Melnyk and Pendergrass,~~ Pendergrass, Bhandari, Carr, Hill,  
Kerr, Landis, and R. Lewis

Introduced and read first time: January 31, 2022

Assigned to: Health and Government Operations

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 11, 2022

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

1 AN ACT concerning

2 **Local Health Officers – Removal – Grounds and Process**

3 FOR the purpose of repealing a provision of law providing that a health officer serves at  
4 the pleasure of the Secretary of Health and the governing body of the county;  
5 establishing the reasons for which a health officer may be removed from office and  
6 notice and hearing requirements related to a removal; and generally relating to the  
7 removal of health officers.

8 BY repealing and reenacting, with amendments,  
9 Article – Health – General  
10 Section 3–302  
11 Annotated Code of Maryland  
12 (2019 Replacement Volume and 2021 Supplement)

13 BY repealing and reenacting, with amendments,  
14 Article – State Personnel and Pensions  
15 Section 11–305  
16 Annotated Code of Maryland  
17 (2015 Replacement Volume and 2021 Supplement)

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

20 **Article – Health – General**

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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 3-302.

2 (a) The health officer for a county shall be nominated by the county and appointed  
3 by the Secretary.

4 (b) (1) The governing body of each county shall establish, by ordinance or  
5 resolution, the process by which the county nominates an individual for health officer.

6 (2) If a vacancy occurs in the position of health officer for a county, the  
7 governing body shall establish a process, in consultation with the Department, for making  
8 a recommendation to the Secretary for the appointment of a health officer.

9 (3) The process established under paragraph (2) of this subsection shall  
10 include the requirements for recruiting, interviewing, and recommending applicants for the  
11 position of health officer.

12 (c) (1) If the Secretary finds that a nominee meets the qualifications of this  
13 section, the Secretary shall appoint the nominee as health officer.

14 (2) If the Secretary finds that the nominee does not meet the qualifications  
15 of this section, the Secretary shall reject the nomination, and the county shall provide the  
16 Secretary with another nomination.

17 (d) Each health officer:

18 (1) Shall have:

19 (i) A master's degree in public health and at least 2 years' work in  
20 the field of public health; or

21 (ii) At least 5 years' work in the field of public health;

22 (2) Shall have any other qualifications and training in the field of public  
23 health that the Secretary requires by rule or regulation; and

24 (3) Need not be a physician, if the health officer has a deputy who:

25 (i) Is a physician; and

26 (ii) Meets the qualifications of this subsection.

27 (e) Before taking office, each appointee to the office of health officer shall take the  
28 oath required by Article I, § 9 of the Maryland Constitution.

29 [(f) The health officer for a county serves at the pleasure of the governing body of  
30 that county and the Secretary.]

1            ~~[(g)]~~ (F)        (1)    The health officer for a county may be removed from office with  
2 the concurrence of the governing body of that county and the Secretary **FOR THE**  
3 **FOLLOWING REASONS:**

4                            (I)    **IMMORALITY;**

5                            (II)   **MISCONDUCT IN OFFICE;**

6                            (III) **INSUBORDINATION;**

7                            (IV) ~~INCOMPETENCY~~ **INCOMPETENCE; OR**

8                            (V)   **WILLFUL NEGLECT OF DUTY.**

9                            (2)   (i)    Any information concerning the removal of a health officer from  
10 office is confidential in accordance with Title 4 of the General Provisions Article.

11                            (ii)   Any meeting of the governing body of a county or any meeting  
12 that includes the Secretary related to the removal of a health officer from office shall be  
13 closed.

14                            (3)   (I)    **IF THE SECRETARY AND THE GOVERNING BODY CONCUR ON**  
15 **THE REMOVAL OF A HEALTH OFFICER, THE SECRETARY SHALL PROVIDE WRITTEN**  
16 **NOTIFICATION TO THE HEALTH OFFICER THAT INCLUDES:**

17    1.    **THE BASIS FOR THE REMOVAL, SUBJECT TO THE**  
18 **REASONS LISTED IN PARAGRAPH (1) OF THIS SUBSECTION;**

19    2.    **DOCUMENTATION SUPPORTING THE REMOVAL; AND**

20    3.    **NOTICE OF THE OPPORTUNITY TO REQUEST A**  
21 **HEARING WITH THE SECRETARY WITHIN 10 DAYS AFTER RECEIPT OF THE WRITTEN**  
22 **NOTIFICATION AND INFORMATION ON HOW TO REQUEST THE HEARING.**

23                            (II)   **IF THE HEALTH OFFICER REQUESTS A HEARING WITH THE**  
24 **SECRETARY:**

25    1.    **THE SECRETARY PROMPTLY SHALL HOLD A HEARING,**  
26 **PROVIDED THAT THE HEARING MAY NOT BE HELD WITHIN 10 DAYS AFTER THE**  
27 **SECRETARY SENDS THE HEALTH OFFICER A NOTICE OF THE HEARING DATE; AND**

28    2.    **THE HEALTH OFFICER SHALL HAVE AN OPPORTUNITY**  
29 **TO BE HEARD ~~PUBLICLY~~ BEFORE THE SECRETARY IN THE HEALTH OFFICER'S**  
30 **DEFENSE, ~~WHETHER IN PERSON OR BY COUNSEL.~~**

1 (4) A HEALTH OFFICER MAY APPEAL THE DECISION OF THE  
2 SECRETARY AT A HEARING REQUESTED UNDER PARAGRAPH (3)(II) OF THIS  
3 SUBSECTION TO THE OFFICE OF ADMINISTRATIVE HEARINGS.

4 Article – State Personnel and Pensions

5 11–305.

6 (a) (1) This section [only] applies ONLY to an employee who is in a position:

7 [(1)] (I) under a special appointment;

8 [(2)] (II) in the management service; or

9 [(3)] (III) in the executive service.

10 (2) THIS SECTION DOES NOT APPLY TO A HEALTH OFFICER  
11 APPOINTED UNDER § 3–302 OF THE HEALTH – GENERAL ARTICLE.

12 (b) Each employee subject to this section:

13 (1) serves at the pleasure of the employee’s appointing authority; and

14 (2) may be terminated from employment for any reason that is not illegal  
15 or unconstitutional, solely in the discretion of the appointing authority.

16 (c) A management service employee or a special appointment employee  
17 designated by the Secretary under § 4–201(c)(2)(i) of this article may not be terminated for  
18 the purpose of creating a new position for another individual’s appointment because of that  
19 individual’s political affiliation, belief, or opinion.

20 (d) An employee or an employee’s representative may file a written appeal of an  
21 employment termination under this section as described under § 11–113 of this title.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
23 October 1, 2022.