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By: Senators Lam, Beidle, Feldman, Hettleman, Kelley, Sydnor, Washington, and Young

Introduced and read first time: January 31, 2022

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

2 Local Health Officers – Removal – Grounds and Process

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

- 8 BY repealing and reenacting, with amendments,
- 9 Article Health General
- 10 Section 3–302

AN ACT concerning

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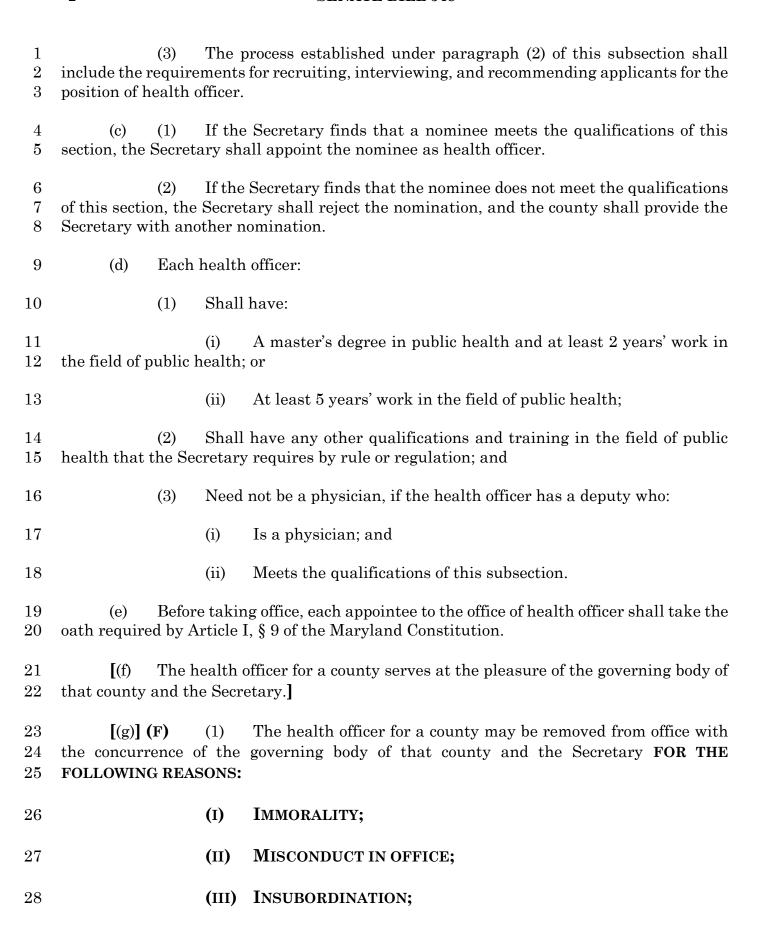
- 11 Annotated Code of Maryland
- 12 (2019 Replacement Volume and 2021 Supplement)
- 13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
- 14 That the Laws of Maryland read as follows:
- 15 Article Health General
- 16 3–302.
- 17 (a) The health officer for a county shall be nominated by the county and appointed 18 by the Secretary.
- 19 (b) (1) The governing body of each county shall establish, by ordinance or 20 resolution, the process by which the county nominates an individual for health officer.
- 21 (2) If a vacancy occurs in the position of health officer for a county, the 22 governing body shall establish a process, in consultation with the Department, for making 23 a recommendation to the Secretary for the appointment of a health officer.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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1	(IV) INCOMPETENCY; OR	
2	(V) WILLFUL NEGLECT OF DUTY.	
3 4	(2) (i) Any information concerning the removal of a health officer from office is confidential in accordance with Title 4 of the General Provisions Article.	om
5 6 7	(ii) Any meeting of the governing body of a county or any meeting that includes the Secretary related to the removal of a health officer from office shall closed.	_
8 9 10	(3) (I) IF THE SECRETARY AND THE GOVERNING BODY CONCUR OF THE REMOVAL OF A HEALTH OFFICER, THE SECRETARY SHALL PROVIDE WRITT NOTIFICATION TO THE HEALTH OFFICER THAT INCLUDES:	
$\frac{1}{2}$	1. THE BASIS FOR THE REMOVAL, SUBJECT TO THE REASONS LISTED IN PARAGRAPH (1) OF THIS SUBSECTION;	HE
13	2. DOCUMENTATION SUPPORTING THE REMOVAL; AND	D
14 15 16	3. NOTICE OF THE OPPORTUNITY TO REQUEST HEARING WITH THE SECRETARY WITHIN 10 DAYS AFTER RECEIPT OF THE WRITT NOTIFICATION AND INFORMATION ON HOW TO REQUEST THE HEARING.	
17 18	(II) IF THE HEALTH OFFICER REQUESTS A HEARING WITH TO SECRETARY:	HE
19 20 21	1. THE SECRETARY PROMPTLY SHALL HOLD A HEARING PROVIDED THAT THE HEARING MAY NOT BE HELD WITHIN 10 DAYS AFTER TO SECRETARY SENDS THE HEALTH OFFICER A NOTICE OF THE HEARING DATE; AND	HE
22 23 24	2. THE HEALTH OFFICER SHALL HAVE AN OPPORTUNI TO BE HEARD PUBLICLY BEFORE THE SECRETARY IN THE HEALTH OFFICEI DEFENSE, WHETHER IN PERSON OR BY COUNSEL.	
25 26	(4) A HEALTH OFFICER MAY APPEAL THE DECISION OF THE SECRETARY AT A HEARING REQUESTED UNDER PARAGRAPH (3)(II) OF THE SUBSECTION TO THE OFFICE OF ADMINISTRATIVE HEARINGS	

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 29 October 1, 2022.