

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1426 (Delegate Rose, *et al.*)
Health and Government Operations

Carroll County - Board of Health and Health Department

This bill clarifies that the Carroll County Board of Commissioners (board) is the board of health for the county and must exercise all powers and duties of the board of health under State and local law. The board of commissioners acting as the board of health must establish standard operating procedures for the Carroll County Health Department (CCHD), including for the health and safety complaint system and complaint appeals process. The board must direct CCHD to (1) keep records of health and safety complaints and (2) make the records available for inspection under the Maryland Public Information Act, including inspection by the Carroll County Delegation to the General Assembly and county business owners and residents. The bill also alters the evaluation and removal process for the health officer and deputy health officers of Carroll County.

Fiscal Summary

State Effect: None. The bill only affects local government operations.

Local Effect: Carroll County revenues and expenditures are likely not materially affected, as discussed below.

Small Business Effect: None.

Analysis

Bill Summary: At least annually, the board must evaluate each deputy health officer in writing. The board must make its evaluation of the health officer and each deputy health officer available to the delegation. The board must also direct CCHD to submit written

evaluations of all CCHD employees to the health officer and the board by December 1 of each year.

If the health officer or a deputy health officer receives two unsatisfactory evaluations by the board, the board may remove them from their position. Removal is not subject to the approval of the Secretary. If the board removes the health officer or a deputy health officer by this process, the board must notify the delegation of the removal and the reasons for it.

Current Law: In general, unless a governing body of a county establishes a board of health, the governing body is the board of health for the county. In Carroll County, CCHD is one of 24 local health departments under the Maryland Department of Health (MDH) and the Carroll County Commissioners serve as the board of health.

Each county board of health must exercise the duties imposed by law on a board of health and may adopt and enforce rules and regulations on any nuisance or cause of disease in the county.

A county health officer must enforce (1) State health laws; (2) policies, rules, and regulations established by the Secretary; and (3) rules and regulations adopted by the county board of health.

A county health officer is a State employee who is nominated by the county and appointed by the Secretary. The governing body of each county must establish the nomination process by ordinance or resolution. If there is a vacancy in a county health officer position, the governing body must consult with MDH to establish a process for recommending an appointment to the Secretary.

The governing body of each county must establish, by ordinance or resolution, the process for evaluating its health officer. The Secretary must establish, by rule or regulation, the process by which the Secretary evaluates county health officers. Each county health officer must be evaluated in writing by both the Secretary and by the county at least once a year. The Secretary and the county must review their respective evaluations of a health officer with the health officer.

A county health officer serves at the pleasure of the appropriate county's governing body and the Secretary. A county health officer may be removed from office with the concurrence of the governing body of the appropriate county and the Secretary. All information concerning the removal of a health officer is confidential. As such, any meeting related to the removal of a health officer involving the county's governing body or that includes the Secretary must be closed.

If the Secretary and the governing body concur on the removal of a county health officer, the Secretary must provide written notice to the health officer that includes (1) the basis of removal; (2) documentation supporting the removal; and (3) notice and information about the opportunity and process of requesting a hearing with the Secretary within 10 days.

If the county health officer requests a hearing, the Secretary must promptly hold a hearing between 10 and 30 days of sending the notice of removal. The county health officer must have an opportunity to be heard before the Secretary, and the Secretary must make a final decision within 10 days of the hearing. No more than 30 days after the final decision, a county health officer may request a hearing before the circuit court to ensure the proceedings for removal were conducted correctly.

Local Fiscal Effect: Carroll County advises that the fiscal impact of the bill will vary based on the level of county involvement in developing standard operating procedures for CCHD, including the health and safety complaint system and the complaint appeals process. The county may need to hire one administrative staff member to manage the development of standard operating procedures at an annual cost of \$96,000 in fiscal 2026.

The Department of Legislative Services notes that the Carroll County Commissioners already operates as the board of health and can enforce rules and regulations under current law. Thus, there is likely no material impact on county expenditures as a result of the bill.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Maryland Association of County Health Officers; Carroll County; Department of Legislative Services

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km/jc

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