

NFINK-SB920APPROVECountyHealthProceduresOversight.

Uploaded by: Fink, Nelda

Position: FAV

Written Testimony APPROVING SB 920 – County Health Officers – Procedures and Oversight
Nelda Fink, 8372 Norwood Dr, Millersville
MD District 32

SB 920 needs to be approved and I support because the County Health officers have operated totally on their own during the past year, under the guise of the State of Emergency. Placing the whole control of the shutdowns under the control of 1 person in each county without any oversight or guidelines is reckless and unconstitutional. The procedures and oversight established in this bill are a good start and will be very helpful in protecting the People of Maryland from unjust practices that were experienced during 2020. I completely support this bill and encourage the committee to APPROVE it as well.

Please pass this bill!

I approve completely!

Sincerely,

Nelda Fink

APPROVING SB 920 – County Health Officers – Procedures and Oversight

SB 920 Sponsor Testimony

Uploaded by: Ready, Justin

Position: FAV

JUSTIN READY
Legislative District 5
Carroll County

Finance Committee



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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

March 11, 2021
Senate Bill 920

County Health Officers – Procedures and Oversight

Chair Kelly, Vice Chair Feldman and Members of the Finance Committee,

SB 920 would require each county board of health under the oversight of the county government to establish clear requirements regarding the manner in which and under what circumstances the health officer or the health officer's staff may perform inspections, issue citations or cease of operations. This bill will also require the county to establish an oversight board and a clear appeal process for the businesses who have been given citations and/or orders to close. Each county would be responsible for creating an oversight board that must include at least one member who is a business owner in that county.

The state of emergency and the executive orders issued in the last year caused areas of confusion and frustration for many businesses who were trying to be safe and follow the rules. By virtue of the current system, orders are often left to interpretation by local Health Departments, which leaves them open to charges of unfair treatment. A set of clear guidelines and the establishment of an oversight committee would give job creators a clearer path to compliance.

I ask for a **favorable** report on **SB920**.

5b - FIN - SB 920 - MACHO - LOO.pdf

Uploaded by: Office of Governmental Affairs, Maryland Department of Health

Position: UNF



SENATE BILL 920
County Health Officers – Procedures and Oversight

**TESTIMONY BEFORE THE
SENATE FINANCE COMMITTEE**
Laurence Polsky, MDH, MPH, Health Officer, Calvert County Health Department
For the Maryland Association of County Health Officers (MACHO)
Position: Oppose – March 11, 2021

SB 920 would create a new oversight board within each jurisdiction to determine under what circumstances a local Health Officer and Health Department staff may perform inspections of businesses suspected of violating health standards.

The Maryland Association of County Health Officers (MACHO) is a consistent advocate for appropriate and unbiased health and safety protections. Enforcement of public health measures protect workers, customers, and in many instances, the long-term economic interests of industry sectors. As a result, the state's Health Officers **strongly oppose SB 920** as a measure that would leave Marylanders at greater risk.

This bill would limit the ability of public health professionals to make real-time decisions necessary to preserve health and safety of workers and residents of their jurisdictions. COVID-19 has demonstrated the need to continually adapt to evolving scientific knowledge. Infectious disease protocols and subsequent actions must be adjusted quickly to protect members of our communities. These decisions are best made by the health professionals and epidemiologists at the Maryland Department of Health and Local Health Departments. Adding another bureaucratic layer to the process, as SB 920 would mandate, especially in times of rapidly shifting scientific knowledge, leaves the lives of constituents at unnecessary risk.

SB 920 also has the potential to interject special interest interference into what should be unbiased health decisions. Health Officers are intentionally hired as state employees to provide a layer of distance from local special interests. By mandating that local business owners have a role in approving the scope of Health Officer authority, the intent of shielding health and safety enforcement from undue local conflicts of interest is undermined.

Health Officers currently have both state level (the MDH Secretary and Public Health Deputy Secretary) and local (Board of Health) oversight. Business interests already have the ability to request review of enforcement actions if there are concerns. The additional Oversight Board mandated by this bill serves little practical benefit and would come at the price of delayed action leaving people at risk of harm.

For these reasons and more, the Maryland Association of County Health Officers are compelled to **testify in opposition to SB 920**. For more information, please contact Ruth Maiorana, MACHO Executive Director at rmaiora1@jhu.edu or 410-937-1433. *This communication reflects the position of MACHO.*

5a - FIN - SB 920 - MDH - LOI (1).pdf

Uploaded by: Bennardi, Maryland Department of Health /Office of Governmen

Position: INFO



Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Dennis R. Schwader, Acting Secretary

March 11, 2021

The Honorable Delores G. Kelley
Chair, Senate Finance Committee
3 East, Miller Senate Office Building
Annapolis, Maryland 21401

RE: SB 920 – County Health Officers - Procedures and Oversight - Letter of Information

Dear Chair Kelley and Committee Members,

The Maryland Department of Health (MDH) is submitting this letter of information for Senate Bill 920 (SB 920) titled: “County Health Officers - Procedures and Oversight.” SB 920 requires each county board of health and the Baltimore City Health Department to establish specific criteria for when, how, and under what circumstances the local health department (LHD) may inspect or take other enforcement actions against a business. This legislation further establishes an oversight board to which a business may appeal a decision by the LHD.

MDH notes that SB 920 has the potential to undermine the ability of LHDs to carry out essential enforcement activities for the protection of health and safety and interfere with consistent health and safety regulation across the State. Such inconsistencies could pose potential health risks in different jurisdictions based on local interpretations of health and safety priorities. MDH and other State agencies (including the Department of the Environment) delegate authority to LHDs for certain programs, including food service facilities, public swimming pools, lead paint inspections, and housing protection services. LHDs are responsible for licensing and inspection, as well as taking enforcement action against noncompliant businesses when necessary. Inspections are based on both statutory and regulatory requirements for each program and include provisions for remedial enforcement actions as well as a business’s right to a hearing in some circumstances. It is paramount that the General Assembly protect the right of entry of LHD staff, established under Health-General §2–104(1)(1):

The Secretary or an agent or employee of the Secretary may enter, at any reasonable hour, a place of business or public premises if the entry is necessary to carry out a duty under this article or the Health Occupations Article.

The current system has been integral to the State's COVID-19 response, as MDH and many other State agencies have worked with LHDs to provide guidance to businesses on compliance with executive and MDH orders related to COVID-19 prevention. Such efforts have been focused on education and cooperative work to ensure compliance, resorting to enforcement only as a last resort when businesses have repeatedly failed to follow State recommendations and orders related to COVID-19. When an LHD inspects a business that is not in compliance, the LHD works with the owner to correct any noted concerns. An Order of Immediate Compliance may be issued if the problem cannot be summarily addressed, giving the owner an opportunity to correct the problem. In certain circumstances, an Order of Immediate Closure may be issued to protect public health, but only if the owner is unwilling or unable to comply.

MDH notes that there are existing appeals processes involving both administrative and judicial review for local health authority decisions. Additionally, MDH notes that there are mechanisms in place to protect both the public and businesses from misconduct, including the Office of the Inspector General and the State Ethics Commission.

I hope this information is useful. If you would like to discuss this further, please do not hesitate to contact me at webster.ye@maryland.gov / (410) 260-3190 or Heather Shek, Director of Governmental Affairs at heather.shek@maryland.gov or at the same phone number.

Sincerely,

A handwritten signature in blue ink, appearing to read "Webster Ye".

Webster Ye
Assistant Secretary, Health Policy