

Resnick JHU SB0548 Written Testimony .pdf

Uploaded by: Beth A Resnick

Position: FAV

Local Health Officers – Removal – Grounds and Processes – SB0548

Finance

Testimony in Favor

Beth Resnick

2/24/2022 1:00pm

Good afternoon, Chair Kelley, Vice Chair Feldman, and members of the Committee.

My name is Beth Resnick. I am a Senior Scientist in the Department of Health Policy and Management at the Johns Hopkins Bloomberg School of Public Health. The first decade of my career was spent working at the National Association of County and City Health Officials (NACCHO) to support and advance the capacity of our nation's nearly 3,000 local health departments. I am honored to come before this committee, and I am here today to ask you to give a favorable report on Senate Bill 548.

The opinions expressed herein are my own and do not necessarily reflect the views of The Johns Hopkins University.

Public health officials are public servants that work to protect and promote the health of all populations within their jurisdiction, including the responsibility to develop, champion, implement, and enforce laws that affect health. Health Officers, like directors of other county agencies, serve at the pleasure of elected officials. However, when it comes to Maryland's termination policies, state-employed Health Officers and county-employed division directors should be reassessed. As COVID has demonstrated, Health Officers need considerations to allow them to reflect the best scientific and medical evidence to protect the health of all Marylanders.

Senate Bill 548 aims to improve the current termination process with procedures to lessen the potential political pressure to influence decisions that directly impact the health and safety of Maryland residents.

Health Officers are responsible for the enforcement of state laws, as well as orders issued by the Governor and Health Secretary. Additionally, Health Officers take actions in compliance with state and national guidelines and standards, including the U.S. Centers for Disease Control and Prevention, National Institute of Health, state professional boards, as well as physician, and nursing codes of ethics. This differentiates Health Officers from other appointees who serve at the pleasure of elected officials and can result in Health Officers being put in difficult political situations when there is disagreement between state and local leaders.

It is paramount that decisions directly affecting public health be based on science and evidence, not undue political pressure. The goal of Senate Bill 548 is to assure Marylanders that actions are being taken in the best interests of their health and safety. It accomplishes this goal by requiring a defined cause for termination

This legislation allows Health Officers to do their job to protect and promote the health of Marylanders. I urge you to give a favorable report. Thank you.

Testimony.pdf

Uploaded by: Chelsea Tarleton

Position: FAV

SUPPORT

SB0548/HB0609 Local Health Officers - Removal - Grounds and Process

February 23, 2022

February 24, 2022

Good afternoon, Madame Chair and Committee members. My name is Chelsea Tarleton I am a Licensed Clinical Social Worker and have practiced in Maryland for 6 years. I support this bill SB0548/HB0609 Local Health Officers - Removal - Grounds and Process.

Early in my social work career I was fortunate enough to be an employee of the Behavioral Health sector of the Calvert County Health Department. The Health Department team was composed of medical doctors, nurse Practitioners, nurses, therapists of various backgrounds as well supportive various administrative personnel to address community health needs as well as provide mental health services to an underserved population.

Through my growth in the role of a therapist I learned that this cohesive work relationship was imperative to community wellness as a whole. I spent the majority of my years with the Health Department within the school setting as a school therapist. The health Department worked with the county school system in implementing therapeutic resources throughout the school day for students to utilize. The school based therapy program provided therapy to students within the walls of the school itself eliminating barriers that we as health care providers meet on a daily basis, such as transportation and time management to

mention a couple for example. I was highly supportive by the school staff and personnel of the Board of Educators. The level of support that I received was directly attributed to the working relationship our Health Officer established long before my entrance into the field. During my times as a school therapist I was a part of the school team providing therapy but also connecting families with services, assistance, meeting the needs including housing, food assistance, extended health care at home and so on...

I recall several situations in which I was a main voice of several team meetings implementing appropriate IEP's and learning programs. I was there to help de-escalate. I was there to help lessen anxiety with school shooting threats. I was there to help students with a family member passing and assassinating back to school. I was there to help make sure bullying was addressed.

The list of the actions I was fortunate to be a part of is innumerable.

The school system is one example of the community relationship our Health Officer established within the Calver County community and led by example to implement resources state wide. The expansion of services coordinated by the Health Officer during the time of my employment is numerous. Some other outreach programs include protecting the youth at a much younger age and even in utero. To briefly mention a program is the options to the substance use population. The Health Department offers a special resource to women who are pregnant and actively using opioids. Through medication management the women are able to wean off the dangerous opioid and implement certain medication regimens to protect the baby as well as themselves from withdrawal which can be lethal to a fetus. The women are apart of a strong therapeutic group and maintain treatment postpartum.

I have been witness to so many success and parents that have remained opioid free to this day.

I would not have been able to witness any of this success of clients early in my career without the integrity diligence and care that our Health Officer implemented for the community.

Later now in my career I have re-located to Anne Arundel County and moved jobs closer in proximity to home

As we grow and change positions, jobs, places, careers etc.. I acknowledge that I was so fortunate to be apart of an organization in which our health officer was so supportive and involved with the community. This testament is one example of how one person who cares about a community can change the trajectory of a young life.

I am writing to you in effort to convey the effeteness of a proper Health Officer. I hope these words find you well and you can think about the services mentioned above and how these populations need these services now more than ever.

Thank you so much for your time in considering my testimony,

Thank you for all the hard work you do to make Maryland a better place to live.

Sincerely,

Chelsea Tarleton, LCSW-C

449 Colonial Ridge Lane,

Arnold Maryland

Chelseatarleton01@gmail.com

LAM_SB548_FAV.pdf

Uploaded by: Clarence Lam

Position: FAV

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Education, Health, and Environmental Affairs
Committee
Chair, Environment Subcommittee

Executive Nominations Committee

Joint Committee on Ending Homelessness

Senate Chair

Joint Audit and Evaluation Committee

Joint Committee on Fair Practices and
State Personnel Oversight

Vice Chair

Baltimore County Senate Delegation

Chair

Howard County Senate Delegation

Chair

Asian-American & Pacific-Islander Caucus

THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

SB 548: Local Health Officers - Removal - Grounds and Process

Background:

- Local health officers play a critical role in ensuring the public's safety, especially during a global pandemic that has regrettably taken the lives of over 900,000 Americans.
- Across the country, health officials have been under intense pressure and have sometimes faced threats from parts of the public who oppose the policy measures meant to mitigate the harm and spread of COVID-19 in their communities.
- As of 2021, more than 250 local health officials have been removed or resigned across the country,¹ and health officers from Maryland have not been immune to these pressures.²
- The politicization of science during this pandemic has created serious public health vulnerabilities in jurisdictions where local health officers have been removed or threatened.
- Local health officers are counted on to provide objective and evidence-based recommendations to protect their communities which cannot be accomplished when they fear political retribution or physical harm.
- The Maryland Office of Administrative Hearings (OAH) is an independent, central panel agency that holds administrative hearings on behalf of certain agencies of the executive branch of the state government.

Why SB 548 is Needed:

- Current law does not include robust criteria or an appropriate appeal framework for the removal of local county health officers in the state of Maryland.
- A local health officer can be terminated at will with the concurrence of the local county Board of Health and the Secretary of the Department of Health without providing a reason.

¹ [CNN \(2021\)](#)

² [Baltimore Sun \(2022\)](#)

- Any internal reasoning for the removal of a health officer between these two entities is considered legally confidential; as such, the health officer is not informed of the reasons for removal and has no means of appealing this decision.
- Allowing health officers to be removed at-will subjects them to heavy partisan influence, which can reduce their ability to execute the duties of the office effectively.

What SB 548 Does:

- SB 548 establishes clear criteria for the appropriate removal of a local health officer.
- SB 548 states local health officers may be removed from office for reasons relating to immorality, misconduct in office, insubordination, incompetency, or willful neglect of duty.
- SB 548 also requires that a local health officer be provided with a written notification of their removal by the Maryland Secretary of Health that states the reason(s) for removal and mandates that documentation supporting the removal be provided in the notification.
- SB 548 allows the terminated health officer an opportunity to request a hearing with the Secretary of Health to appeal the removal decision.
- Should the health officer contest the decision of the local county Board of Health and the Secretary of Health, SB 548 permits the terminated officer to request a final hearing before the OAH.

What SB 548 Accomplishes:

- SB 548 would protect Maryland County health officers from being terminated without cause while still preserving confidentiality.
- SB 548 would help eliminate partisan influences that hinder local health officers from doing their duties and protecting their communities.
- SB 548 affirms the critical work that Maryland’s local county health officers engage in. Further, this legislation elevates the importance of apolitical, evidence-based public health decision making.

Sponsor Amendment Amendment 153523/1:

- A sponsor amendment has been introduced to remove the mandate that the hearing with the Secretary is held publicly in addition to references to representation by counsel on page 3.
 - These amendments strike unneeded language and do not substantially affect the intent of the bill.
- The amendment also adds an exception to the State Personnel and Pensions article to reflect that local health officers will no longer be subject to at-will termination.
 - This is a clarifying amendment to bring SB 548 in alignment with the existing statute.

SB0548_with_153523_1.pdf

Uploaded by: Clarence Lam

Position: FAV

UNOFFICIAL COPY OF SENATE BILL 548

SENATE BILL 548

J1

2lr1956
CF HB 609

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

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)

BY repealing and reenacting, with amendments,
Article - State Personnel and Pensions
Section 11-305
Annotated Code of Maryland
(2015 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.

2

UNOFFICIAL COPY OF SENATE BILL 548

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

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

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

9 (d) Each health officer:

10 (1) Shall have:

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

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

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

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

17 (i) Is a physician; and

18 (ii) Meets the qualifications of this subsection.

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

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

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

26 (I) **IMMORALITY;**

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

28 (III) **INSUBORDINATION;**

3

UNOFFICIAL COPY OF SENATE BILL 548

1

(IV) INCOMPETENCY; OR

2

(V) WILLFUL NEGLIGENCE OF DUTY.

3

(2) (i) Any information concerning the removal of a health officer from

4

office is confidential in accordance with Title 4 of the General Provisions Article.

5

(ii) Any meeting of the governing body of a county or any meeting

6

that includes the Secretary related to the removal of a health officer from office shall be

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closed.

8

(3) (I) IF THE SECRETARY AND THE GOVERNING BODY CONCUR ON

9

THE REMOVAL OF A HEALTH OFFICER, THE SECRETARY SHALL PROVIDE WRITTEN

10

NOTIFICATION TO THE HEALTH OFFICER THAT INCLUDES:

11

1. THE BASIS FOR THE REMOVAL, SUBJECT TO THE

12

REASONS LISTED IN PARAGRAPH (1) OF THIS SUBSECTION;

13

2. DOCUMENTATION SUPPORTING THE REMOVAL; AND

14

3. NOTICE OF THE OPPORTUNITY TO REQUEST A

15

HEARING WITH THE SECRETARY WITHIN 10 DAYS AFTER RECEIPT OF THE WRITTEN

16

NOTIFICATION AND INFORMATION ON HOW TO REQUEST THE HEARING.

17

(II) IF THE HEALTH OFFICER REQUESTS A HEARING WITH THE

18

SECRETARY:

19

1. THE SECRETARY PROMPTLY SHALL HOLD A HEARING,

20

PROVIDED THAT THE HEARING MAY NOT BE HELD WITHIN 10 DAYS AFTER THE

21

SECRETARY SENDS THE HEALTH OFFICER A NOTICE OF THE HEARING DATE; AND

22

2. THE HEALTH OFFICER SHALL HAVE AN OPPORTUNITY

23

TO BE HEARD PUBLICLY BEFORE THE SECRETARY IN THE HEALTH OFFICER'S

24

DEFENSE, WHETHER IN PERSON OR BY COUNSEL.

25

(4) A HEALTH OFFICER MAY APPEAL THE DECISION OF THE

26

SECRETARY AT A HEARING REQUESTED UNDER PARAGRAPH (3)(II) OF THIS

27

SUBSECTION TO THE OFFICE OF ADMINISTRATIVE HEARINGS.

Article - State Personnel and Pensions

11-305.

(a) (1) This section [only] applies

ONLY to an employee who is in a position:

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

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

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

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

(b) Each employee subject to this section:

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

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

(c) A management service employee or a special appointment employee

designated by the Secretary under § 4-201(c)(2)(i) of this article may not be terminated for the purpose of creating a new position for another individual's appointment because of that individual's political affiliation, belief, or opinion.

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

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

SB0548-153523-01.pdf

Uploaded by: Clarence Lam

Position: FAV



SB0548/153523/1

<p>AMENDMENTS PREPARED BY THE DEPT. OF LEGISLATIVE SERVICES</p> <p>22 FEB 22 14:58:04</p>

BY: Senator Lam
(To be offered in the Finance Committee)

AMENDMENTS TO SENATE BILL 548
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, after line 12, insert:

“BY repealing and reenacting, with amendments,
Article - State Personnel and Pensions
Section 11-305
Annotated Code of Maryland
(2015 Replacement Volume and 2021 Supplement)”.

AMENDMENT NO. 2

On page 3, in line 23, strike “PUBLICLY”; in line 24, strike “, WHETHER IN PERSON OR BY COUNSEL”; and after line 27, insert:

“Article – State Personnel and Pensions

11–305.

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

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

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

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

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

(b) Each employee subject to this section:

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

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

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

(d) An employee or an employee's representative may file a written appeal of an employment termination under this section as described under § 11-113 of this title."

Testimony in Favor of HB0609 and SB0548.pdf

Uploaded by: David Bishai

Position: FAV

Testimony in Favor of HB0609 and SB0548

My name is David Bishai. the former health officer of Harford County. I was terminated without cause on October 22, 2021. The County still has not found a replacement for me and is being served by an acting health officer with no background in health or science. I speak in favor of the bill for the following 3 reasons.

- 1) Transparency brings out the best performance by health officers and local officials.
- 2) The bill does not take away power from local governing bodies, it adds accountability.
- 3) Abuse of health officers in one county poisons the well of talent for all counties in the state so Annapolis must take action for the good of all Marylanders.

Health officers must be accountable to the people of their county for their actions. But at the same time local government officials and the Secretary of Health must be accountable for their actions as well.

Current version of 3-302 section g about health officer removal requires confidentiality and closed meetings. This needs to change. I have learned firsthand that emboldened by the ability to act in secret, county governing bodies will act in a feckless manner. They will put their political posturing above their duty to protect the health and safety of the residents they serve. When feckless politicians in one county abuse a public servant it affects the ability of all counties to attract qualified talent. Who would want to serve in a job where you can be fired for no reason, at any moment, with no explanation, just for doing your duty to provide facts when asked for facts?

What happened to me is instructive about the inadequacy of the current statute. Under my leadership the Harford County Health Department COVID policies were exactly the same as state guidance. There were no local mandates that deviated from the policies of Governor Hogan. There was no policy question driving the citizen's calls for my termination. was the victim of a social media war conducted to further the careers of local politicians. Neither County Council nor the Secretary of Health ever notified me that my performance was unsatisfactory or even that it did not align with their opinions. If they had to account for terminating me, they would have served the people better by reaching out with substantive suggestions for me to follow in my duties. County Council knew they could act in secret and used secrecy to play to a vocal minority of citizens.

In closing let me restate the reasons my case supports the bill.

Democratic accountability to citizens is not happening under the current system.

Secrecy permits local authorities to pursue goals other than the public interest.

At will firing of competent professionals in one county deters competent public servants from serving Maryland in all counties.

Background

Were you one of those power-hungry health officers who use so-called “science” to rob Americans of freedom and due process?

I am a physician and a public health professor at Johns Hopkins. For 25 years I taught and wrote that public health must listen to and respect people’s values. Science is a set of replicable facts that need to be respectfully communicated to citizens and leaders, and then the political decisions should be done with a balanced three- way partnership of citizens, elected officials, and scientific experts.

I felt a calling to serve the people of Maryland during the worst pandemic of a century because in order to correct an imbalance where people felt that their voices and concerns were not heard or respected. I gave up tenure and took a pay cut to start as Health Officer of Harford County on January 4, 2021.

Within a month I founded Harford Citizens Crush COVID where I could meet weekly with residents to co-design policies that would control the pandemic. I met with dozens of citizen groups in the faith community, at businesses, and associations to hear about their concerns. I met with every member of the County Council one on one. I was putting in 60- hour weeks.

Harford County citizens lean conservative, and knowing this, I kept COVID-19 control policies 100% in step with Governor Hogan’s executive orders. I tuned in and listened to people, and because I sensed their difficulties I did not issue local mandates for COVID control that went beyond those of the Hogan administration. I opened myself as a scientific consultant to the schools on the interpretation and implementation of MSDE and CDC guidance.

What did county council members have to gain from terminating you?

An anti-health officer movement took root in Spring 2021. In May, the School District asked me about how to keep marching bands safe. I reviewed papers on aerosol flows and determined that if there were high rates of community transmission then students could be best protected by using bell-covers. That remains a fact, and it was my job to share it, so I did. I also discussed the human aspects of bell-covers and masks and how it might make children feel. Like so many areas of giving medical advice, I was obligated to state facts, and advise about what they meant.

The school district’s policy of asking the marching band to wear masks triggered rage-tweeting by local political leaders including Maryland Delegates who on May 23 called for my resignation on social media. That put a target on my back. For every week since then citizen testimony at county council identified my name with all things COVID. The hour of protest prior to county council meetings was punctuated by signs calling for me to be fired. Public testimony about COVID included 4 or 5 voices a week asking council to fire me.

Did County Council give you any indication of dissatisfaction?

During my formal performance review, the President of County Council gave me high marks. My one-on-one meetings with each member of my governing body disclosed no concerns. I had phone calls with county council president. He gave me no hint that he or

council was dissatisfied. We discussed the weekly protests, and council president assured me not to worry.

Tuning into county council website in mid October, I saw an October 19 closed meeting devoted to a personnel matter. It briefly occurred to me that I might be the topic, but dismissed that. On October 22 at 10am I got a call to come to headquarters for unspecified business. At 1:30pm I was fired. I asked why and Deputy Secretary said that County Council wanted to go in a new direction. That was all.

I called county council president and he would not pick up the phone. County Council never said why they fired me even after a reinstate Dr. Bishai petition and weekly requests by citizens asking council to explain the action. I still don't know of anything I did to warrant termination. The protest movement started by Maryland Delegates was triggered by me discharging my duty to give the very best scientific advice I could offer to local schools. I would have to give the same advice again today. I would also respect the prerogative of officials not to take my advice.

SB0548_HoCoBdofHealth_FAV

Uploaded by: Jason Bashura, MPH, RS

Position: FAV

Maura J. Rossman, M.D., Health Officer

TO: Senator Delores G. Kelley
Chair, Senate Finance Committee

FROM: Jason P. Bashura, MPH, RS
Chair, Howard County Board of Health
Howard County, MD

February 24, 2022

Dear Madame Chair,

On behalf of the Howard County Board of Health, I am pleased to offer this letter of support recognizing the importance of SB 548 **“Local Health Officers – Removal – Grounds and Process.”**

The Howard County Board of Health fully supports the spirit and intent of this bill which seeks to repeal *“...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,”* furthering to ensure the stability and leadership of our Health Officers across the State of Maryland.

For the last several months, the Howard County Board of Health has evaluated the law that outlines how health officers in Maryland can be terminated - to see if this is something that warranted further legislative review. The introduction of this bill by Senator Clarence K. Lam is welcomed recognition of this issue and reaffirms the commitment that is needed in our appointed Health Officers ability to perform their public health protecting, promoting, and preserving work. These efforts are expected - *and desperately needed* – especially in times such as these.

The Howard County Board of Health hopes that the Senate Finance Committee reports favorably upon this bill that seeks to reform the current law in which County elected officials have the “ability” to terminate or otherwise force Health Officers in to leaving their post – without permitting them access to due process - when our communities need them the most.

Thank you for taking these comments into consideration on SB 548 and for your continuing efforts towards enhancing and supporting county public health infrastructure.

Very respectfully,



Jason P. Bashura, MPH, RS
Chair, Howard County Board of Health

cc: Maryland Secretary of Health, Daniel R. Schrader
Senator Clarence K. Lam
Dr. Maura Rossman, Executive Secretary, Howard County Board of Health and Health Officer,
Howard County Health Dept.
Dr. Calvin Ball, County Executive, Howard County
Board Members, Howard County Board of Health

Koterwas SB548 Oral and Written Testimony.pdf

Uploaded by: Joanne Koterwas

Position: FAV

Written Testimony:

Good afternoon, my name is Joanne Koterwas and I am a resident of Calvert County. I come to you with a Bachelor's Degree in Community Health Education, Master's in Health Administration and an Advanced Graduate Certificate in Healthcare Leadership. I have worked as an outcomes analyst for St. Mary's and Calvert hospitals. However, for most of my working life I have run my husband's two orthodontic practices where we have over 1200 active patients in St. Mary's and Calvert Counties.

I am not involved in politics, nor do I want to be. My primary focus is providing the highest quality care to our patients. This involves providing a safe dental visit for every person who walks through our doors. Which brings me to why I am speaking to you.

Healthcare providers are interconnected in ways outsiders might not understand. Our Health Departments in both Calvert and St. Mary's Counties got ME through the pandemic so I could get my family, staff and patients through. It was my Health Officer's weekly emails and availability to pick up the phone for support. The PPE distributed and data provided. The Health Officer made it possible for all of my staff to be vaccinated IN OUR OFFICE. During a 2 minute speech I can't possibly tell you all the ways the Health Officer supported our practices.

Which brings me to my purpose here today. Two counties in our state called for the removal of their Health Officers. The Maryland Secretary of Health approves the Health Officer, they are ultimately appointed and fired by County Commissioners. In my two counties the boards are comprised of 5 men of the same political party, voted into to office with at-large voting who do not have to answer for the reasoning behind their decisions. When they moved to fire our Health Officer they did so behind closed doors and without consulting the medical community. How do we provide stability, communication, innovation in operations, information systems and data collection when a person is abruptly removed without cause? Particularly during a pandemic that is a moving target? The answer: You can't.

It is not lost on anyone in this room that we are amid perhaps the most politically polarized time in our Nation's history. Front and center are masks, vaccines, and the pandemic. But wait! The Health Officer is not just overseeing and directing the pandemic response. Also within their purview are community health education, women's health, nursing homes, well and septic education, smoking cessation to name a few. In my county our Health Officer has created a Mobile Crisis Team charged with accompanying first responders on calls for overdose or mental health crisis. As a result, Calvert County has had the largest drop in overdose deaths in the last three years in the entire state of Maryland. This is nothing short of remarkable as our overdose rates, once higher than the state average, are now 40% less than the State average.

It is vital that the decision to fire a Health Officer be made based on the performance of the person in all aspects of responsibility, not on a politically charged, hot-button topic of the moment. By supporting SB548 you are providing stability, continuity of care and guidelines for removal rather than leaving our public health and safety to the whims of 5 people behind

closed doors. Thank you for your time, please pass SB548 out of committee with a favorable report.

Oral Testimony:

Good afternoon, my name is Joanne Koterwas and I am a resident of Calvert County. I come to you with a bachelor's degree in Community Health Education, Master's in Health Administration, and an Advanced Graduate Certificate in Healthcare Leadership. I have worked as an outcomes analyst for St. Mary's and Calvert hospitals. However, for most of my working life I have run my husband's two orthodontic practices where we have over 1200 active patients in St. Mary's and Calvert Counties.

Healthcare providers are interconnected in ways outsiders might not understand. Our Health Departments in both Calvert and St. Mary's Counties got ME through the pandemic so I could get my family, staff, and patients through. My Health Officer provided weekly emails and availability to pick up the phone for support. He oversaw PPE distribution and made it possible for all my staff to be vaccinated IN OUR OFFICE. In both counties the Health Officers orchestrated a coordinated response to a politically divisive virus and did so while leaning into science making hard calls that were not always popular.

In my two counties the Board of Commissioners are comprised of 5 men of the same political party, voted into to office with at-large voting who do not have to answer for the reasoning behind their decisions. When they moved to fire our Health Officer they did so behind closed doors and without consulting the medical community. How do we provide stability, communication, innovation in operations, information systems and data collection when a person is abruptly removed without cause? Particularly during a pandemic that is a moving target? The answer: You can't.

The pandemic has put masks, vaccines, and personal liberties front and center. But wait! The Health Officer is not just overseeing and directing the pandemic response. Also within their purview are community health education, women's health, nursing homes, well and septic education, smoking cessation to name a few. My county's Health Officer has created a Mobile Crisis Team charged with accompanying first responders on calls for overdose or mental health crisis. As a result, Calvert County has had the largest drop in overdose deaths in the last three years in the entire state of Maryland. This is nothing short of remarkable as our overdose rates, once higher than the state average, are now 40% less than the State average.

It is vital that the decision to fire a Health Officer be made based on the performance of the person in all aspects of responsibility, not on a politically charged, hot-button topic of the moment. By supporting SB548 you are providing stability, continuity of care and guidelines for removal rather than leaving our public health and safety to the whims of 5 people behind closed doors. Thank you for your time, please pass SB548 out of committee with a favorable report.

SB 548_HorizonFoundation_fav.pdf

Uploaded by: Kerry Darragh

Position: FAV



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February 24, 2022

COMMITTEE: Senate Finance Committee

BILL: SB 548 – Local Health Officers – Removal – Grounds and Process

POSITION: Support

The Horizon Foundation is Howard County's community health foundation and the largest independent health philanthropy in the state of Maryland. We lead community change so everyone in Howard County can live a longer, better life.

As we continue to move through the COVID-19 pandemic, the leadership and guidance of our local health officers have never been more important. Our local health officers continue to lead with science, protecting the health and safety of our communities. Despite the historic disinvestment of our public health infrastructure over the past two decades and public threats to their safety and jobs, our local health officers continue to serve on the frontlines.

As a community health foundation and community partner, it is disheartening to see our local health officers dismissed or terminated without clear reasoning, evidence or a process to be heard. To that end, we urge a **favorable vote on SB 548**, which outlines clear reasons for removal and a clear process for local health officers to be heard.

According to the [Baltimore Sun](#), close to 500 health officers across the country left their posts due to persistent budget cuts, overwhelming demands fueled by the pandemic, intimidation and a myriad of other challenges. In addition to outlining a clear, transparent and equitable process for removal, we must ensure our public health infrastructure has the funding needed to combat future pandemics, recruit and keep talented staff and combat health inequities. Adequately funding our public health infrastructure and protecting health officers from political persecution as outlined in **SB 548** will better support, protect and keep qualified local health officers in their roles.

We can come out of this pandemic with stronger health departments ready to respond to long-standing health inequities in areas such as diabetes, heart disease, maternal and child health outcomes and mental health – just to name a few. The demands on our local health officers and the public health system are evident as we move through this crisis, work to vaccinate our population and protect our community against any future public health crises. We must support and protect our local health officers, who are the lifeblood of our public health infrastructure, in order to address the persistent health and safety needs in our community.

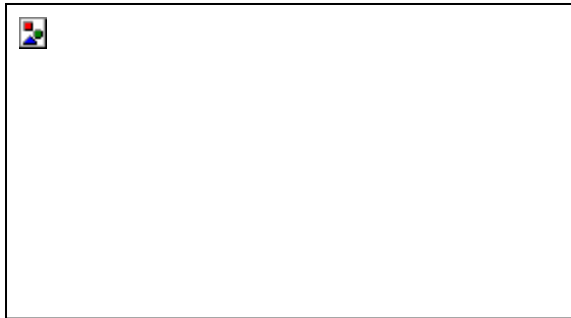
Therefore, we urge a **favorable vote on SB 548**.

Thank you for your time and consideration.

SB 548 - Local HOs - Removal - Grounds and Process

Uploaded by: Larry Polsky

Position: FAV



SENATE BILL 548
Local Health Officers – Removal – Grounds and Process
WRITTEN TESTIMONY BEFORE THE FINANCE COMMITTEE
Laurence Polsky, MD, MPH, Calvert County Health Officer
For the Maryland Association of County Health Officers (MACHO)
Position: Support – February 24, 2022

The Maryland Association of County Health Officers (MACHO) supports SB 548. MACHO is the professional association of the chief executives of the state's 24 local public health departments (LHDs).

Health Officers, like directors of county agencies, have served at the pleasure of elected officials. But this one-size-fits-all termination process for state-employed Health Officers and county-employed division directors needs to be reassessed. Health Officers need a degree of insulation to act impartially based on the best scientific and medical evidence available when the health and lives of Marylanders are at stake. SB 548 aims to rectify the current flawed process with a new procedure that lessens the potential for political pressure to influence decisions that directly impact the health and safety of Maryland residents.

Unlike decisions from Planning and Zoning, Roads, and Economic Development, which are inherently political, determinations by Health Officers should be based on the best available medical and scientific evidence. The public's trust requires that health decisions be as apolitical as possible. Health Officers have the same professional standards as anyone's personal doctor or nurse when we issue medical advice to the community or take action to protect the well-being of residents and workers in our jurisdictions. We work under state and national guidelines, including the standards of state professional boards, CDC, NIH, physician, and nursing codes of ethics, etc., for the actions we take. In this respect, we also differ from other appointees who serve at the pleasure of elected officials.

In addition, Health Officers are responsible for enforcement of state laws, as well as orders issued by the Governor and Health Secretary. State regulations and orders at times cause friction with local mores. Health Officers should not be at risk of termination as a consequence of their duty to uphold these legal requirements.

In times of a pandemic, spiraling opioid overdoses, or other public health crises, it is paramount that decisions directly affecting public health be based squarely on the professional abilities of a Health Officer. By necessitating a defined cause for termination, SB 548 assures constituents that actions are being taken in the best interests of their health and safety.

For these reasons MACHO strongly encourages support for SB 548. For more information, please contact Ruth Maiorana, Executive Director, MACHO, at rmaiora1@jhu.edu or 410-937-1433.

writtensupportSB548.2.24.22.pdf

Uploaded by: Lorraine Diana

Position: FAV

SUPPORT

SB0548 Local Health Officers - Removal - Grounds and Process

February 24, 2022

Good afternoon, Madame Chair and Committee members. My name is Lorraine Diana. I am a family nurse practitioner and have practiced in Maryland for 41 years. I support this bill SB0548 Local Health Officers - Removal - Grounds and Process.

Imagine being in the middle of a pandemic and the middle of an opioid crisis like nothing else Maryland or this country have ever experienced and then having your county health officer-- the person who leads the planning and implementation for public health, public safety, keeping and reporting data and statistics on these crises, and developing guidelines and programs to protect the public from further harm--fired for no reason except doing his job! Fired because of political will. Fired, not based on science or data, but because some members of the public didn't like those policies that helped keep them safe.

This would never happen you say! But it did in Maryland. Twice in 2021. One health officer was reinstated. The other was not.

So, what do health officers do?

- Responsible for the day-to-day operations of the health department which may include:
- Child Fatality Review Team
- Behavioral Health & Local Behavioral Health Authority
- Mental Health Core Service Agency Advisory Board
- Substance Abuse Services & Drug & Alcohol Abuse Council
- Crisis Intervention
- Environmental Health (potability of water, sewer, perk tests, etc.)
- School Nurse Program
- Community Health
- Disease Surveillance and Response including public safety measures, vaccine programs, testing programs
- Health Promotions
- Reproductive Health including prenatal care for women with opioid use disorder

Under current law, county health officers are employees of the Maryland Department of Health but are hired by county commissioners or county councils and serve at their will. There are specific guidelines for the qualifications health officers must have to serve in that position.

County councils/county commissioners consist of elected officials who may not have any background in public health, science, scientific data, disease management or any of the other bodies of knowledge required of a health officer.

I am a mother, a grandmother, and a health care provider. My children and grandchildren live in one of the counties where the health officer was dismissed without cause during the pandemic and opioid crisis. The firing occurred after children returned to in person school with masks to help stop the spread of Covid and while vaccine programs for adults and children were actively underway on an almost daily basis throughout the county. Testing sites were set up and staffed by the health department when no other testing sites were available to citizens who feared they were exposed to Covid. Without a health officer, who would ensure these programs continued? What about all the other daily functions the health department is responsible to provide for the public? In a county where behavioral health services are sparse at best and the health department is often the entry point into the system for behavioral health services, what would happen to those patients? Consider the pregnant women with opioid use disorder who depend upon the health department to help keep them and their babies safe.

Can you imagine the fear, panic, and sense of insecurity the loss of a health officer at such a critical time can cause for an already over stressed public? Please put yourself in the peoples' shoes and pass SB0548. Don't let this happen again!

Thank you for all the hard work you do to make Maryland a better place to live. I have attached an excerpt from the Baltimore Sun about our health officers.

Sincerely,

Lorraine Diana, MS, CRNP
Legislative Co Chair, The Maryland Academy of Advanced Practice Clinicians
3152 Eutaw Forest Drive, Waldorf MD 20603
Ldianaart@aol.com (301)980-8004

To quote the Baltimore Sun December 26, 2021

“Imagine your singular professional goal is to protect the health and well-being of others — a challenge on a normal day, given the public’s varied personal habits and histories, and decades of underinvestment in your field. And then, along comes a pandemic.

Suddenly, you’re not just battling diabetes, mental illness and opioid addiction within segments of your community; you’re also charged with keeping the entire population safe from a novel coronavirus that no one yet understands. It’s taking lives, shutting down schools and businesses, causing chaos in the financial markets and terrifying the country. There’s no vaccine for it, no treatment for it and no clues about when it might end.

That was the situation Maryland’s 24 health officers (one for each county and Baltimore City) faced as COVID-19 swept the globe in 2020. Since the beginning, they’ve acted with a unity of purpose in our best interests under trying and exhausting circumstances. They’ve put boots on the ground in communities to bolster relationships and information sharing across groups. They’ve traced contacts, distributed protective gear and administered tests on a mass scale. And they endeavored to do it all equitably. All this, while also trying to quell their own fears and those of their families, and to manage their daily household affairs.

But this year, the second of the pandemic, took a particular toll, with 2021 deaths surpassing 2020’s; misinformation abounding; and politicization of the virus, safety precautions and the newly available vaccines growing. Some public officials improperly pressured health officers to go against best practices, and some community members harassed them. Two [resigned](#), one was [fired](#), and several had police details assigned to watch over them because of [credible threats](#) that were made toward them. Yet those health officers who could, continued their important work, often for piddling pay, and they did it for us. For those reasons, and countless others, Maryland health officers are The Baltimore Sun’s 2021 Marylanders of the Year. Pre-pandemic, many people had no idea who the state’s community health officers were or even what they did. They’re not in it for the accolades. They keep life humming behind the scenes, ensuring we have potable water to drink and safe food handling in restaurants. They work to promote good nutrition, combat disease, and educate mothers-to-be on having healthy babies. It’s a challenging job, made exponentially more so by the pandemic.”

SB548 Health officer support 2.24.22 EC.pdf

Uploaded by: Marie Tarleton

Position: FAV



A Voice for Advanced Practice Clinicians in Maryland



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SUPPORT

SB0548 Local Health Officers - Removal - Grounds and Process

February 24, 2022

The Maryland Academy of Advanced Practice Clinicians (MAAPC) supports Senator Lam et al. SB0548 Local Health Officers - Removal - Grounds and Process.

I am sure you have heard and read testimony sighting the COVID crisis and all that our 24 Health Officers have accomplished in a short and chaotic time.

I would like to add that before there was a pandemic, our health officers worked 365 days a year running clinics and providing information to providers throughout the state.

The suboxone clinics are set up and staffed by our Health Officers and, without their oversight, Marylanders who are trying to stay off heroin and cocaine, redefine their lives, and become contributing members of society would have no choice but to return to the streets for assistance in their cravings. No one wakes up one day and says – I think I will become an addict. No unborn child chooses an addicted mother. No parent wants to lose a child to an overdose.

Health Officers also do much of the testing for sexually transmitted infections, diagnosing the disease early, keeping these individuals out of the emergency room and preventing serious complications such as sterility and even death. Marylanders of all ages need access to healthcare, why deprive them of it for a political reason?

And last, a personal appreciation for Nilesh Kalyanaraman, the Health Officer for Anne Arundel County. My small internal medicine practice in Severna Park has a majority of Medicare patients, many over 90 years old. When vaccines first became available, my office staff were not in the first group to be vaccinated due to their ages and health. But our health clinic was understanding that we wanted to stay open and be available for our patients. They set up immediate appointments for vaccination for all my staff, and that kept up open and healthy throughout the last 2 years.

Should you support this piece of legislation despite its political overtones? Should the health of the people of Maryland be non-partisan and based on performance, not political will?

Surely your answer will be yes.

We urge a favorable report on this bill. If you need further information, please contact me at DrElaineCrainNP@gmail.com.

Sincerely,

Dr. Elaine Crain, DNP, MSN, RN, FNP
MAAPC Legislative Co-Chair

PO Box 8 St. Mary's City MD 20686
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TheMAAPC@gmail.com
Tax ID 56-2521799

SB 548 Rossman written LOS final.pdf

Uploaded by: Maura Rossman

Position: FAV

HOUSE BILL 609
Local Health Officers – Removal – Grounds and Process
WRITTEN TESTIMONY BEFORE THE
HEALTH AND GOVERNMENT OPERATIONS COMMITTEE
Maura J. Rossman, MD, Howard County Health Officer
Position: Support – February 23, 2022

I am writing to register my support for SB 548: Local Health Officers - Removal - Grounds and Process. I have served as Health Officer for Howard County for ten years, and I am the past president of MACHO, the professional association of the chief officials of Maryland's 24 local public health departments. This bill will allow for a more transparent process for removing the Health Officer, an appointed public health professional, based upon legitimate reasons and documentation.

The 24 local Health Officers are public health professionals devoted to protecting the health and safety of our communities. This is accomplished by data driven decision making, backed by science, facts and subject matter experts. Some of these decisions, made for the greater community good, negatively impact individuals. For example, public health staff inspect restaurants and grocery stores to ensure food safety to prevent the public from getting sick after eating spoiled or contaminated food. The Health Officer can close a food establishment if the inspection does not meet standards. This usually results in very angry business owners and sometimes cries to fire the Health Officer. Health Officers also work to control communicable diseases such as influenza, tuberculosis, head lice and most recently COVID-19. Health Officers historically make decisions to isolate persons, close classrooms or test persons to prevent further transmission of an infectious agent. These decisions may also lead to angry and retaliatory responses from those impacted.

Some of the greatest improvements in health and life expectancy over the last 100+ years are due to the very measures implemented by Health Officers during COVID, including vaccination and infection control. Unfortunately, the pandemic has politicized the role of Health Officers and made them targets for bullying, intimidation, personal threats and unemployment. Individuals, not liking the decisions and recommendations of Health Officers, have asked their local elected officials or the Secretary of Health to fire the Health Officer. It is not unusual for me to receive emails telling me that I should be fired simply for adhering to the facts, science and medicine. As a pediatrician, I fully anticipated my patients not liking to take medicine, to get a shot, or to stay home until they are better. But I never anticipated the fury of adults asking for me to be fired for doing my job by following medical and public health standards of care.

This bill allows Health Officers to continue making decisions based upon medical knowledge and scientific facts without worrying about losing their jobs because someone doesn't like or understand what is needed to keep our community from getting sick. I strongly encourage support for SB 548. For more information, please contact me at mrossman@howardcountymd.gov.

2022 ACNM SB 548 Senate Side.pdf

Uploaded by: Robyn Elliott

Position: FAV

AFFILIATE OF



AMERICAN COLLEGE
of NURSE-MIDWIVES

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Committee: Senate Finance Committee
Bill Number: Senate Bill 548
Title: Local Health Officers - Removal - Grounds and Process
Hearing Date: February 24, 2022
Position: Support

The Maryland Affiliate of the American College of Nurse Midwives (ACNM) supports *Senate Bill 548 – Local Health Officers – Removal – Grounds and Process*. The bill would protect local health officers from being removed arbitrarily. Under current law, health officers may be removed without justification. The bill proposes a set of standards identical for removal of health officer, and these standards mirror current standards for local superintendent of schools. As we have seen in Maryland and across the country, local health officers have been removed for reasons that are political rather than based on the local health officer’s performance. These incidents are unfair to the local health officer and damaging to the communities they serve.

We ask for a favorable report. If we can provide any additional information, please contact Robyn Elliott at relliott@policypartners.net or (443) 926-3443.

2022 MNA SB 548 Senate Side.pdf

Uploaded by: Robyn Elliott

Position: FAV



Committee: Senate Finance Committee

Bill Number: Senate Bill 548 - Local Health Officers - Removal - Grounds and Process

Hearing Date: February 24, 2022

Position: Support

The Maryland Nurses Association (MNA) supports *Senate Bill 548 – Local Health Officers – Removal – Grounds and Process*. As we have seen during the pandemic, local health officers have been removed from their position because of their decisions to follow public health guidelines about masking policies. Our law should protect local health officers from these arbitrary decisions. Otherwise, the health of our communities could be compromised. This bill delineates the criteria used in decisions to remove health officers, and thus protects local health officers and their communities from politicized decisions.

We ask for a favorable report. If we can provide any additional information, please contact Robyn Elliott at relliott@policypartners.net or (443) 926-3443.

13 - SB 548 - X - FIN - MACHO - LOS.pdf

Uploaded by: State of Maryland (MD)

Position: FAV



SENATE BILL 548

Local Health Officers – Removal – Grounds and Process

WRITTEN TESTIMONY BEFORE THE FINANCE COMMITTEE

Laurence Polsky, MD, MPH, Calvert County Health Officer

For the Maryland Association of County Health Officers (MACHO)

Position: Support – February 24, 2022

The Maryland Association of County Health Officers (MACHO) supports SB 548. MACHO is the professional association of the chief executives of the state's 24 local public health departments (LHDs).

Health Officers, like directors of county agencies, have served at the pleasure of elected officials. But this one-size-fits-all termination process for state-employed Health Officers and county-employed division directors needs to be reassessed. Health Officers need a degree of insulation to act impartially based on the best scientific and medical evidence available when the health and lives of Marylanders are at stake. SB 548 aims to rectify the current flawed process with a new procedure that lessens the potential for political pressure to influence decisions that directly impact the health and safety of Maryland residents.

Unlike decisions from Planning and Zoning, Roads, and Economic Development, which are inherently political, determinations by Health Officers should be based on the best available medical and scientific evidence. The public's trust requires that health decisions be as apolitical as possible. Health Officers have the same professional standards as anyone's personal doctor or nurse when we issue medical advice to the community or take action to protect the well-being of residents and workers in our jurisdictions. We work under state and national guidelines, including the standards of state professional boards, CDC, NIH, physician, and nursing codes of ethics, etc., for the actions we take. In this respect, we also differ from other appointees who serve at the pleasure of elected officials.

In addition, Health Officers are responsible for enforcement of state laws, as well as orders issued by the Governor and Health Secretary. State regulations and orders at times cause friction with local mores. Health Officers should not be at risk of termination as a consequence of their duty to uphold these legal requirements.

In times of a pandemic, spiraling opioid overdoses, or other public health crises, it is paramount that decisions directly affecting public health be based squarely on the professional abilities of a Health Officer. By necessitating a defined cause for termination, SB 548 assures constituents that actions are being taken in the best interests of their health and safety.

For these reasons MACHO strongly encourages support for SB 548. For more information, please contact Ruth Maiorana, Executive Director, MACHO, at rmaiora1@jhu.edu or 410-937-1433.

SB0548-FIN_MACo_OPP.pdf

Uploaded by: D'Paul Nibber

Position: UNF



Senate Bill 548

Local Health Officers - Removal - Grounds and Process

MACo Position: **OPPOSE**

To: Finance Committee

Date: February 24, 2022

From: D'Paul Nibber

The Maryland Association of Counties (MACo) **OPPOSES** SB 548. This bill would require counties terminate their health officers for only one of five possible reasons and allow a health officer to appeal their termination to the Secretary of the Maryland Department of Health, and should the ruling not be in their favor, to the Maryland Office of Administrative Hearings.

Government appointed officials overwhelmingly serve “at the pleasure” of the governing body or elected official who appointed them. Current law provides an existing check on this commonplace authority, recognizing the dual county/state role of a local health officer. Serving “at the pleasure” of both governmental levels (the county governing body and the State Secretary) offers health officers a layer of protection not afforded to other appointees, but suitable given their hybrid station across both levels of government.

SB 548 is both an overwhelming administrative burden and potentially undemocratic. Maryland’s local health officers have helped prevent the COVID-19 pandemic from taking countless lives. Their work has been laudable and deserves the highest praise. However, a health officer’s work is only possible by having the buy-in of county leadership and the public. In a situation in which a health officer was to disregard local, state, and federal guidance and breach the public’s trust, this bill would potentially protect them from termination or prolong their termination process, preventing the installation of a successor. No other appointee position reporting directly to elected county leadership is afforded this level of protection.

Moreover, this bill removes the discretion and autonomy available to newly elected county leadership to help select heads for their local health departments. Understanding local health officers play a role in many government operations including the enforcement of nuisance violations and oversight of restaurants and other facilities, our shared constituents will lose the ability to use elections to impact policies affecting their day-to-day lives. Local health officers also contribute to the adoption of local policies, having advanced and contributed to legislation in service of their communities. **County leadership should have the ability to decide who will act as their advocates within government and with the public.**

SB 548 is grounded in good intentions, but it creates substantial protections for bad actors and dilutes the ability of voters to influence policy. For these reasons, MACo **OPPOSES** SB 548 and urges an **UNFAVORABLE** report.