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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,<sup>1</sup> and health officers from Maryland have not been immune to these pressures.<sup>2</sup>
- 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.

### Why SB 548 is Needed:

- 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.
  - 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.
- Under current law, local health officers can be removed without an opportunity to appeal the removal in a hearing with the Secretary of Health.

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<sup>1</sup> [CNN \(2021\)](#)

<sup>2</sup> [Baltimore Sun \(2022\)](#)

- Health Officers should have the opportunity to understand the rationale for their termination and the statutory authorization to contest their termination on procedural terms.

**What SB 548 Does:**

- SB 548 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 removes the provision stating that a local health officer serves “at the pleasure of the governing body of the county and the Secretary.”
- Should the health officer contest the decision of the County Board of Health and the Secretary of Health, SB 548 permits the terminated officer to request a final hearing before the Secretary of Health.
- SB 548 additionally permits the local health officer to request a hearing before the appropriate circuit court within 30 days of the secretary’s decision to ensure that the removal process was executed in accordance with this bill.

**What SB 548 Accomplishes:**

- SB 548 improves transparency by requiring the Secretary to provide the local health officer with the reason and supporting documentation for removal in a timely manner.
- SB 548 gives local health officers the opportunity to appeal a removal decision that they believe is not procedurally justified.
- 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.