



**2022 Session  
POSITION PAPER**

**BILL:** SB 548 - Local Health Officers – Removal – Process  
**COMMITTEE:** House – Health and Government Operations Committee  
**POSITION:** Letter of Support As Amended  
**BILL ANALYSIS:** SB 548 would repeal provision of law providing a Health Officer serves at the pleasure of the Secretary of Health and the governing body of the county, establish notice and hearing requirements related to removal of a Health Officer, prohibit a Health Officer who appeals a certain decision of the Secretary from carrying out the duties of Health Officer while appeal is pending, and other related actions.

**POSITION RATIONALE:** The Maryland Association of County Health Officers (MACHO) supports Senate Bill (SB) 548 as amended. SB 548, with **bipartisan amendments**, aims to rectify the current flawed Health Officer termination process with new procedures that lessen the potential for political pressure to influence decisions that directly impact the health and safety of Maryland residents. The amendments no longer restrict the grounds under which local elected officials and the Secretary of Health can jointly agree to terminate the services of a Health Officer, but it retains a requirement to state cause. SB 548 also provides an appeal process in keeping with rights afforded to other state merit employees.

The past two years have shown that Health Officers need protection against termination without cause in order to consistently take actions based on the best available scientific and medical evidence. The health and lives of Marylanders depend on public health officials' ability to exercise data-driven decisions.

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 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., as we lead our staff and offer guidance to local health professionals and the public. 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 or directives 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 and fulfillment of their delegated authorities by other state agencies or state leadership.

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 qualifications of a Health Officer. By necessitating a defined cause for termination and providing an appeal process, SB 548 assures constituents that actions are being taken in the best interests of their health and safety.

**MACHO strongly encourages support for SB 548 and its bipartisan amendments.** For more information, please contact Ruth Maiorana, Executive Director, MACHO, at [rmaiora1@jhu.edu](mailto:rmaiora1@jhu.edu) or 410-937-1433.