

HOUSE BILL 1426

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By: **Delegates Rose, Bouchat, Stonko, and Tomlinson**

Introduced and read first time: February 7, 2025

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Carroll County – Board of Health and Health Department**

3 FOR the purpose of establishing the Carroll County Board of Commissioners as the Carroll
4 County Board of Health; requiring the board of health to take certain actions related
5 to operating procedures for the Carroll County Health Department, records of the
6 Department, and evaluations of the health officer, deputy health officers, and other
7 employees of the Health Department; requiring the Carroll County Board of
8 Commissioners to make its evaluation of the Carroll County health officer available
9 to the Carroll County Delegation to the General Assembly; authorizing the board of
10 health to remove the health officer or a deputy health officer under certain
11 circumstances; providing that the removal is not subject to the approval of the
12 Secretary of Health; and generally relating to the Carroll County Board of Health
13 and Health Department.

14 BY repealing and reenacting, without amendments,
15 Article – Health – General
16 Section 3–201(a)
17 Annotated Code of Maryland
18 (2023 Replacement Volume and 2024 Supplement)

19 BY adding to
20 Article – Health – General
21 Section 3–203 and 3–311
22 Annotated Code of Maryland
23 (2023 Replacement Volume and 2024 Supplement)

24 BY repealing and reenacting, with amendments,
25 Article – Health – General
26 Section 3–302 and 3–305
27 Annotated Code of Maryland
28 (2023 Replacement Volume and 2024 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Health – General

3–201.

(a) Except as provided in subsection (b) of this section, the governing body of a county is ex officio the board of health for the county.

3–203.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “BOARD” MEANS THE CARROLL COUNTY BOARD OF COMMISSIONERS ACTING AS THE CARROLL COUNTY BOARD OF HEALTH UNDER § 3–201(A) OF THIS SUBTITLE.

(3) “HEALTH DEPARTMENT” MEANS THE CARROLL COUNTY HEALTH DEPARTMENT.

(B) AS REQUIRED UNDER § 3–201(A) OF THIS SUBTITLE, THE CARROLL COUNTY BOARD OF COMMISSIONERS IS THE BOARD OF HEALTH FOR CARROLL COUNTY AND SHALL EXERCISE ALL POWERS AND DUTIES OF THE BOARD OF HEALTH ESTABLISHED UNDER STATE AND LOCAL LAW.

(C) (1) THE BOARD SHALL ESTABLISH STANDARD OPERATING PROCEDURES FOR THE HEALTH DEPARTMENT, INCLUDING PROCEDURES FOR THE HEALTH AND SAFETY COMPLAINT SYSTEM AND COMPLAINT APPEALS PROCESS.

(2) THE BOARD SHALL DIRECT THE HEALTH DEPARTMENT TO:

(I) KEEP RECORDS OF HEALTH AND SAFETY COMPLAINTS; AND

(II) MAKE THE RECORDS AVAILABLE FOR INSPECTION UNDER THE MARYLAND PUBLIC INFORMATION ACT, INCLUDING INSPECTION BY THE CARROLL COUNTY DELEGATION TO THE GENERAL ASSEMBLY, BUSINESS OWNERS IN CARROLL COUNTY, AND RESIDENTS OF CARROLL COUNTY.

3–302.

1 (a) The health officer for a county shall be nominated by the county and appointed
2 by the Secretary.

3 (b) (1) The governing body of each county shall establish, by ordinance or
4 resolution, the process by which the county nominates an individual for health officer.

5 (2) If a vacancy occurs in the position of health officer for a county, the
6 governing body shall establish a process, in consultation with the Department, for making
7 a recommendation to the Secretary for the appointment of a health officer.

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

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

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

16 (d) Each health officer:

17 (1) Shall have:

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

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

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

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

24 (i) Is a physician; and

25 (ii) Meets the qualifications of this subsection.

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

28 (f) (1) **[The] SUBJECT TO § 3-311(C)(1) OF THIS SUBTITLE, THE** health
29 officer for a county may be removed from office with the concurrence of the governing body
30 of that county and the Secretary.

(2) (i) Any information concerning the removal of a health officer from office is confidential in accordance with Title 4 of the General Provisions Article.

(ii) Any meeting of the governing body of a county or any meeting that includes the Secretary related to the removal of a health officer from office shall be closed.

(3) (i) If the Secretary and the governing body concur on the removal of a health officer, the Secretary shall provide written notification to the health officer that includes:

1. The basis for the removal;

2. Documentation supporting the removal; and

3. Notice of the opportunity to request a hearing with the Secretary within 10 days after receipt of the written notification and information on how to request the hearing.

(ii) If the health officer requests a hearing with the Secretary:

1. The Secretary promptly shall hold a hearing, provided that the hearing may not be held sooner than 10 days or later than 30 days after the Secretary sends the health officer a notice of the removal;

2. The health officer shall have an opportunity to be heard before the Secretary in the health officer's defense; and

3. The Secretary shall make a final decision not later than 10 days after the date of the hearing.

(4) Not later than 30 days after the Secretary makes a decision under paragraph (3) of this subsection, a health officer may request a hearing before the appropriate circuit court to ensure that the proceedings for the removal of the health officer were conducted in accordance with paragraph (3) of this subsection.

3–305.

(a) (1) The governing body of each county shall establish, by ordinance or resolution, the process by which the county evaluates its health officer.

(2) The Secretary shall establish, by rule or regulation, the process by which the Secretary evaluates health officers.

(b) (1) At least annually, the health officer for a county shall be evaluated, in writing, by the Secretary and by the county.

(2) The Secretary and the county each shall review their respective evaluations of a health officer with the health officer.

(3) THE CARROLL COUNTY BOARD OF COMMISSIONERS SHALL MAKE ITS EVALUATION OF THE CARROLL COUNTY HEALTH OFFICER AVAILABLE TO THE CARROLL COUNTY DELEGATION TO THE GENERAL ASSEMBLY.

3-311.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "BOARD" MEANS THE CARROLL COUNTY BOARD OF COMMISSIONERS ACTING AS THE CARROLL COUNTY BOARD OF HEALTH UNDER § 3-201(A) OF THIS SUBTITLE.

(3) "DEPUTY HEALTH OFFICER" MEANS A DEPUTY HEALTH OFFICER IN THE CARROLL COUNTY HEALTH DEPARTMENT.

(4) "HEALTH DEPARTMENT" MEANS THE CARROLL COUNTY HEALTH DEPARTMENT.

(5) "HEALTH OFFICER" MEANS THE HEALTH OFFICER FOR THE CARROLL COUNTY HEALTH DEPARTMENT.

(B) (1) AT LEAST ANNUALLY, THE BOARD SHALL EVALUATE, IN WRITING, EACH DEPUTY HEALTH OFFICER.

(2) THE BOARD SHALL MAKE ITS EVALUATION OF EACH DEPUTY HEALTH OFFICER AVAILABLE TO THE CARROLL COUNTY DELEGATION TO THE GENERAL ASSEMBLY.

(C) (1) IF THE HEALTH OFFICER OR A DEPUTY HEALTH OFFICER RECEIVES TWO UNSATISFACTORY EVALUATIONS BY THE BOARD, THE BOARD MAY REMOVE THE HEALTH OFFICER OR DEPUTY HEALTH OFFICER.

(2) THE REMOVAL OF THE HEALTH OFFICER UNDER PARAGRAPH (1) OF THIS SUBSECTION IS NOT SUBJECT TO THE SECRETARY'S APPROVAL.

(3) IF THE BOARD REMOVES THE HEALTH OFFICER OR A DEPUTY HEALTH OFFICER UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE BOARD SHALL NOTIFY THE CARROLL COUNTY DELEGATION TO THE GENERAL ASSEMBLY OF THE REMOVAL AND THE REASONS FOR THE REMOVAL.

1 **(D) THE BOARD SHALL DIRECT THE HEALTH DEPARTMENT TO SUBMIT**
2 **WRITTEN EVALUATIONS OF ALL HEALTH DEPARTMENT EMPLOYEES TO THE HEALTH**
3 **OFFICER AND THE BOARD ON OR BEFORE DECEMBER 1 EACH YEAR.**

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2025.