

SENATE BILL 971

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By: **Senator Lam (By Request – Commission on Public Health)**

Introduced and read first time: January 28, 2025

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Department of Health and Health Officers – Revisions**

3 FOR the purpose of requiring the Maryland Department of Health to notify each health
4 officer for a county of a certain procurement to offer the opportunity for the county
5 health department to join the procurement; authorizing a health officer for a county
6 to make an appointment to a position without the approval of the Maryland
7 Department of Health or the Department of Budget and Management if the position
8 is fully funded through the use of local funding or grant funding; authorizing a health
9 officer for a county to enter into certain contracts if the Secretary of Health does not
10 respond to a request for approval within a certain time period; requiring the
11 Department to include certain data in a health care workforce data clearinghouse if
12 the Department creates the clearinghouse; authorizing a health officer for a county
13 to serve on the board of a hospital if the health officer does not accept payment for
14 the health officer's service on the board; and generally relating to the Maryland
15 Department of Health and health officers of counties.

16 BY repealing and reenacting, with amendments,
17 Article – Health – General
18 Section 3–306
19 Annotated Code of Maryland
20 (2023 Replacement Volume and 2024 Supplement)

21 BY adding to
22 Article – Health – General
23 Section 24–2501 and 24–2502 to be under the new subtitle “Subtitle 25. Health Care
24 Workforce Data Clearinghouse”
25 Annotated Code of Maryland
26 (2023 Replacement Volume and 2024 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Health – General

3–306.

(a) Except as provided by agreement between the Secretary and the local governing body, and in addition to the powers and duties set forth elsewhere, each health officer has the powers and duties set forth in this section.

(b) A health officer may obtain samples of food and drugs for analysis.

(c) (1) The health officer for a county is the executive officer and secretary of the county board of health.

(2) (I) Except in Montgomery County, the health officer for a county shall appoint the staff of the county health department.

(II) IF A POSITION WITH A COUNTY HEALTH DEPARTMENT IS FULLY FUNDED THROUGH THE USE OF LOCAL FUNDING OR GRANT FUNDING, THE HEALTH OFFICER FOR THE COUNTY MAY APPOINT AN INDIVIDUAL TO THE POSITION WITHOUT APPROVAL BY THE SECRETARY OR THE SECRETARY OF BUDGET AND MANAGEMENT.

(3) The health officer for a county shall have an office at an accessible place in the county.

(4) (i) The health officer for a county shall enforce throughout the county:

1. Under the direction of the Secretary, the State health laws and the policies, rules, and regulations that the Secretary adopts; and

2. Except as provided in subparagraph (ii) of this paragraph, under the direction of the county board of health, the rules and regulations that the county board of health adopts.

(ii) The health officer for a county shall enforce in each municipality or special taxing district in the county the rules or regulations that the county board of health adopts unless the municipality or district has a charter provision or ordinance that:

1. Covers the same subject matter as the county rule or regulation;

2. Is at least as restrictive as the county rule or regulation;

and

3. Includes provisions for enforcement.

(5) A health officer shall perform any investigation or other duty or function directed by the Secretary or the county board of health and submit appropriate reports to them.

(d) **(1)** Subject to the consent of the governing body of the county and the written approval of the Secretary, a health officer for a county may enter into a contract or any other written agreement to assist or participate in the delivery of health care services with a person that is authorized to provide, finance, coordinate, facilitate, or otherwise deliver health care services in the State.

(2) IF THE SECRETARY DOES NOT RESPOND TO A REQUEST FOR WRITTEN APPROVAL WITHIN 7 DAYS AFTER RECEIVING THE REQUEST, THE HEALTH OFFICER FOR THE COUNTY MAY PROCEED TO ENTER THE CONTRACT OR WRITTEN AGREEMENT.

(e) (1) Except as provided in paragraph (2) of this subsection, a health officer for a county and the Baltimore City Commissioner of Health may authorize the county health department to retain all collections, including any unspent balance at the end of a fiscal year, received from:

(i) Fees authorized under this article;

(ii) Fees authorized under the Environment Article; and

(iii) Fees derived from charges authorized under Title 16, Subtitle 2 of this article.

(2) The authority to retain collections under paragraph (1) of this subsection does not apply:

(i) To license fees set by a county governing body or Baltimore City and paid to the chief financial officer of the county or Baltimore City as authorized under State law;

(ii) To fees that must be transferred to the General Fund under § 4-217(c) of this article from the fees collected for each birth certificate issued or report issued that a search was made but the requested record is not on file; or

(iii) If the retention of collections would be inconsistent with established local practice.

(3) Each health officer for a county and the Baltimore City Commissioner of Health shall report annually to the Secretary on the use of collections retained under paragraph (1) of this subsection.

(F) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A HEALTH OFFICER FOR A COUNTY MAY SERVE ON THE BOARD OF A HOSPITAL IN THE STATE IF THE HEALTH OFFICER DOES NOT ACCEPT PAYMENT FOR THE HEALTH OFFICER'S SERVICE ON THE BOARD.

(G) IF THE DEPARTMENT PROCURES A SYSTEM FOR COLLECTING AND STORING ELECTRONIC HEALTH RECORDS, AS DEFINED UNDER § 19-142 OF THIS ARTICLE, THE DEPARTMENT SHALL NOTIFY EACH HEALTH OFFICER FOR A COUNTY AND OFFER THE COUNTY HEALTH DEPARTMENT THE OPPORTUNITY TO JOIN THE PROCUREMENT.

~~[(f)]~~ (H) The Secretary may delegate duties, powers, and functions as provided in this article to a health officer for a county or other county official authorized to administer and enforce health and environmental laws.

SUBTITLE 25. HEALTH CARE WORKFORCE DATA CLEARINGHOUSE.

24-2501.

IN THIS SUBTITLE, "PUBLIC HEALTH WORKFORCE" MEANS THE STAFF OF:

(1) THE PUBLIC HEALTH SERVICES ADMINISTRATION;

(2) A LOCAL HEALTH DEPARTMENT; OR

(3) THE DEPARTMENT OF THE ENVIRONMENT WHO FOCUS ON COMMUNITY AND POPULATION HEALTH EFFORTS.

24-2502.

IF THE DEPARTMENT CREATES A HEALTH CARE WORKFORCE DATA CLEARINGHOUSE, THE CLEARINGHOUSE SHALL INCLUDE DATA RELATED TO THE PUBLIC HEALTH WORKFORCE.

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