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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,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.