



## House Bill 874

### *County Health Officers - Authority of County Governing Body and Secretary of Health and Mental Hygiene*

MACo Position: **OPPOSE**

Date: March 4, 2014

To: Health & Government Operations Committee

From: Natasha Mehu

The Maryland Association of Counties **OPPOSES** House Bill 874. This bill establishes a single procedure for hiring each county's health officer, and provides that various elements of a health officer dismissal decision remain confidential.

Under current law, a county health officer is nominated by the county and appointed by the Secretary of Health and Mental Hygiene. The governing body for each county determines the process for the nomination. The Secretary may reject the nomination if the nominee does not meet the necessary qualifications, such as the necessary degree, experience or training, as required under the statute. Once appointed, the health officer serves at the pleasure of the governing body of the county and the Secretary, and may only be removed from office at the concurrence of the governing body and the Secretary.

HB 874 would alter the current process by mandating that the governing body of a county create a committee to fill the vacancy. The committee would include the Secretary or a designee and have 60 days from the date of the vacancy to recruit, interview and recommend a candidate for the position. HB 874 would also alter the process for the removal of an officer. Rather than serving at the pleasure of the governing body *and* the Secretary, the health officer could be removed by either the governing body *or* the Secretary for cause; a substantially higher standard for removal.

County governments do not agree that these processes are in need of this comprehensive reform. First, there are unique circumstances that do not allow for the one-size-fits-all process this bill proposes. For instance, in Baltimore County, the health officer serves a dual role as the Director of Social Services. In Montgomery County, the county government actively oversees the local health department and therefore the health officer is directly a member of the county government. A health officer may also serve more than one county. None of these

arrangements, which serve the affected jurisdictions to their satisfaction, is adequately accommodated by the bill.

More specifically, HB 874 creates a potential conflict of interest for the Secretary (or his designee) to serve on the nomination committee. Since the State - through the Secretary - ultimately holds the power to reject the local nominee, this potentially infringes on the ability of the local government's right under the statute to determine the most suitable candidate. A county is currently able to exercise this process if it chooses to do so – but HB 845 dictates this as a mandate.

Furthermore, a county health officer should continue to serve at the pleasure of the governing body and the Secretary. A health officer is a special appointment in the State Personnel Management System and as such works “at will.” If the governing body or Secretary wishes to establish grounds for removal, it may be done through express contract, agreement, or policy.

MACo appreciates outreach by the bill's lead sponsor in advance of the bill hearing, and understands amendments may be offered to address some of these concerns. Counties acknowledge that positive progress, but still question the necessity of this broad, specific legislation dictating a specific process to apply in every county.

MACo requests that this local process remain a local prerogative with the appropriate (current) State approval. MACo therefore urges the Committee to issue an **UNFAVORABLE** report on HB 874.