

**M E M O R A N D U M**

September 26, 2022

TO: Health and Human Services Committee  
Government Operations and Fiscal Policy Committee

FROM: Essie McGuire, Senior Legislative Analyst  
Tara Clemons, Legislative Analyst

SUBJECT: Discussion: Montgomery County Health Officer

PURPOSE: To receive an update and discuss leadership structure

***Expected Participants:***

Richard Madaleno, Chief Administrative Officer

The purpose of this worksession is for the Health and Human Services (HHS) Committee and Government Operations and Fiscal Policy (GO) Committees to receive an update on the status of the hiring process for the Montgomery County Health Officer, and discuss options for public health leadership structures within State law.

**BACKGROUND**

Dr. James Bridgers has been serving as Acting Health Officer since the previous incumbent, Dr. Travis Gayles, resigned the position August 12, 2021. The Council most recently extended the period of Dr. Bridgers' appointment in this acting capacity on July 26, 2022, and the current extension expires on March 8, 2023.

In the process to permanently fill the Health Officer position, multiple candidates have ultimately declined to accept the position. On March 22, 2022, the Council unanimously passed a resolution affirming support for the work of public health officials (attached at circle 1 and at the link below):

[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2022/20220322/20220322\\_6N.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2022/20220322/20220322_6N.pdf)

At the Council's Board of Health briefing on May 19, 2022, Chief Administrative Officer Rich Madaleno and other Executive branch staff raised the possibility of changing the minimum requirements for the Health Officer position, and the need to develop a leadership structure that supports the Health Officer and the Public Health team. On August 22, 2022, the Council

President wrote to the County Executive emphasizing the need to resolve the Public Health leadership structure and determine the roles and responsibilities that would best support the complexity of public health issues facing the County (attached at circle 3).

The current position description for the County Health Officer and Chief of Public Health Services can be accessed at the following link:

[https://www.montgomerycountymd.gov/HR/Resources/Files/Staffing/OpenPositions/ChiefofPublicHealthServicesBrochure\\_9262021.pdf](https://www.montgomerycountymd.gov/HR/Resources/Files/Staffing/OpenPositions/ChiefofPublicHealthServicesBrochure_9262021.pdf)

The County has been advertising for one position to fill both of these roles, and the position requires that the individual be a physician. The discussion today will provide an update on the current hiring process and review the options for public health leadership structure that are permitted within the State law.

### **MARYLAND HEALTH OFFICER REQUIREMENTS**

In Maryland, the Health Officer is both a state and county official. There is a Health Officer for each county, who is nominated by the County and appointed by the Maryland Department of Health. As a state and county official, the Health Officer is Executive Officer and Secretary of the County Board of Health and enforces rules or regulations that the Board adopts.

In order to be qualified, Maryland Code Health - General, § 3-302 states the Health Officer must meet the following:

- a master's degree in public health with at least two years' work in the field of public health; or
- at least 5 years work in the field of public health;
- Does not need to be a physician, if the health officer has a deputy who:
  - Is a physician; and
  - Meets the qualifications of the subsection, although three additional years of public health work may be substituted for the master's degree.
- The governing body of each county shall establish, by ordinance or resolution, the process by which the county evaluates its health officer.
- The Secretary shall establish, by rule or regulation, the process by which the Secretary evaluates health officers.
- At least annually, the health officer for a county shall be evaluated, in writing, by the Secretary and by the county. The Secretary and the county each shall review their respective evaluations of a health officer with the health officer.
- If a health officer or deputy of a health officer is a physician, the health officer or deputy may practice medicine with the approval of the local governing body.

The General Assembly this spring passed a bill that will go into effect October 1, 2022, clarifying the conditions for which a Health Officer can be removed from office. In addition to requiring the concurrence of the State Secretary and the local governing body, the new law requires documentation of the rationale for removal from office and provides for an appeal

process. The final enrolled text of the bill can be found at the following link:  
<https://mgaleg.maryland.gov/2022RS/bills/hb/hb0609E.pdf>

#### **OTHER MARYLAND JURISDICTIONS**

Council staff reviewed the existing structure of Health Officers in a sampling of neighboring Maryland jurisdictions. The counties vary in their approach. Council staff notes the following:

- Hiring health directors is an issue of concern nationally and regionally. Both the District of Columbia's Health Officer and Prince George's County Health Officer have resigned from their positions as of July 2022. Each jurisdiction is currently recruiting for a permanent Health Officer.
- Montgomery County and Prince George's are the only counties in Maryland with a "combined" health and social services department. Prince George's County Health and Human Services (HHS) is comprised of the Prince George's County Department of Family Services, the Health Department, and the Department of Social Services. For Prince George's even though the departments are under the umbrella of Health and Human Services, the 3 entities act independent of one another and have separate directors.
- Frederick County requires the Health Officer to be a physician. Howard County requires that if the Health Officer or deputy Health Officer is a physician, the Health Officer or deputy may not practice medicine except in the performance of official duties

The table below summarizes key elements of the structure of Health Officers in neighboring jurisdictions.

	<b>Health Officer</b>	<b>Deputy Health Officer</b>	<b>Chief Medical Officer</b>
<b>Prince Georges</b>	Physician - MD	Deputy – not a physician previous deputy was an MD	Has 2 Board of Health consultants that are physicians
<b>Baltimore City</b>	Commissioner of Health	No deputy	Physician
<b>Montgomery</b>	Vacant – has been a physician	Previous & current Deputy not a physician	N/A
<b>Howard</b>	Physician	Deputy – not a physician	Physician
<b>Anne Arundel</b>	Physician	2 Deputies – operations and public health	.5 fte Medical Director
<b>Cecil</b>	Not a Physician – JD/MPH degree	2 Deputies – operations and clinical (8 hours per wk)	
<b>Frederick</b>	Physician	Deputy & Medical Officer– physician	

## **POSSIBLE STRUCTURES FOR HEALTH OFFICER POSITION**

### *Option 1*

- Maintain current structure: the Health Officer and the Chief of Public Health are the same position, and the Health Officer is required to be a physician.

### *Option 2*

- Per Maryland Code Health - General, § 3-302, the Health Officer is not required to be a physician if the Deputy Health Officer is a physician and meets the other requirements. One possible structure for Montgomery County could be as follows:
  - The Deputy Health Officer position is required to be a physician. The Health Officer position is not required to be a physician and is also the Chief of Public Health

Alternatively, the Council could consider variations of the Health Officer structure similar to neighboring jurisdictions:

- The Health Officer position is full or part-time, required to be a physician and is separate from the Chief of Public Health;
- The Health Officer position is required to be a licensed health professional such as a physician, nurse practitioner, registered nurse etc.;
- The Health Officer and Chief of Public Health are separate positions with defined job functions and duties.

Executive Branch staff are expected to provide additional update information at the Committee meeting; this packet will be updated if additional information is received prior to the Committee meeting. The Committees will consider the County Executive's recommendations regarding the public health leadership in Montgomery County and whether restructuring the Health Officer position would provide the optimal support for the County's public health.

### **This report contains:**

Resolution 19-1196

Council President's August 22, 2022, letter

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Resolution No.:	<u>19-1196</u>
Introduced:	<u>March 15, 2022</u>
Adopted:	<u>March 22, 2022</u>

**COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND**

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Lead Sponsor: Council Vice President Glass  
Cosponsors: Council President Alborno, Councilmember Jawando, Councilmember Hucker,  
Councilmember Katz, Councilmember Navarro, Councilmember Friedson, Councilmember  
Riemer and Councilmember Rice

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**SUBJECT:** To affirm Montgomery County's support of public health officials.

**Background**

1. A new coronavirus disease, named COVID-19, appeared in China in December 2019 and quickly spread around the world. On March 11, 2020, the World Health Organization declared the disease a pandemic.
2. Dr. Travis Gayles served as Montgomery County's Public Health Officer and Chief of Public Health Services for four years, during which his sole priority was to protect the public health and safety of Montgomery County residents; a task he led effectively with the use of science, data and a focus on equity.
3. During his pandemic leadership, Dr. Travis Gayles received threats to his safety, in addition to a stream of racist and homophobic messages.
4. On September 12, 2021, Dr. Travis Gayles left his position as Montgomery County's Public Health Officer and Chief of Public Health Services.
5. In September 2021, Montgomery County retained the services of K&A to assist in a nation-wide recruitment effort to hire the county's next Public Health Officer.
6. According to County Section 1A-102 and State Section 3-302 of the Health General codes, the process for the appointment of the County Health Officer/Chief of Public Health Services for Montgomery County is a joint appointment, requiring approval from both the County Council and the Secretary of Health.

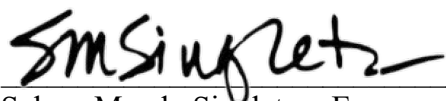
7. As of March 2022, two candidates for the Public Health Officer position declined offers over concerns for their safety as a result of the public backlash and political divisions over COVID-19 public policy health decisions.
8. On March 1, 2022, Former Harford County Health Officer David Bishai and Former Montgomery County Health Officer Dr. Travis Gayles testified before the Maryland Joint Committee on Fair Practices and State Personnel Oversight and told state lawmakers that “pandemic policy-making in Maryland has become dangerously politicized and that the state Department of Health routinely failed to support health officers who come under attack, even though they are state employees.”

**Action**

The County Council for Montgomery County, Maryland approves the following resolution:

1. Montgomery County stands in support of public health officials, including the next Public Health Officer and Chief of Public Health Services.
2. Montgomery County calls for unity, civil discourse and a depoliticization of the pandemic.
3. Montgomery County affirms its commitment to making public policy health decisions based on science and data.

This is a correct copy of Council action.



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Selena Mendy Singleton, Esq.  
Clerk of the Council



## MONTGOMERY COUNTY COUNCIL

**GABE ALBORNOZ**  
COUNCIL PRESIDENT

**CHAIR**  
HEALTH & HUMAN SERVICES  
COMMITTEE

### MEMORANDUM

**DATE:** August 22, 2022

**TO:** Marc Elrich, County Executive

**FROM:** Gabe Albornoz, Council President

**SUBJECT:** Health Officer

As of September 2022, the Montgomery County Health Officer position will have been vacant for over a year, and three candidates have turned down the position to date. It is concerning that Public Health Officials nationally and within the region are resigning due to the pressure and scrutiny they are experiencing. Both the District of Columbia's Health Officer and Prince George's County Health Officer have resigned from their positions as of July 2022.

My colleagues on the County Council and I are deeply appreciative of the excellent work of Dr. James Bridgers as the Acting Health Officer, assuming this role during an unprecedented time in the County's history. Dr. Bridgers has steered the public health response efforts, kept the Council informed sitting as the Board of Health, and has grappled with the newly emerging public health emergency of the MPX (Monkeypox) virus in addition to ongoing work around COVID-19. At the same time, the complexity and scope of the critical public health issues continuing to face the County require a fully staffed complement of Public Health leadership positions, including the appointment of a permanent Health Officer for Montgomery County as soon as possible.

It is clear the recruitment approach implemented thus far has not been successful. At the Council's Board of Health briefing on May 19, 2022, Chief Administrative Officer Rich Madaleno and other Executive branch staff raised the possibility of changing the minimum requirements for the Health Officer position, and the need to develop a leadership structure that supports the Health Officer and the Public Health team. While the Council understood the need

to take additional time this summer to work through the associated issues, I am writing to inform you that resolving the Health Officer position requirements and the Public Health Leadership structure will be a high priority immediately upon the Council's return for the fall session in September.

The Council requests that Executive branch staff provide a brief update on the current status of hiring efforts as part of the Board of Health briefing that is scheduled for September 13, 2022. To allow for further discussion of these efforts and of possible changes in the position requirements and leadership structures, we have scheduled a joint Health and Human Services (HHS) and Government Operations and Fiscal Policy (GO) Committee worksession on September 29, 2022.

Council staff will work with Executive staff to share more details around the September joint Committee meeting. I know you share the sense of urgency to resolve the outstanding leadership issues around the Public Health leadership structure in Montgomery County. We must take immediate action to identify the solutions that will bring successful results in our efforts to hire and retain exceptional leadership in this critical area.

cc:

Councilmembers

Marlene Michaelson, Executive Director

Rich Madaleno, Chief Administrative Officer

Dr. Earl Stoddard, Assistant Chief Administrative Officer

Dr. Raymond Crowel, Director, Department of Health and Human Services

Dr. James Bridgers, Acting Health Officer

Ken Hartman-Espada, Director, Strategic Partnerships