



**Committee:** Directly to Council  
**Committee Review:** N/A  
**Staff:** Christine Wellons, Senior Legislative Attorney  
**Purpose:** To receive testimony – no vote expected  
**Keywords:** #HHSChief

AGENDA ITEM#1.5  
December 13, 2022  
**Public Hearing**

## SUBJECT

Expedited Bill 32-22; Department of Health and Human Services – Structure and Positions

Lead Sponsor: Then-Council President Alborno at the request of the County Executive

## EXPECTED ATTENDEES

Public speakers

## COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

- N/A; receive testimony

## DESCRIPTION/ISSUE

Council Bill 32-22 would establish the Chief of Public Health Services as a non-merit position in the Department of Health and Human Services; eliminate the Chief Operating Officer as a non-merit position in the Department of Health and Human Services; and remove the requirement that the County Health Officer also serve as the Chief of the Direct Service Division for Public Services.

## SUMMARY OF KEY DISCUSSION POINTS

- N/A

## This report contains:

Staff Report	Pages 1-2
Expedited Bill 32-22	© 1
Legislative Request Report	© 3
County Executive Memorandum	© 4
Fiscal Impact Statement	© 9
Executive Regulation 22-22	© 11
Position Description – County Health Officer	© 17
RESJ Impact Statement	© 20
Economic Impact Statement	© 24

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

December 8, 2022

TO: County Council

FROM: Christine Wellons, Senior Legislative Attorney

SUBJECT: Expedited Bill 32-22, Department of Health and Human Services – Structure and Positions

PURPOSE: Public Hearing – no Council votes required

Expedited Bill 32-22, Department of Health and Human Services – Structure and Positions, sponsored by then-Council President Alborno at the request of the County Executive, was scheduled to be introduced on November 15, 2022. Final action is tentatively scheduled for January 17, 2023.

Expedited Bill 32-22 would establish the Chief of Public Health Services as a non-merit position in the Department of Health and Human Services; eliminate the Chief Operating Officer as a non-merit position in the Department of Health and Human Services; and remove the requirement that the County Health Officer also serve as the Chief of the Direct Service Division for Public Services.

**BACKGROUND**

The County Executive has explained Bill 32-22 as follows:

The attached Bill creates the new non-merit position of Chief of Public Health Services in the Department of Health and Human Services (DHHS), replacing the existing, unfilled DHHS Chief Operating Officer position. This Chief of Public Health Services will be responsible for directing Public Health Services program operations in the County.

The Bill also deletes the requirement that the County Health Officer serve as the Chief of the Direct Service Division for Public Health Services in the Department of Health and Human Services.

In addition to submitting the proposed legislation, the County Executive provided to the Council an advance copy of companion regulations, which the Executive anticipates submitting to the Council in December.

This packet contains:	<u>Circle #</u>
Expedited Bill 32-22	1
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Position Description – County Health Officer	17
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Expedited Bill No. 32-22  
Concerning: Department of Health and  
Human Services – Structure and  
Positions  
Revised: 11/10/2022 Draft No. 1  
Introduced: November 15, 2022  
Expires: May 15, 2024  
Enacted: \_\_\_\_\_  
Executive: \_\_\_\_\_  
Effective: \_\_\_\_\_  
Sunset Date: None  
Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsors: Council President at the request of the County Executive

### AN EXPEDITED ACT to:

- (1) add the Chief of Public Health Services as a non-merit position in the Department of Health and Human Services;
- (2) eliminate the Chief Operating Officer as a non-merit position in the Department of Health and Human Services; and
- (3) delete the requirement that the County Health Officer also serve as the Chief of the Direct Service Division for Public Health Services in the Department of Health and Human Services.

By amending

Montgomery County Code  
Chapter 2, Administration  
Section 2-42A

*The County Council for Montgomery County, Maryland approves the following Act:*

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

1           **Sec. 1. Section 2-42A is amended as follows:**

2   **2-42A. Functions, powers, and duties.**

3                                   \*       \*       \*

4           (b)   *Non-merit positions.* The Department has 5 senior level management  
5                   positions that are non-merit positions. These positions consist of a chief  
6                   [ operating officer] of Public Health Services; a chief of Services to End  
7                   and Prevent Homelessness; a chief of Aging and Disability Services; a  
8                   chief of Behavioral Health and Crisis Services; and a chief of Children,  
9                   Youth, and Family Services. [In addition, the Health Officer referred to  
10                  in Section 2-42 serves as the chief of the Direct Service Division for  
11                  Public Health Services.]

12                                  \*       \*       \*

13           **Sec. 2. Expedited effective date.** The Council declares that this legislation is  
14           necessary for the immediate protection of the public interest. This Act takes effect on  
15           the date on which it becomes law.

## LEGISLATIVE REQUEST REPORT

BILL: XX-22, Chief of Public Health Services Establishment

<b>DESCRIPTION:</b>	This Bill amends Section 2-42A of the Montgomery County Code to add the Chief of Public Health Services and eliminate Chief Operating Officer as a non-merit position in the Department of Health and Human Services. It also deletes the requirement that the County Health Officer also serve as the Chief of the Direct Services Division for Public Health Services in the Department of Health and Human Services.
<b>PROBLEM:</b>	The complexity and scope of the critical health issues continuing to face the County requires a new approach to the roles and responsibilities of the positions that guide policy and manage the delivery of public health services.
<b>GOALS AND: OBJECTIVES</b>	To eliminate Chief Operating Officer position and add the Chief of Public Health Services as a non-merit position in the Department of Health and Human Services.
<b>COORDINATION:</b>	The Office of the County Executive
<b>FISCAL IMPACT:</b>	Office of Management and Budget
<b>ECONOMIC: IMPACT</b>	Office of Legislative Oversight
<b>EVALUATION:</b>	N.A
<b>EXPERIENCE: ELSEWHERE</b>	N.A
<b>SOURCE OF: INFORMATION</b>	Darryl Gorman, Acting Director, Office of Human Resources <a href="mailto:Darryl.gorman@montgomerycountymd.gov">Darryl.gorman@montgomerycountymd.gov</a>  Ken Hartman Espada, Director of Strategic Partnerships, Office of County Executive <a href="mailto:Ken.hartman@montgomerycountymd.gov">Ken.hartman@montgomerycountymd.gov</a>
<b>APPLICATION: WITHIN MUNICIPALITIES</b>	N.A
<b>PENALTIES:</b>	N.A




OFFICE OF THE COUNTY EXECUTIVE

Marc Elrich  
*County Executive*

M E M O R A N D U M

October 19, 2022

TO: Gabe Albornoz, Council President  
Montgomery County Council

FROM: Marc Elrich, County Executive 

SUBJECT: Bill XX-22, Chief of Public Health Services - Establishment

I am transmitting the proposed Bill XX-22, which amends Section 2-42A of the Montgomery County Code. I appreciate Council's support as we have worked diligently to recruit an outstanding candidate for the role of County Health Officer. As we have previously discussed, the complexity and scope of the critical health issues continuing to face the County requires a new approach to the roles and responsibilities of the positions that guide policy and manage the delivery of public health services.

The attached Bill creates the new non-merit position of Chief of Public Health Services in the Department of Health and Human Services (DHHS), replacing the existing, unfilled DHHS Chief Operating Officer position. This Chief of Public Health Services will be responsible for directing Public Health Services program operations in the County.

The Bill also deletes the requirement that the County Health Officer serve as the Chief of the Direct Service Division for Public Health Services in the Department of Health and Human Services.

Executive Regulation No. 22-22: Position Description for the Chief of Public Health Services (enclosed) is being advertised in the November 2022 Montgomery County Register. The finalized Executive Regulation will be transmitted for Council approval in early December.

Additionally, separate from this bill, the County Health Officer position description (enclosed)

Bill XX-22, Chief of Public Health Services Establishment

October 19, 2022

Page 2 of 2

has been modified to re-focus that position on enforcing and developing public health laws and regulations, providing public health and medical expertise, and developing policy guidance.

I look forward to working with the Council to implement these important changes.

Enclosures



Bill No. XX-22  
Concerning: \_\_\_\_\_  
Revised: \_\_\_\_\_ Draft No. \_\_\_\_\_  
Introduced: \_\_\_\_\_  
Expires: \_\_\_\_\_  
Enacted: \_\_\_\_\_  
Executive: \_\_\_\_\_  
Effective: \_\_\_\_\_  
Sunset Date: \_\_\_\_\_  
Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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Lead Sponsor: Council President at the Request of the County Executive

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**AN ACT** to:

- (1) add the Chief of Public Health Services as a non-merit position in the Department of Health and Human Services;
- (2) eliminate the Chief Operating Officer as a non-merit position in the Department of Health and Human Services; and
- (3) delete the requirement that the County Health Officer also serve as the Chief of the Direct Service Division for Public Health Services in the Department of Health and Human Services.

By amending

Montgomery County Code  
Chapter 2, Administration  
Section 2-42A

**Boldface**

Underlining

[Single boldface brackets]

Double underlining

[[Double boldface brackets]]

\* \* \*

*Heading or a defined term.*

*Added to existing law by original bill.*

*Deleted from existing law by original bill.*

*Added by amendment.*

*Deleted from existing law or the bill by amendment.*

*Existing law unaffected by bill.*

*The County Council for Montgomery County, Maryland, approves the following act:*

**Sec 1. Section 2-42A is amended as follows:**

**2-42A. Functions, powers, and duties.**

\* \* \*

(b) Non-merit positions. The Department has 5 senior level management positions that are non-merit positions. These positions consist of a chief [operating officer] of Public Health Services; a chief of Services to End and Prevent Homelessness; a chief of Aging and Disability Services; a chief of Behavioral Health and Crisis Services; and a chief of Children, Youth, and Family Services. [In addition, the Health Officer referred to in Section 2-42 serves as the chief of the Direct Service Division for Public Health Services.]

\* \* \*

**Sec. 2. Expedited Effective Date.**

The Council declares that this legislation is necessary for the immediate protection of the public interest. This Act takes effect on the date on which it becomes law.

*Approved:*

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Gabriel Albornoz, President, County Council

Date

*Approved:*

---

Marc Elrich, County Executive

Date

*This is a correct copy of Council action.*

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Judy Rupp, Clerk of the Council

Date

APPROVED AS TO FORM AND LEGALITY  
OFFICE OF THE COUNTY ATTORNEY

BY: Ed Hutton

DATE: 10/18/22

**Fiscal Impact Statement**  
**Bill XX-XX**  
**Chief, Public Health Services and Other HHS positions**

**1. Bill Summary**

This Bill adds the Chief of Public Health Services as a non-merit position in the Department of Health and Human Services (HHS); and eliminates the requirement that the County Health Officer also serve as the Chief of the Direct Service Division for Public Health Services in HHS.

**2. An estimate of changes in County revenues and expenditures regardless of whether the revenues or expenditures are assumed in the recommended or approved budget. Includes source of information, assumptions, and methodologies used.**

This Bill is expected to impact County expenditures by adding a Chief of Public Health Services position in HHS. The annualized cost of the position is up to \$246,714, based on the FY23 Executive Salary Schedule. Salary offers below the maximum rate will result in a lower cost. The FY23 cost will be a prorated amount based on when the position is filled.

This Bill is not expected to impact County revenues.

**3. Revenue and expenditure estimates covering at least the next 6 fiscal years.**

The estimated cost over the next 6 fiscal years for adding a Chief of Public Health Services position in HHS is up to:

FY23	FY24	FY25	FY26	FY27	FY28	6 Year Total
\$246,714	\$246,714	\$246,714	\$246,714	\$246,714	\$246,714	\$1,480,284

This Bill is not expected to impact County revenues over the next 6 fiscal years.

**4. An actuarial analysis through the entire amortization period for each bill that would affect retiree pension or group insurance costs.**

The Bill is not expected to impact retiree pension or group insurance costs.

**5. An estimate of expenditures related to the County's information technology (IT) systems, including Enterprise Planning (ERP) systems.**

The Bill is not expected to impact the County's IT or ERP systems.

**6. Later actions that may affect future revenue and expenditures if the bill authorizes future spending.**

This Bill does not authorize future spending.

**7. An estimate of the staff time needed to implement the bill.**

It is estimated that staff time to implement this Bill will be minimal.

**8. An explanation of how the addition of new staff responsibilities would affect other duties.**

This Bill will not increase staff responsibilities.

**9. An estimate of costs when an additional appropriation is needed.**

No additional appropriation for FY23 is needed to implement this Bill because HHS should be able to absorb the costs within the Department's existing appropriation due to departmental turnover savings. Depending on future departmental turnover savings, an appropriation might be needed for future years to cover the cost of this position.

**10. A description of any variable that could affect revenue and cost estimates.**

Not applicable.

**11. Ranges of revenue or expenditures that are uncertain or difficult to project.**

Not applicable.

**12. If a bill is likely to have no fiscal impact, why that is the case.**

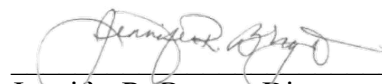
Not applicable.

**13. Other fiscal impacts or comments.**

Not applicable.

**14. The following contributed to and concurred with this analysis (enter name and dept.)**

Darryl Gorman, Office of Human Resources  
Shantée Jackson, Office of Management and Budget

  
\_\_\_\_\_  
Jennifer R. Bryant, Director  
Office of Management and Budget

10/19/22  
\_\_\_\_\_  
Date



# MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject: Position Description for Chief, Public Health Services

Number: 22-22

Originating Department:  
Office of Human Resources

Effective Date:

Montgomery County Regulation on:

## POSITION DESCRIPTION FOR CHIEF PUBLIC HEALTH SERVICES

Issued by: County Executive

Regulation No. 22-22

Supersedes: COMCOR 01a.104.15 (Regulation 12-03)

Authority: Montgomery County Code, Section 1A-104(b)(2)

Council Method (1) Under Code Section 2A-15

Register Volume 39, Issue 11

Comment Deadline: November 30, 2022

Effective Date:

Sunset Date:

### SUMMARY:

This regulation amends establishes the position description for Chief, Public Health Services, a non-merit position. It includes a definition of the work, examples of duties and responsibilities, and the recommended qualifications, knowledge, skills, and abilities for the position. Montgomery County Code Section 2-42A(b) designates this position as a non-merit position. Under County Code Section 1A-104(b)(2), a person holding a position in the Executive Branch designated by law as a non-merit position must be professionally qualified under a position description established by regulation under method (1).

### ADDRESS:

Director, Office of Human Resources  
Executive Office Building  
101 Monroe Street, 7<sup>th</sup> Floor  
Rockville, MD 20850

STAFF CONTACT: Additional information and copies of the regulation are available from:  
Samuel Frushour, Special Assistant to the Director, 240-777-5012.

[COMCOR 01A.104.15 Chief Operating Officer, Department of Health and Human Services

01A.104.15.01 Definition of Class:



# MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject: Position Description for Chief, Public Health Services

Number: 22-22

Originating Department:  
Office of Human Resources

Effective Date:

This is executive level work directing the delivery of health and human services. Under the supervision of the Director, Department of Health and Human Services, the position is responsible for ensuring that the mission of the Department is carried out in accordance with strategic plan objectives throughout the Service Areas. The position has full line management responsibility for planning, developing, and implementing work programs, communicating expectations, and evaluating the achievement of established objectives, and for effectively managing human, financial, and capital resources. As the incumbent of a non-merit position within Montgomery County Government, the employee will be appointed by the County Executive and confirmed by the County Council. In the capacity of an executive manager in the Department of Health and Human Services, the position will work closely with a broad range of individuals including elected and appointed officials, State and Federal Government officials, executives of public and private organizations, as well as management personnel in Montgomery County Government and representatives of civic organizations or other similar public entities to articulate and promulgate the delivery of health and human services.

## 01A.104.15.02 Example of Duties: (Illustrative Only)

- (a) Determines, in consultation with the Director, the overall organizational structure, department wide work programs, methods, processes, and allocation of major departmental resources.
- (b) Directs and actively participates in the development and presentation of the Department's Operating Budget request and manages the Department's approved Operating Budget. Provides recommendations concerning the Department's Capital Improvement Program Budget Request.
- (c) Directs all Department procurement, contracts administration, personnel management, and information technology activities.
- (d) In the absence of the Director, serves as the spokesperson for the Department by responding to inquiries from the media, the County Council, and other local and State Government officials and citizens.
- (e) Develops and oversees administration of Department-wide policies and procedures.
- (f) Coordinates among Service Areas and with internal and external agencies to facilitate effective and efficient service delivery to the Department's clients and customers.
- (g) Serves as the Department Director in the Director's absence.
- (h) Performs related duties as required.

## 01A.104.15.03 Recommended Qualifications:



# MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject: Position Description for Chief, Public Health Services

Number: 22-22

Originating Department:  
Office of Human Resources

Effective Date:

(a) Experience: Seven years of progressively responsible experience in organizational management or health and human services, four years of which were in a supervisory or executive capacity.

(b) Education: Possession of a Master's Degree from an accredited college or university in Public Administration, Public Health Administration, or in an equivalent field, or an organizational discipline preferably related to health and human services.

(c) Equivalency: An equivalent combination of education and experience may be substituted.

(d) Knowledge, Skills, and Abilities:

(1) Knowledge of the principles and practices of public administration with particular reference to management concepts and techniques, resource allocation, and budgeting.

(2) Knowledge of procurement, contract management, and human resource management.

(3) Knowledge of applicable Federal, State and County laws, regulations, and policies affecting health and human services related issues.

(4) Knowledge of principles and techniques of analysis, evaluation, and high level interagency coordination, negotiations, and conflict resolution.

(5) Skill in identifying, analyzing, and evaluating information concerning highly complex and often politically sensitive health and human services related issues.

(6) Skill and ability to manage Department programs, set priorities, communicate expectations, anticipate problems, develop contingency plans and monitor achievement of broad programmatic goals, objectives, and quality standards.

(7) Skill in interpersonal relations and ability to work tactfully and effectively with elected/appointed officials, union representatives, employees, supervisors and managers, and community and business organization leaders.

(8) Ability to lead, inspire, motivate, evaluate and counsel subordinate supervisory staff and to delegate responsibility to them, as appropriate.

(9) Ability to communicate effectively, orally and in writing, in a clear and concise manner.

(10) Ability to attend meetings and perform work assignments at locations outside the office.





# MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject: Position Description for Chief, Public Health Services

Number: 22-22

Originating Department:  
Office of Human Resources

Effective Date:

01A.104.15.04 License:

None.

01A.104.15.05 Medical Protocol:

Medical History Review.]

## **COMCOR 01A.104.15 Chief, Public Health Services**

### **01A.104.15.01 Definition of Class.**

This is supervisory and administrative work directing Public Health and Services operations within the Department of Health and Human Services. **The employee in this position will be appointed by the County Executive and confirmed by the County Council. This is a non-merit position within the Montgomery County Government. The incumbent of this position reports directly to the Director of the Department of Health and Human Services.** Key responsibilities of the position include providing oversight and leadership of Public Health Services program operations consistent with the County's Health and Human Services Policy; membership on the Department's management team, which oversees and ensures a fully integrated public health and human services system which is customer friendly and fiscally and programmatically effective. The Chief of Public Health Services promotes collaboration with and among public and private agencies to address crisis and public health related needs.

### **01A.104.15.02 Examples of Duties. (Illustrative Only)**

Plans, leads, and supervises staff activities in implementing the core Public Health Service functions of assessment, policy development, education, and quality assurance.

Promotes and fosters partnerships with public and private agencies to assure a coordinated system of Public Health Services.

Assures the effectiveness of Public Health Service programs and policies by conducting evaluations and assessing customer feedback.

Assures effective fiscal and management controls.

Ensures the provision of adequate and relevant staff training.

Assists the Director in the development and implementation of an integrated health and human services system.



# MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject: Position Description for Chief, Public Health Services

Number: 22-22

Originating Department:  
Office of Human Resources

Effective Date:

Maintains communications and represents Public Health Services to clients, the general public, and to federal, State, and local agencies and officials.

Ensures that employees at all levels are encouraged to participate in program and policy development.

Performs other related duties as required.

## **01A.104.15.03 Recommended Qualifications.**

Experience: Seven years of progressively responsible professional experience in organizational management or public health service programs, four years of which were in a supervisory or executive capacity.

Education: Graduation from an accredited college or university with a Master's Degree in public health, human services, or public administration field.

Equivalency: An equivalent combination of education and experience may be substituted.

## **Knowledge, Skills, and Abilities:**

Extensive knowledge of public health principles and issues, and developments in the public health regulatory fields.

Thorough knowledge of and commitment to customer service and client-focused service delivery.

Ability to lead, plan, implement, and evaluate public health programs and services.

Ability to establish collaborative and cooperative approaches to achieving goals.

Ability to establish and maintain effective and cooperative working relationships with management staff, interdisciplinary team members, representatives of public/private and community groups, elected officials, and the general public.

Ability to attend meetings or perform other assignments at locations outside the office.

## **01A.104.15.04 License.**

None.

## **01A.104.15.05 Medical Protocol.**

Medical History Review.



# MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject: Position Description for Chief, Public Health Services

Number: 22-22

Originating Department:  
Office of Human Resources

Effective Date:

Approved:

\_\_\_\_\_  
Marc Elrich, County Executive

\_\_\_\_\_  
Date

Approved as to form and legality:

\_\_\_\_\_  
Office of the County Attorney

\_\_\_\_\_  
Date

**MONTGOMERY COUNTY GOVERNMENT  
ROCKVILLE, MARYLAND  
CLASS SPECIFICATION**

**Code No. 007802**

**COUNTY HEALTH OFFICER**

**DEFINITION OF CLASS:**

This is executive level medical work with major administrative responsibilities enforcing and developing public health laws and regulations, providing public health and medical expertise, and developing policy guidance across the Department of Health & Human Services (DHHS) and Montgomery County Government (MCG). The incumbent in this class also holds appointment as Deputy State Health Officer. Contacts are with senior legislative and executive officials within County and State Governments, officials of equivalent rank in other governmental jurisdictions, and private sector and community organizations or groups. The purposes of the contacts include presenting, justifying, and defending controversial positions where conflicting and opposing viewpoints, goals and objectives are strongly advocated and must be reconciled to develop suitable alternatives or arrive at acceptable compromises.

The employee in this class formulates, implements, administers, and evaluates County public health policies by establishing priorities and providing analysis, guidance, and oversight on incorporation of public health and medical best practices into policy decisions and execution across both DHHS and County government. The work of this employee is performed under broadly defined missions and functions and general administrative direction with little technical guidance. The employee exercises full and final accountability for all matters associated with completing work assignments including determining the work to be performed and the methods used. Results of the work are considered technically authoritative and evaluated in terms of the Department's ability to protect the public health and provide essential services to various segments of the population. Guidelines consist of broad policy directives and basic legislation and require the employee to use considerable judgment in interpreting the intent of the guidelines and generating specific policies and guidance for use by managers in incorporating health in all policies. The complexity of the work is reflected in the need to assist and provide substantial guidance in the planning, directing, and integrating a broad range of public health functions, programs, and services. The work requires consideration of public health, societal, economic, and community issues and impacts, and assisting (add the title of division chief) in development of solutions which accommodate conflicting objectives from a variety of organizations, groups, and individuals. The work is primarily sedentary, performed in a typical office setting, and subject to common everyday risks.

**EXAMPLES OF DUTIES: (Illustrative Only)**

- Formulates general health policies in cooperation with the County Council meeting as the County Board of Health and provides routine briefings to stakeholders on the execution of those policies to a variety of stakeholders.
- Visits and meets with the various agencies of County government, confers with, and advises the heads of such units regarding specific activities and operations, and confers with staff members on

policy and procedural matters related to incorporation of public health and medical best practices across all policies.

- Enforces State and County laws, ordinances and regulations pertaining to public health.
- Seeks community input and involves community members and other stakeholders in identifying priorities and developing strategies to address public health concerns.
- Provides substantial guidance in the design and execution of Federal and State supported public health projects which are under the jurisdiction of the County Government.
- Attends public health and medical conferences; consults and cooperates with other County officials and State, Federal, and private health agencies, the Maryland Public Health Association, the County Medical Society and the County Health and Welfare Council in all areas of public health and healthcare which includes conferring with Maryland State Health Department as a Deputy State Health Officer.
- Provides guidance and advice to the preparation and maintenance of DHHS budget as well as public health-related aspects of the overall MCG budget.
- Provides guidance and advice on the incorporation of health equity principles and practices across all policy areas of MCG, including analysis of service accessibility, effective health communication, and assessment of the quality and quantity of culturally-relevant and linguistically-appropriate community health resources.
- Provides guidance and advice on the potential adverse health effects and inequities of County non-health policies.
- Utilizes appropriate communication methods for interacting effectively with persons of all ages and from diverse cultural, socioeconomic, educational, racial, and ethnic backgrounds, sexual orientations, lifestyles, and physical abilities.
- Consults with the County Executive, County Council, Chief Administrative Officer, and Director of the Department of Health & Human Services to ensure that public health best practices are being effectively implemented upon provision of that direction across all policy areas.
- Performs other related duties as required.

#### **KNOWLEDGE, SKILLS, AND ABILITIES:**

- Extensive knowledge of the principles and practices of medicine, with special emphasis on preventive medicine.
- Extensive knowledge of public health core principles and practice including the organization and operation of preventive health programs applicable to child, adult, and mental health services, communicable disease control, environmental health, public health nursing, and health education interventions.
- Extensive knowledge of County and State laws, ordinances and regulations governing public health.
- Skill in gaining effective cooperation with community groups and planning organizations concerned with public health and establishing and maintaining good relations with professional and lay groups.
- Skill in enforcing all laws, ordinances and regulations relating to public health.
- Skill in guiding public health policy, research, and statistical studies.
- Skill in applying health equity assessments and health-in-all policy assessments.
- Skill in negotiating agreements which accommodate the conflicting interests and viewpoints of numerous groups and organizations.
- Skill in oral and written communication sufficient to develop defenses of, and justifications for, decisions reached.

- Expertise in guiding or providing subject matter expertise to diverse stakeholder groups in development of plans, policies, budgets, laws, communications, and other work products.

**MINIMUM QUALIFICATIONS:**

- At least 5 years of work in the field of Public Health or a master's degree in Public Health and at least 2 years of work in the field of Public Health.

**Note:** There will be no substitutions for this section.

**RECOMMENDED QUALIFICATIONS:**

**Education:** Possession of a valid license to practice medicine issued by the Maryland State Board of Medical Examiners at the time of appointment.

**Experience:** A Master's degree in Public Health with at least 5 years of work in the field of Public Health or at least 7 years of work in the field of Public Health.

**LICENSE:**

- Possession and maintenance at all times of a valid Class "C" (or equivalent) driver's license from the applicant's state of residence when required for job related duties.

**MEDICAL EXAM PROTOCOL:** Core III Exam.

**Class Established:** Unknown

**Revised:** July, 1987

**Revised:** February, 2012

August, 2013

June, 2022

September, 2022

# Racial Equity and Social Justice (RESJ) Impact Statement

Office of Legislative Oversight

## EXPEDITED DEPARTMENT OF HEALTH AND HUMAN SERVICES – BILL 32-22: STRUCTURE AND POSITIONS

### SUMMARY

The Office of Legislative Oversight (OLO) anticipates Expedited Bill 32-22 will have a minimal impact on racial equity and social justice (RESJ) in the County. Oversight from a dedicated chief with more focused responsibilities could affect service delivery within the Public Health Services division, which could disproportionately impact Black, Native American, and Latinx residents. However, given the lack of RESJ focus in the job description for the new Chief of Public Health Services position and absent additional funding for direct services, OLO anticipates the leadership change is unlikely to affect racial and ethnic disparities in health and health care.

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### PURPOSE OF RESJ IMPACT STATEMENTS

The purpose of RESJ impact statements (RESJIS) is to evaluate the anticipated impact of legislation on racial equity and social justice in the County. Racial equity and social justice refer to a **process** that focuses on centering the needs, leadership, and power of communities of color and low-income communities with a **goal** of eliminating racial and social inequities.<sup>1</sup> Achieving racial equity and social justice usually requires seeing, thinking, and working differently to address the racial and social harms that have caused racial and social inequities.<sup>2</sup>

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### PURPOSE OF EXPEDITED BILL 32-22

The purpose of Expedited Bill 32-22 is to restructure leadership positions within the Department of Health and Human Services (DHHS). Under current law, the County Health Officer is required to also serve as the chief of the Public Health Services division in DHHS. This Bill would effectively separate this combined position into two positions: Chief Health Officer and Chief of Public Health Services (new non-merit position). The Bill would also reclassify the Chief Operating Officer position as a merit position, keeping the number of non-merit positions in DHHS consistent.<sup>3</sup>

In requesting the Bill, the County Executive explained that “the complexity and scope of the critical health issues continuing to face the County requires a new approach to the roles and responsibilities of the positions that guide policy and manage the delivery of public health services.”

At the request of the County Executive, Expedited Bill 32-22 was introduced to the Council on November 15, 2022.

In December 2021, OLO published a RESJ impact statement (RESJIS) for Expedited Bill 43-21, Health – Advisory Board for Montgomery Cares Program – Amendments, which also considers health and health care disparities.<sup>4</sup> OLO builds on Bill 43-21’s analysis for this RESJIS.

# RESJ Impact Statement

## Expedited Bill 32-22

### HEALTH, HEALTH CARE AND RACIAL EQUITY

There is a long history of systemic racism in the U.S. that drives present-day health disparities among Black, Indigenous, and Other People of Color (BIPOC). European colonists exposed Indigenous people to smallpox and other diseases, devastating entire native populations.<sup>5</sup> Enslaved Black people experienced poor nutrition and inhumane living conditions, making them more susceptible to disease and death. Further, overutilization of Black patients for medical demonstration, dissection, and risky surgical and experimental procedures – a practice that began during slavery and continued into the 20<sup>th</sup> century – fostered distrust in the medical system that lives today.<sup>6</sup>

Post slavery, Black people only had sporadic access to deteriorated public hospitals that were typically reserved for the poorest residents. By the 1920s, while there was a limited number of segregated clinics operated by Black physicians, hospital and health facilities continued to be rare in the South, where most Black people resided. It was not until after the passage of Medicare and Medicaid in the 1960s – which forced the desegregation of hospitals through the 1964 Civil Rights Act – that BIPOC were able to receive access to a wider range of health care services and facilities.<sup>7,8</sup>

Locally, present-day racial disparities in health and health care driven by the history of systemic racism include:

- Black infants have the highest mortality rate (6.2 per 1,000 births), followed by White infants (3.8 per 1,000 births) and Latinx infants (3.4 per 1,000 births).<sup>9</sup>
- Black residents in the County experience the highest rates of mortality for various health conditions, including diabetes, colon cancer, and breast cancer.<sup>10</sup>
- Locally, Black, Native American, and Latinx residents have the highest rates of uninsurance, with rates nearly three to eight times greater than White residents.<sup>11</sup>
- Foreign-born residents in the County who are not U.S. citizens face among the highest rates of uninsurance at 24.3 percent.<sup>12</sup> Of note, 32.9 percent of the County's residents are foreign-born, 43.5 percent of whom are not U.S. citizens.<sup>13</sup>

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### ANTICIPATED RESJ IMPACTS

To consider the anticipated impact of Expedited Bill 32-22 on RESJ in the County, OLO recommends the consideration of two related questions:

- Who are the primary beneficiaries of this bill?
- What racial and social inequities could passage of this bill weaken or strengthen?

**For the first question,** OLO considered the race and ethnicity of clients served by DHHS Public Health Services division. Through oversight from a dedicated chief with more focused responsibilities, clients participating in Public Health Services programs could benefit from improved service delivery if the Bill works as intended.

Table 1 below estimates the demographics of Public Health Services clients, based on data from select programs provided by division staff.<sup>14</sup> Table 1 suggests that Black and Latinx residents may be overrepresented among Public Health Services clients. Native American residents may also be overrepresented, though to a smaller degree. White residents may be proportionately represented among Public Health Services clients, while Asian residents may be underrepresented.



# RESJ Impact Statement

## Expedited Bill 32-22

**Table 1: Percent of County Residents and Public Health Services Clients by Race and Ethnicity<sup>15</sup>**

Race and ethnicity	County	Public Health Services Clients (Estimated)
Asian	15.4	3.2
Black	18.6	25.2
Native American	0.7	1.7
White	43.1	43.0
Latinx	20.5	67.9

Source: 2020 Decennial Census, Census Bureau. Unpublished data from DHHS Public Health Services division staff.

**For the second question**, OLO considered how the Bill could affect racial and ethnic disparities in health and health care. If the Bill works as intended, Black, Native American, and Latinx residents could disproportionately benefit from improved service delivery within the Public Health Services division. However, the position description for the Chief of Public Health Services does not explicitly state any responsibilities related to advancing RESJ.<sup>16</sup> Further, absent additional funding for direct services, the additional staff time for division oversight added through this Bill is unlikely to change public health services in a way that would materially affect racial and ethnic disparities.

Taken together, OLO anticipates Bill 32-22 will have a minimal impact on RESJ in the County. Oversight from a dedicated chief with more focused responsibilities could affect service delivery within the Public Health Services division, which could disproportionately impact Black, Native American, and Latinx residents. However, given the lack of RESJ focus in the job description for the new Chief of Public Health Services position and absent additional funding for direct services, OLO anticipates the leadership change is unlikely to affect racial and ethnic disparities in health and health care.

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## RECOMMENDED AMENDMENTS

The Racial Equity and Social Justice Act requires OLO to consider whether recommended amendments to bills aimed at narrowing racial and social inequities are warranted in developing RESJ impact statements.<sup>17</sup> OLO finds Bill 32-22 will have a minimal impact on RESJ in the County. As such, OLO does not offer recommended amendments.

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## CAVEATS

Two caveats to this racial equity and social justice impact statement should be noted. First, predicting the impact of legislation on racial equity and social justice is a challenging analytical endeavor due to data limitations, uncertainty, and other factors. Second, this RESJ impact statement is intended to inform the legislative process rather than determine whether the Council should enact legislation. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the bill under consideration.

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## CONTRIBUTIONS

OLO staffer Janmarie Peña, Performance Management and Data Analyst, drafted this RESJ impact statement.

# RESJ Impact Statement

## Expedited Bill 32-22

<sup>1</sup> Definition of racial equity and social justice adopted from “Applying a Racial Equity Lens into Federal Nutrition Programs” by Marlysa Gamblin, et.al. Bread for the World, and from Racial Equity Tools. <https://www.racialequitytools.org/glossary>

<sup>2</sup> Ibid

<sup>3</sup> Expedited Bill 32-22, Department of Health and Human Services – Structure and Positions, Montgomery County Council, Introduced November 15, 2022.

[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2022/20221115/20221115\\_3A.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2022/20221115/20221115_3A.pdf)

<sup>4</sup> RESJ Impact Statement for Expedited Bill 43-21, Office of Legislative Oversight, Montgomery County Council, December 6, 2021.

<https://montgomerycountymd.gov/OLO/Resources/Files/resjis/2021/Bill43-21RESJ.pdf>

<sup>5</sup> Kristine B. Patterson and Thomas Runge, “Smallpox and the Native American,” The American Journal of the Medical Sciences, April 1, 2002. <https://pubmed.ncbi.nlm.nih.gov/12003378/>

<sup>6</sup> W. Michael Byrd and Linda A. Clayton, “Race, Medicine, and Health Care in the United States: A Historical Survey,” Journal of the National Medical Association, March 2001. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2593958/>

<sup>7</sup> Ibid

<sup>8</sup> Steve Sternberg, “Desegregation: The Hidden Legacy of Medicare,” U.S. News & World Report, July 29, 2015.

<https://www.usnews.com/news/articles/2015/07/30/desegregation-the-hidden-legacy-of-medicare>

<sup>9</sup> “Health in Montgomery County 2010-2019: A Surveillance Report on Population Health, Montgomery County Department of Health and Human Services, April 2022.

<https://www.montgomerycountymd.gov/healthymontgomery/Resources/Files/Reports/Health-in-Montgomery-County-2010-19%20Final.pdf>

<sup>10</sup> Ibid

<sup>11</sup> Table S2701: Selected Characteristics of Health Insurance Coverage in the United States, 2021 American Community Survey 1-Year Estimates, U.S. Census Bureau. <https://data.census.gov/table?t=Health+Insurance&g=0500000US24031>

<sup>12</sup> Ibid

<sup>13</sup> Montgomery County, Maryland Profile, U.S. Census Bureau.

[https://data.census.gov/cedsci/profile/Montgomery\\_County,\\_Maryland?g=0500000US24031](https://data.census.gov/cedsci/profile/Montgomery_County,_Maryland?g=0500000US24031)

<sup>14</sup> Estimates include race and ethnicity data from the Maternal Partnership (MPP), HIV, STI, School Health, and Montgomery Cares programs.

<sup>15</sup> Latinx is an ethnicity rather than a race. Therefore, Latinx people are included in multiple racial groups within this table.

<sup>16</sup> Executive Regulation 22-22: Position Description for the Chief of Public Health Services, Expedited Bill 32-22, Department of Health and Human Services – Structure and Positions

<sup>17</sup> Bill 27-19, Administration – Human Rights – Office of Racial Equity and Social Justice – Racial Equity and Social Justice Advisory Committee – Established, Montgomery County Council

# Economic Impact Statement

Office of Legislative Oversight

## Expedited 32-22

## Department of Health and Human Services – Structure and Positions

### SUMMARY

The Office of Legislative Oversight (OLO) anticipates that Expedited Bill 32-22 would have an insignificant impact on economic conditions in the County in terms of the Council’s priority indicators.

### BACKGROUND

Bill 32-22 would make the following changes to County law:

- (1) add the Chief of Public Health Services as a non-merit position in the Department of Health and Human Services;
- (2) eliminate the Chief Operating Officer as a non-merit position in the Department of Health and Human Services;
- and
- (3) delete the requirement that the County Health Officer also serve as the Chief of the Direct Service Division for Public Health Services in the Department of Health and Human Services.<sup>1</sup>

### INFORMATION SOURCES, METHODOLOGIES, AND ASSUMPTIONS

Per Section 2-81B of the Montgomery County Code, the purpose of this Economic Impact Statement is to assess the impacts of Bill 32-22 on County-based private organizations and residents in terms of the Council’s priority economic indicators and whether the bill would likely result in a net positive or negative impact on overall economic conditions in the County.<sup>2</sup> Because the bill would create only one more County position, it would have an insignificant impacts on private organizations, residents, and overall economic conditions in the County in terms of the Council’s priority indicators.

### VARIABLES

Not applicable

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<sup>1</sup> [Bill 32-22](#).

<sup>2</sup> Montgomery County Code, [Sec. 2-81B](#).

# Economic Impact Statement

Office of Legislative Oversight

## IMPACTS

WORKFORCE ▪ TAXATION POLICY ▪ PROPERTY VALUES ▪ INCOMES ▪ OPERATING COSTS ▪ PRIVATE SECTOR CAPITAL INVESTMENT ▪  
ECONOMIC DEVELOPMENT ▪ COMPETITIVENESS

Not applicable

## DISCUSSION ITEMS

Not applicable

## WORKS CITED

Montgomery County Code. [Sec. 2-81B, Economic Impact Statements](#).

Montgomery County Council. [Expedited Bill 32-22, Department of Health and Human Services – Structure and Positions](#).

Introduced on November 15, 2022.

## CAVEATS

Two caveats to the economic analysis performed here should be noted. First, predicting the economic impacts of legislation is a challenging analytical endeavor due to data limitations, the multitude of causes of economic outcomes, economic shocks, uncertainty, and other factors. Second, the analysis performed here is intended to *inform* the legislative process, not determine whether the Council should enact legislation. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the Bill under consideration.

## CONTRIBUTIONS

Stephen Roblin (OLO) prepared this report.