

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND  
Legislative Session 2011, Legislative Day No. 12

Bill No. 41-11

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Mr. John Olszewski, Sr., Chairman  
By Request of County Executive

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By the County Council, July 5, 2011

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A BILL  
ENTITLED

AN ACT concerning

Government Reorganization - Department of Health and Human Services

FOR the purpose reorganizing county government by providing for the establishment of the Department of Health and Human Services; providing for the organization of the Department; providing for the Director of the Department; providing that it is not the intent of this Act to establish the Department in derogation of the requirements of the Charter or state law; clarifying that the Director of Social Services remains ~~answerable~~ responsible to the state Department of Human Resources; affirming the method of appointing the Health Officer; affirming the authority of the state Secretary of Human Resources over certain state programs; affirming that the Department of Social Services is an agency of the state Department of Human Resources; affirming the status of the state Department of Human Resources as the single state agency for federal law purposes; affirming the intent of this Act to preserve certain immunities for certain agencies and officials; providing for the construction and application of this Act; providing for the continuity of terms of certain officials, the status of certain transactions and employees, rights, titles, and interests, licenses, registrations, certifications, and permits; and generally relating to the reorganization of county government.

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EXPLANATION:           CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
                                  [Brackets] indicate matter stricken from existing law.  
                                  ~~Strike-out~~ indicates matter stricken from bill.  
                                  Underlining indicates amendments to bill.

By adding

Sections 3-16-101 through 3-16-104  
Article 3. Administration.  
Title 16. Department of Health and Human Services  
Baltimore County Code, 2003

1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE  
2 COUNTY, MARYLAND that Sections 3-16-101 through 3-16-104 are hereby added to Article 3.  
3 Administration, Title 16. Department of Health and Human Services, of the Baltimore County Code,  
4 2003, as amended, to read as follows:

5 TITLE 16. DEPARTMENT OF HEALTH AND HUMAN SERVICES.

6 § 3-16-101.

7 THERE IS A DEPARTMENT OF HEALTH AND HUMAN SERVICES.

8 3-16-102.

9 THE DEPARTMENT OF HEALTH AND HUMAN SERVICES SHALL CONSIST OF:

10 (1) THE DEPARTMENT OF HEALTH; AND

11 (2) THE DEPARTMENT OF SOCIAL SERVICES.

12 3-16-103.

13 (A) THE DIRECTOR OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES SHALL  
14 ALSO SERVE AS THE HEALTH OFFICER UNLESS OTHERWISE DESIGNATED.

15 (B) THIS SECTION MAY NOT BE CONSTRUED TO ALTER THE REQUIREMENT THAT  
16 THE HEALTH OFFICER SHALL BE NOMINATED AND APPOINTED AS PROVIDED IN §3-  
17 302 OF THE HEALTH-GENERAL ARTICLE OF THE ANNOTATED CODE OF MARYLAND.

1 3-16-104.

2 (A) NOTWITHSTANDING ANY PROVISION OF THIS TITLE, THE DIRECTOR OF THE  
3 DEPARTMENT OF SOCIAL SERVICES IS RESPONSIBLE TO AND ANSWERABLE TO THE  
4 STATE SECRETARY OF HUMAN RESOURCES.

5 (B) ALL ACTIONS AND DECISIONS REGARDING THE ADMINISTRATION OF SOCIAL  
6 SERVICES AND PUBLIC ASSISTANCE PROGRAMS PROVIDED BY THE STATE OF  
7 MARYLAND UNDER THE AUTHORITY OF THE HUMAN SERVICES ARTICLE OF THE  
8 ANNOTATED CODE OF MARYLAND, AND ANY OTHER LAW, INCLUDING DECISIONS  
9 AFFECTING STATE PERSONNEL WHO IMPLEMENT THOSE PROGRAMS, ARE SUBJECT  
10 TO THE SUPERVISION AND PRIOR APPROVAL OF THE SECRETARY OF HUMAN  
11 RESOURCES.

12 (C) NOTWITHSTANDING ANY PROVISION OF THIS TITLE, THE COUNTY  
13 ACKNOWLEDGES THAT THE DEPARTMENT OF SOCIAL SERVICES IS AN AGENCY OF  
14 THE STATE DEPARTMENT OF HUMAN RESOURCES AND THAT THE STATE  
15 SECRETARY OF HUMAN RESOURCES RETAINS THE SECRETARY'S AUTHORITY  
16 UNDER TITLE 2, SUBTITLE 2 OF THE HUMAN SERVICES ARTICLE OF ANNOTATED  
17 CODE OF MARYLAND, AND ANY OTHER APPLICABLE LAW, TO:

18 (1) ESTABLISH GUIDELINES AND PROCEDURES TO PROMOTE THE ORDERLY  
19 AND EFFICIENT ADMINISTRATION OF THE STATE DEPARTMENT WITH REGARD TO  
20 THE COUNTY DEPARTMENT OF SOCIAL SERVICES; AND

21 (2) EXERCISE AND PERFORM ANY POWER, DUTY, RESPONSIBILITY OR  
22 FUNCTION OF THE COUNTY DEPARTMENT OF SOCIAL SERVICES.

23 (D) THIS TITLE DOES NOT ALTER THE MARYLAND DEPARTMENT OF HUMAN  
24 RESOURCES' DESIGNATION AS THE SINGLE STATE AGENCY WITH PRIMARY  
25 RESPONSIBILITY FOR PLANNING, COORDINATION, DEVELOPMENT AND

1 EVALUATION OF POLICY, PROGRAMS, AND SERVICES FOR SOCIAL SERVICES AND  
2 PUBLIC ASSISTANCE IN THE STATE.

3 (E) THIS TITLE IS NOT INTENDED TO AUTHORIZE THE DIRECTOR OF HEATH AND  
4 HUMAN SERVICES TO TAKE ACTIONS OR RENDER DECISIONS THAT MIGHT AFFECT  
5 THE IMMUNITIES OF THE STATE, THE DEPARTMENT OF SOCIAL SERVICES OR STATE  
6 OR DEPARTMENT PERSONNEL AS PROVIDED UNDER STATE OR FEDERAL LAW.

7 SECTION 2. AND BE IT FURTHER ENACTED, That the intent of this Act is to place the  
8 Department of Health and the Department of Social Services under one department of the county  
9 government for internal governance and administrative purposes only. ~~It is not the intent of this Act~~  
10 ~~to effect the establishment, powers, rights or duties of the Department and Director of Health and~~  
11 ~~the Department and Director of Social Services as otherwise provided for under the Charter or state~~  
12 ~~or federal law, as applicable.~~

13 SECTION 3. AND BE IT FURTHER ENACTED, that, except as expressly provided to the  
14 contrary in this Act, any transaction or property interest affected by or flowing from any change of  
15 nomenclature or any statute amended, repealed, or transferred by this Act and validly entered into  
16 or existing before the effective date of this Act and every right, duty, or interest flowing from the  
17 statute, remains valid after the effective date of this Act and may be terminated, completed,  
18 consummated, or enforced as required or allowed by any statute amended, repealed, or transferred  
19 by this Act as though the repeal, amendment, or transfer had not occurred. If the change in  
20 nomenclature involves a change in name or designation of any County unit, the successor unit shall  
21 be considered in all respects as having the powers and obligations granted the former unit.

22 SECTION 4. AND BE IT FURTHER ENACTED, that except as expressly provided in this  
23 Act, the continuity of every commission, office, department, agency, bureau, or other unit in

1 existence on the effective date of this Act is retained. The personnel, records, files, furniture,  
2 fixtures, and other properties and all appropriations, credits, assets, liabilities, and obligations of  
3 each retained unit are continued as the personnel, records, files, furniture, fixtures, properties,  
4 appropriations, credits, assets, liabilities, and obligations of the unit under the laws enacted by this  
5 Act.

6 SECTION 5. AND BE IT FURTHER ENACTED, that except as expressly provided to the  
7 contrary in this Act, any person licensed, registered, certified, or issued a permit or certificate by any  
8 commission, office, department, agency, bureau, or other unit established or continued by any statute  
9 amended, repealed, or transferred by this Act is considered for all purposes to be licensed,  
10 registered, certified, or issued a permit or certificate by the appropriate unit continued under this Act  
11 for the duration of the term for which the license, registration, certification, or permit was issued,  
12 and may renew that authorization in accordance with the appropriate renewal provisions.

13 SECTION 6. AND BE IT FURTHER ENACTED, That this Act, having passed by the  
14 affirmative vote of five members of the County Council, shall take effect on August 14, 2011.