

## FINAL and PROPOSAL

### FINAL

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## Title 10

# MARYLAND DEPARTMENT OF HEALTH

## Subtitle 52 PREVENTIVE MEDICINE

### *10.52.07 State Advisory Council on Health and Wellness*

*Authority: Health-General Article, §§13-201—13-206, Annotated Code of Maryland*

#### Notice of Final Action

[17-279-F]

On January 1, 2018, the Secretary of Health adopted new Regulations **.01—.05** under a new chapter, **COMAR 10.52.07 State Advisory Council on Health and Wellness**. This action, which was proposed for adoption in 44:23 Md. R. 1106—1107 (November 13, 2017), has been adopted as proposed.

**Effective Date: January 29, 2018.**

DENNIS SCHRADER  
Secretary of Health

### PROPOSAL

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## Title 10

# MARYLAND DEPARTMENT OF HEALTH

## Subtitle 52 PREVENTIVE MEDICINE

### *10.52.07 State Advisory Council on Health and Wellness*

*Authority: Health-General Article, §§13-201—13-206, Annotated Code of Maryland*

#### Notice of Proposed Action

[17-279-P]

The Secretary of Health proposes to adopt new Regulations **.01—.05** under a new chapter, **COMAR 10.52.07 State Advisory Council on Health and Wellness**.

#### Statement of Purpose

The purpose of this action is to adopt new regulations, as required by Ch. 40 (S.B. 38), Acts of 2017, which will govern the role and operations of the State Advisory Council on Health and Wellness, including establishing provisions for:

- (1) Membership;
- (2) Committees;
- (3) Council duties; and
- (4) Meetings and procedures.

#### Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

#### **Estimate of Economic Impact**

The proposed action has no economic impact.

#### **Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

#### **Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

#### **Opportunity for Public Comment**

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Maryland Department of Health, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to mdh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through December 13, 2017. A public hearing has not been scheduled.

#### **.01 Definitions.**

A. *In this chapter, the following terms have the meanings indicated.*

B. *Terms Defined.*

(1) *“Chronic disease” means a noncommunicable condition that is a major cause of sickness or disability, including, but not limited to:*

- (a) *Heart disease;*
- (b) *Cancer;*
- (c) *Arthritis; and*
- (d) *Diabetes.*

(2) *“Council” means the State Advisory Council on Health and Wellness established by Health-General Article, §13-202, Annotated Code of Maryland.*

(3) *“Evidence-based program” means a program that:*

- (a) *Engages the community in assessment and decision making;*
- (b) *Uses data and information systems to inform program activities;*
- (c) *Is based on peer-reviewed evidence;*
- (d) *Uses program-planning frame works;*
- (e) *Conducts evaluation; and*
- (f) *Disseminates the results of the evaluation.*

(4) *“Healthy lifestyle” means behaviors that promote wellness and prevent disease including, but not limited to:*

- (a) *Maintaining a healthy weight;*
- (b) *Engaging in regular physical activity;*
- (c) *Refraining from smoking;*
- (d) *Limiting consumption of alcohol;*
- (e) *Reducing stress; and*
- (f) *Getting sufficient sleep.*

(5) *“Quorum” means a majority of the full membership of the Council or of a committee.*

(6) *“Secretary” means the Secretary of Health.*

#### **.02 Membership.**

A. *The Council shall consist of 34 members appointed by the Secretary according to Health-General Article, §13-203, Annotated Code of Maryland.*

B. *A member shall:*

(1) *Be a Maryland resident; or*  
(2) *If a qualified Maryland resident is not available to be appointed to a Council position, possess special knowledge or training required for the Council position to which they are appointed.*

C. *A member that is subject to term limits:*

(1) *Shall serve a 4-year term;*  
(2) *May serve two consecutive full terms;*  
(3) *At the end of a term, shall continue to serve until a successor is appointed and qualifies;*  
(4) *If appointed after a term has begun, shall only serve for the rest of the term and until a successor is appointed and qualifies; and*  
(5) *May not be reappointed to the Council for 4 years after serving two consecutive full terms.*

D. *Members shall serve on at least one committee.*

E. *The Council Chair shall:*

- (1) *Be appointed by the Secretary;*
- (2) *Serve a 2-year term;*
- (3) *Be allowed to serve two consecutive terms; and*

(4) *Appoint the Chairs of the committees.*

**.03 Committees.**

A. *The Council shall have the following four committees:*

- (1) *Arthritis;*
- (2) *Diabetes;*
- (3) *Heart Disease and Stroke; and*
- (4) *Physical Fitness.*

B. *The Council may create:*

- (1) *Additional committees to organize the Council's work; and*
- (2) *Temporary ad hoc committees to accomplish a specific task.*

C. *Except for the committees created according to §A of this regulation, the Council may dissolve a committee at any time.*

**.04 Council Duties.**

A. *The Council shall:*

- (1) *Provide guidance to the Secretary on Statewide chronic disease prevention and control;*
- (2) *Direct the priorities and work of the committees; and*
- (3) *Promote evidence-based programs for:*
  - (a) *Healthy lifestyles; and*
  - (b) *The prevention, early detection, and treatment of chronic disease.*

B. *The Council shall submit a report of its activities to the Secretary on or before December 31, 2019 and every 2 years thereafter.*

**.05 Meetings and Procedures.**

A. *Meeting Frequency.*

- (1) *The Council shall meet at least two times per year.*
- (2) *A committee created by Regulation .03A of this chapter shall meet at least four times per year.*

B. *Quorum.*

- (1) *A quorum shall be present to conduct a Council or committee vote.*
- (2) *If a quorum is not present:*
  - (a) *A meeting may still be held; and*
  - (b) *An activity requiring a vote shall be deferred to the next meeting with a quorum present.*

C. *Voting.*

- (1) *A member shall have one vote.*
- (2) *Voting shall be:*
  - (a) *In person; or*
  - (b) *By phone.*

D. *Attendance.*

- (1) *A member shall attend at least:*
  - (a) *50 percent of the Council meetings per year; and*
  - (b) *75 percent of the meetings of a committee on which the member serves per year.*
- (2) *The Council shall ensure that attendance is:*
  - (a) *Recorded in the meeting minutes; and*
  - (b) *Submitted to the Secretary at least once per year.*
- (3) *The Secretary may remove a member for:*
  - (a) *Neglect of duty;*
  - (b) *Incompetence;*
  - (c) *Misconduct;*
  - (d) *Malfeasance;*
  - (e) *Misfeasance in office; or*
  - (f) *Failing to meet the requirements of §D(1) of this regulation.*

DENNIS SCHRADER  
Secretary of Health