
CITY OF BALTIMORE

BRANDON M. SCOTT
Mayor



DEPARTMENT OF LAW
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February 5, 2025

The Honorable President and Members
of the Baltimore City Council
Attn: Executive Secretary
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

Re: City Council Bill 25-0013 – Child Health – Equitable Access to Health Services in City
Scholls

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 25-0013 for form and legal sufficiency. The bill would require that the City School System use the federal Early and Periodic Screening, Diagnosis and Treatment (“EPSDT”) method in federal regulations for those under 21 eligible for Medicaid as standards for screening children in City public schools to provide preventative health care. 42 CFR 441.50. The First Reader version of City Council Bill 25-0013 requires that both School based Health Suites and Health Centers give preventative and primary health care services, access to family planning, dental, mental health and vision care, with mandatory follow-ups for that care.

The City no longer has plenary express power to legislative over the school system. Rather, in 1997, the General Assembly required the City Schools to follow the Education Article of the Maryland Code. 1997 Laws of Md., ch. 105; City Charter, Art. II, § (30). Subtitle 4 of Title 7 of the state’s Education Article has detailed provisions for school health services, which must be developed by the State Department of Health in conjunction with the State Department of Education and implemented by the local school boards. Md. Code, Educ., §§ 7-401(b); 7-402; 7-403; 7-404; 7-415(b); 7-440; Md. Code, Health-Gen, 19-22a-01, *et. seq.* (formerly codified in Md. Code, Educ., §7-4a-01, *et. seq.*); COMAR 13A.05.05.05; COMAR 13A.05.05.05.

This detailed and expansive state law on the operation of the school system has been regarded by Maryland courts as creating field preemption of local legislation, evidencing the General Assembly’s intent to occupy the legislative field in this subject. *See, e.g., McCarthy v. Bd. of Educ. of Anne Arundel Cnty.*, 280 Md. 634, 651 (1977) (“Our recital of legislation by the State in the field of education demonstrates the occupation of that field by the State. We conclude, therefore, that the County Council of Anne Arundel County was without power to legislate in this field and to place additional duties upon a State agency, the Board of Education of Anne Arundel County.”).

The Law Department cannot approve the First Reader version of this bill for form and legal sufficiency. However, it is the Law Department’s understanding that there will be amendments to the First Reader version of the bill that make use of EPSDT in school health settings permissive

instead of mandatory. Assuming the bill is amended in accordance with state law, the Law Department could approve the bill for form and legal sufficiency.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Hilary Ruley". The signature is fluid and cursive, with the first name "Hilary" being more prominent than the last name "Ruley".

Hilary Ruley
Chief Solicitor

cc: Ebony M. Thompson, City Solicitor
Ty'lor Schnella, Mayor's Office of Government Relations
Ashlea Brown, Chief Solicitor
Michelle Toth, Assistant Solicitor
Desiree Lucky, Assistant Solicitor