



STATE OF MARYLAND

DHMH

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Maryland Department of Health and Mental Hygiene

201 W. Preston Street • Baltimore, Maryland 21201

Martin O'Malley, Governor – Anthony G. Brown, Lt. Governor Joshua M Sharfstein, M.D., Secretary

December 17, 2014

The Honorable Thomas M. Middleton  
Chairman  
Senate Finance Committee  
Miller Senate Office Building, 3 East Wing  
Annapolis, MD 21401-1991

The Honorable Peter A. Hammen  
Chairman  
Health and Government Operations  
Committee  
House Office Building, Room 241  
Annapolis, MD 21401-1991

**RE: Senate Bill 577 (Chapter 305 of the Acts of 2014) and State Finance and Procurement §10-309(h) –Department of Health and Mental Hygiene – State Facilities – Cemeteries**

Dear Chairmen Middleton and Hammen:

Enclosed please find a report pursuant to SB 577, *Department of Health and Mental Hygiene – State Facilities – Cemeteries*, which passed during the 2014 session of the General Assembly, and State Finance and Procurement §10-309(h). The report addresses the Department's obligation to report annually their implementation and provision of perpetual care to cemeteries located on the grounds of a state facility.

If you have any questions or need more information on this subject, please contact Ms. Allison Taylor, Director of Governmental Affairs at (410) 767-6481.

Sincerely,

Joshua M. Sharfstein, M.D.  
Secretary

Enclosure

cc: Thomas Kim, Deputy Secretary  
Allison Taylor, Director of Governmental Affairs  
Kathleen Ellis, Assistant Attorney General  
Sarah Albert, MSAR# 10166

# DEPARTMENT OF HEALTH AND MENTAL HYGIENE ANNUAL REPORT PERPETUAL CARE OF CEMETERIES

During the 2014 legislative session, the General Assembly passed Senate Bill 577 (Chapter 305 of the Acts of 2014), which amended §10-309 of the State Finance and Procurement Article to require that the Department of Health and Mental Hygiene (DHMH) submit an annual report on DHMH cemeteries. This report must include the status of perpetual care provided at each cemetery. DHMH submits the 2014 annual report regarding the perpetual care of cemeteries owned and maintained by the Department.

## **State Facilities with Cemeteries**

State Finance and Procurement §10-309(a)(3) defines “State Facility” as those State facilities listed in Health General Article §10-406. This includes five State facilities owned by the Department of Health and Mental Hygiene that have cemeteries:

- Crownsville Hospital Center;
- Rosewood Center;
- Eastern Shore Hospital Center;
- Spring Grove Hospital Center; and
- Springfield Hospital Center.

Further, §10-309 (b) states that “a cemetery owned by the State and located on the grounds of a State facility may not be sold by the State if the State facility is downsized, consolidated, closed or sold.” Two facilities, Crownsville Hospital Center and Rosewood Center have been closed; however, both remain under DHMH ownership. The Eastern Shore Hospital Center was relocated, and the original hospital site was sold. Spring Grove Hospital Center and Springfield Hospital Center are fully operational psychiatric facilities and remain in State ownership. In all cases, the cemeteries remain under the ownership of the State.

## **Perpetual Care**

Section 10-309 of the State Finance and Procurement requires that “a cemetery owned by the State and located on the grounds of a State Facility shall be provided perpetual care and marked with a monument commemorating the individuals interred in the cemetery.” “Perpetual care” is defined as “the maintenance, including the cutting of grass abutting memorials or monuments, administration, supervision, and embellishment of a cemetery and its grounds, roads, and paths” and includes “the repair and renewal of buildings, including columbaria and mausoleums, and the property of the cemetery.”

This statute further requires DHMH to consult with the Maryland Historic Trust (MHT), in accordance with the consultation provisions found in §§ 5A-525 and 5A-326(d)(2) of the State Finance and Procurement Article, before undertaking any "perpetual care" projects for a cemetery located on the grounds of a State facility. Section 5A-525 and 5A-326(d)(2) require a unit to consult with MHT prior to undertaking projects or issues permits or licenses for projects that might "adversely affect any property listed in or eligible for listing in the Historic Register."

DHMH has consulted with MHT on the Departments compliance of perpetual care of cemeteries located on the property of State facilities. However, MHT advised that perpetual care, as defined in SB577, was unlikely to adversely affect listed or eligible property, and therefore consultation regarding such activities is not required.

## **2014 Annual Report on Perpetual Care**

### **Crownsville Hospital Center Cemetery**

Crownsville Hospital Center was originally called the “Asylum for the Negro Insane.” The first burial in the Crownsville cemetery occurred in 1926, and the last burial was in 1958. It is estimated that 3,000 individuals were interred in the cemetery. DHMH has an agreement with the Anne Arundel County Department of Recreation and Parks to provide grass cutting services for the cemetery. Over the past year, DHMH has worked closely with the Maryland Historical Trust to survey the cemetery and establish a maintenance plan to protect the site. The cemetery has a memorial maker dedicated to the individuals interred at the cemetery.

### **Rosewood Center Cemetery**

The former Rosewood Center was established in 1888 as the “Asylum and Training Center for the Feeble Minded” and operated as a State facility for more than 120 years in Baltimore County. DHMH has an agreement with St. Thomas Episcopal Church to maintain the Rosewood Cemetery, which is directly adjacent to the Church cemetery. Although the cemetery is landlocked, there is a perpetual easement for access across former Rosewood property. There is no commemorative marker at the cemetery.

### **Eastern Shore Hospital Center Cemetery**

Eastern Shore Hospital Center, established in 1912, was originally located on Route 50 in Cambridge. However, in 2001 Eastern Shore Hospital Center relocated to Woods Road in Cambridge, MD. With the exception of the ESHC cemetery, the entire original campus was sold to the Hyatt Regency Hotel. The Hyatt Regency Hotel maintains the ESHC cemetery and provides perpetual care. There is also a commemorative marker at the cemetery dedicated to the individuals interred at the cemetery.

### **Springfield Hospital Center Cemetery (Sunnyside)**

Springfield Hospital Center was first opened in 1896 and continues to serve the mental health needs of the citizens of the State of Maryland. Springfield Hospital Center is a fully operational psychiatric facility. The cemetery, known as Sunnyside, is maintained by the hospital. There is a commemorative marker dedicated to the individuals interred at the cemetery, which the hospital maintains.

### **Spring Grove Hospital Center Cemetery**

Spring Grove Hospital Center was founded in 1797 and is the second oldest continuously operating psychiatric hospital in the United States. Today Spring Grove Hospital Center is a fully operational psychiatric facility. The Hospital maintains the cemetery located on the grounds of the hospital. There is no commemorative marker.