

October 31, 2013

The Honorable Thomas M. Middleton, Chair  
Senate Finance Committee  
Miller Senate Office Building, 3 East Wing  
11 Bladen St.  
Annapolis, Md. 21401

The Honorable Peter A. Hammen, Chair  
House Health and Government Operations Committee  
House Office Building, Room 241  
6 Bladen St.  
Annapolis, Md. 21401

Dear Chair Middleton and Chair Hammen:

I herewith transmit on behalf of the Department of Labor, Licensing and Regulation and the Office of Cemetery Oversight, the follow up report required by Chapter 368 of the Laws of 2012 and specified in the 2011 *Sunset Review: Evaluation of the Office of Cemetery Oversight* published October 31, 2011.

Should you or any of your committee members have questions or concerns regarding this report, please do not hesitate to contact the Office's Executive Director, Marilyn Harris-Davis at (410) 230-6228 or by e-mail at [mharrisdavis@dllr.state.md.us](mailto:mharrisdavis@dllr.state.md.us).

Sincerely,



Michael Vorgetts  
Acting Commissioner

cc: Leonard J. Howie III, Secretary  
Marilyn Harris-Davis, Executive Director  
David Smulski, Committee Analyst  
Lisa Simpson, Committee Analyst

## **FOLLOW-UP REPORT TO THE SENATE FINANCE COMMITTEE AND THE HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE**

Uncodified language included in Chapter 368 of 2012 requires the Maryland Office of Cemetery Oversight (OCO), in conjunction with Department of Labor, Licensing and Regulation (DLLR) to submit a follow-up report to the Senate Finance Committee and House Health and Government Operations Committee that addresses several issues identified in the 2011 *Sunset Evaluation of the Office of Cemetery Oversight*. This report includes responses to the issues raised in Chapter 368 and the 2011 evaluation report.

### **Section 3**

1. Pursuant to the mandate to develop a plan to improve consumer outreach – and upon the recommendations of the Advisory Council – the Office has begun the implementation of a comprehensive outreach plan which includes a speakers bureau that will speak on comprehensive information relative to death care issues and a seamless transition from death to final disposition. The speakers bureau, which consists of members of the Board of Morticians and representatives of the Office, will go to nursing homes, churches, consumer protection agencies, and media outlets throughout the state. The development of a consumer information pamphlet is an essential component of the outreach plan and is in development pending the promulgation of the cremation regulations.
2. The Office has been studying best recordkeeping practices through its relationships with the national Death Care Regulators Association (DCRA). Attendance at the DCRA conferences has yielded a great deal of information relative to national recordkeeping models. The Office has had meetings with the Office of Public Health Preparedness and Responses to address disaster preparedness and pandemics burial issues. The goal has been to create a comprehensive plan that will provide accurate burial records that will also implement a backup plan should a national disaster or power outage occur.
3. Currently, upon the recommendation of the Advisory Council, the Office has not prepared a legislative proposal to address record keeping practices for introduction in the 2014 regular session of the General Assembly. Due to the disparity among resources available to the various cemeteries, the immediate implementation of a uniform electronic record keeping system would create an economic burden on cemeteries that are not part of a national chain but are small businesses. However, if the General Assembly requires a proposal for the 2014 session one can be developed with the understanding that there may be a significant economic impact on the smaller non-corporate cemeteries. An additional year for development is requested by the Office and the Advisory Council.

4. Pursuant to the development of a legislation proposal for record keeping requirements the categories of cemeteries to which such requirements should be applied are all inclusive. The need for identification and location of a loved one is a requirement that should be uniform. The reality is that small businesses are not able to implement such plans as efficiently as the corporate cemetery owners. Consequently, the recommended action of the General Assembly to phase in such requirements in order to limit the economic impact on cemeteries was favorably met by the Advisory Council. Such a phase in approach will require further study and planning but will be structured in collaboration with the DCRA and coupled with best practices from around the country.

#### **Section 4**

1. Orientation materials for new members appointed to the Advisory Council have been developed. They include information on the requirements of the public ethics laws applicable to Advisory Council members and other relevant State law and regulations, and issues in the death care industry.
2. The Advisory Council is studying the issue of the increasing rate of cremations and its impact on the Office's finances. While the cremation rate in Maryland is approaching 35%, its effect on the finances of the Office are not yet significant. The Office has proposed cremation regulations which have license fees affiliated with crematories and, as with cemeteries may have per contract fees as well. Continued study needs to be done on the effect of this trend.

#### **Section 5**

The Director and a committee formed of the Advisory Council On Cemetery Operations have developed a template entitled "Maryland Cemetery News" to create a new look coupled with comprehensive information relative to cemeteries and death care industry issues that have an impact upon cemeteries operations. The newsletter will be distributed quarterly.